

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

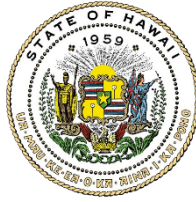
APPELLATE DIVISION
TEL. NO. (808) 586-2080

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



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI 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

March 23, 2026

HB 1769, HD2: RELATING TO CORRECTIONAL FACILITIES

Chair Fukunaga, Vice Chair Lee and Members of the Committee on Public Safety and Military Affairs:

The Office of the Public Defender (OPD) **supports** HB 1769 HD2, which requires the Department of Corrections and Rehabilitation (DCR) to incrementally return individuals incarcerated in private, out-of-state correctional institutions to in-state facilities and establishes a structured, phased reduction with reporting to the Legislature.

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 families, culture, legal counsel, and support systems which undermines rehabilitation and creates significant barriers to successful reentry.

The DCR contracts with and houses incarcerated individuals at the Saguario 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 demonstrates are essential to rehabilitation and reduced recidivism.

From the defense perspective, out-of-state incarceration also complicates post-conviction representation, parole preparation, and coordination with Hawai'i-based treatment providers, housing resources, and reentry programs. Attorney-client communication is more difficult across state lines, and meaningful reintegration planning cannot occur effectively when individuals are geographically and culturally

removed from the community to which they will return. Most individuals incarcerated out-of-state will ultimately come home to Hawai'i. Successful transition planning must begin well before release and is most effective when conducted in-state.

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 creates risk that cost containment may occur through reduced staffing levels, diminished medical and mental health services, fewer educational and rehabilitative programs, and substandard living conditions. These conditions are directly linked to instability and poorer long-term outcomes.

This measure appropriately acknowledges that Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai'i's criminal legal system and are more likely to experience incarceration and out-of-state exile. The removal of Native Hawaiian individuals from their home, culture, and family compounds historical and intergenerational harm and runs counter to Hawai'i's constitutional values and commitments

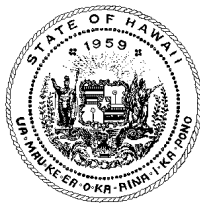
HD 2 does not mandate an abrupt or impractical shift. Instead, it establishes a clear, phased approach: beginning July 1, 2029, the Director must return twenty-five percent of individuals incarcerated in private, out-of-state facilities to in-state facilities, followed by incremental annual reductions of five percent beginning July 1, 2031. This structured transition, combined with annual reporting requirements to the Legislature, promotes accountability while allowing DCR to responsibly expand in-state capacity, prioritize programming, and align resources.

This incremental framework 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, HD2.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalū Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Vacant
Deputy Director
Correctional Institutions

Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON HOUSE BILL 1769, HOUSE DRAFT 2
RELATING TO CORRECTIONAL FACILITIES.

by

Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair

Wednesday, March 25, 2026; 3:00 p.m.
State Capitol, Conference Room 016 & via Videoconference

Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) **opposes** House Bill (HB) 1769, House Draft (HD) 2, 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 beginning July 1, 2031, to further reduce the number of inmates housed in private out-of-state correctional institutions by 5% in that year and all subsequent years moving forward. **The DCR respectfully requests that the return of 25% of the inmates housed on the mainland coincide with the construction of a new medium-security male prison on Oahu or the expansion of the current Halawa Correctional Facility (HCF) on Oahu to add a new module, which would be two blocks of 124 beds each for a total of 248 beds.**

As written, this measure seeks to reduce the mainland inmate population 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.

DCR understands the intent of HB 1769, HD2 to return committed felons incarcerated in private Mainland facilities to Hawai'i. DCR shares the concerns raised regarding 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 HCF, the only male medium security prison in the State. HCF has a design capacity of 496 offenders. However, at present there are 817 convicted male felons housed at that facility, which is 65% over its designed capacity. Currently, there are 797 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), nor those re-sentenced from probation to prison terms by court orders. Furthermore, DCR is required to accept all parole and probation violators, where the court or the Hawai'i Paroling Authority has issued an executed warrant of arrest. 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, 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.

DCR's eight (8) jails and prisons, which are old, manpower-intensive and constantly in need of major repairs, makes it impossible to house these offenders in Hawai'i. 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 facilities' medium custody level beds are currently filled beyond their designed capacities, to return 25% or approximately 200 of the 797 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 if the goal is to ultimately return all our inmates, 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.

Finally, having direct knowledge and understanding of the space requirements to comply with this measure in bringing back offenders, DCR wants to emphasize the need to consider the incremental return of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities **must be tied to the construction of a new medium-security male correctional facility on Oahu or the expansion of the current Halawa Correctional Facility on Oahu to add a new module, which would be two blocks of 124 beds each for a total of 248 beds.** Requiring DCR to return out-of-state inmates without a new facility to house them will only exacerbate the already severely overcrowded conditions at HCF. To do so would create inhumane conditions of confinement, which may trigger the Department of Justice's intervention.

Thank you for the opportunity to provide testimony in **opposition** to HB 1769, HD 2.



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

TESTIMONY IN SUPPORT OF HOUSE BILL 1769 HD2

RELATING TO CORRECTIONAL FACILITIES

Ke Kōmike ‘Aha Kenekoa o ka Palekana Lehulehu, a me ke Kuleana Pū‘ali Koa

(Senate Committee on Public Safety and Military Affairs)

Ke Kapitala ‘o Hawai‘i

(Hawai‘i State Capitol)

Malaki 25, 2026

3:00 PM

Lumi 016

Aloha e Chair Fukunaga, Vice Chair Le, and Members of the Senate Committee on Public Safety and Military Affairs:

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB1769 HD2** which requires the Department of Corrections and Rehabilitation to incrementally reduce the number of individuals incarcerated in private, out-of-state correctional facilities and report regularly to the Legislature on progress toward bringing them home.

OHA supports this measure because out-of-state incarceration has caused lasting harm to pa‘ahao, their ‘ohana, and the lāhui. Incarcerating people thousands of miles from Hawai‘i separates them from ‘ohana, culture, legal access, community support, and reentry planning. For many, it operates as double punishment: incarceration and exile from their homeland. These harms undermine rehabilitation and make successful reintegration more difficult.

This issue is especially impactful for Native Hawaiians, who comprise the highest percentage of people incarcerated in out-of-state facilities at 41%.¹ OHA has long raised concerns about the disparate treatment of Native Hawaiians throughout the criminal legal system,² and out-of-state incarceration compounds those inequities by deepening cultural disconnection and family separation. For Native Hawaiian pa‘ahao, distance from ‘āina, ‘ohana, and ‘ike kūpuna can weaken the very foundations most important to healing and restoration.

This measure also reflects an important historical reality. When Hawai‘i first began sending prisoners out of state in 1995, the practice was described as temporary. Thirty years later, many pa‘ahao and their families are still waiting. This bill takes a balanced

¹ Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), https://www.oha.org/wp-content/uploads/2014/11/factsheets_final_web_0.pdf

² Office of Hawaiian Affairs, *Criminal Justice*, <https://www.oha.org/governance/criminal-justice/>

approach with a phased reduction rather than an immediate change, beginning with a 25% reduction in 2029 and continuing with additional incremental reductions thereafter. That structure allows time for planning and implementation while still creating a clear path toward ending reliance on private, out-of-state incarceration.

OHA also supports the bill's reporting requirements. Regular reports to the Legislature promote transparency, accountability, and oversight as the State works toward a complete return of affected individuals. Reducing reliance on private, out-of-state facilities will help restore public responsibility for the care, custody, rehabilitation, and reintegration of Hawai'i's pa'ahao.

For these reasons, the Office of Hawaiian Affairs respectfully urges this Committee to **PASS HB1769 HD2**. Mahalo nui for the opportunity to provide testimony on this important measure.

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 Carol Fukunaga, Chair
The Honorable Chris Lee, Vice Chair
Senate Committee on Public Safety and Military Affairs

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

SUBJECT: House Bill 1769, House Draft 2, Relating to Correctional Facilities
Hearing: Wednesday, March 25, 2026; 3:00 p.m.
State Capitol, Room 016

Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

The Hawai'i Correctional System Oversight Commission (HCSOC) submits testimony in **support** of House Bill 1769, House Draft 2, 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.

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 AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Wednesday, March 25, 2026

3:00 PM

Room 016 and VIDEOCONFERENCE

STRONG SUPPORT FOR HB1769 HD2 - RETURNING HAWAII'S PEOPLE INCARCERATED IN CORPORATE PRISONS

Aloha Chair San Fukunaga, Vice Chair Lee 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 3,633 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on March 6, 2026. We are always mindful that 797 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 FOR HB1769 HD2** that requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities and requires reports to the Legislature. Effective 7/1/3000. (HD2)

¹ DCR Weekly Population Report, March 16, 2026

[Pop-Reports-Weekly-2026-03-16.pdf](#)

Currently there are 772 sentenced felons incarcerated at Saguaro Correctional Center. Why have 25 people that include 1 pretrial felon and 24 parole violators sent thousands of miles away from their families and community?

COMMUNITY ALLIANCE ON PRISONS PREFERS THAT HAWAII CANCEL THE CONTRACT WITH THE SAGUARO CORPORATE PRISON IN ELOY ARIZONA WHERE TOO MANY PEOPLE HAVE DIED DUE TO NEGLIGENCE OR CORPORATE POLICY. This is because of the way that the contract is written ostensibly by the Office of the Attorney General. We speak with several incarcerated people there who report that our contract is written in favor of CoreCivic – or maybe CoreCivic wrote the contract - which in many ways, allows our people there to be treated differently, and more punitively, than incarcerated people from Idaho and Montana. Why do we permit this? Almost every incarcerated person will return to the community some day. How they are treated while incarcerated will definitely affect how they return to their families and communities.

Over thirty years, Community Alliance on Prisons has witnessed this indifference to Hawai`i's people. When we have reported abuses to the department, their response is always the same, "We have spoken with the facility and that is not true. Inmates lie."

An example is when Saguaro was built. The drains in the showers were improperly installed and the modules were flooded with dirty water. When we met with the department, we were assured they would look into this public health problem. After a while, they reported back to us that there was no problem with the drains in the showers. Fast forward to 3 or 4 months later, the men reported to us that the showers were under construction because the drains were too high and flooding the modules.

We received numerous calls and letters about Hawai`i's Contract Monitor. It was reported that the Contract Monitor from another state intervened when the Hawai`i Contract Monitor, Jennifer Bechler, was being especially harsh toward our people. Hawai`i has taken a 'hands off' approach to how our people are treated (or mistreated) there and they let Ms. Bechler do whatever she wants, which amounts to retaliating against our people when they assert their constitution rights regarding freedom of religion, medical care, interfering with mail and many other violations of her contract. Ms. Bechler is

paid with taxpayer money and the community demands that our family and friends be treated with respect, which is how we expect them to return home.

One of our concerns is that it appears that these corporate prisons work 'on the cheap' and their work is shoddy. This gives us pause for the construction of the new O`ahu jail, which is slated as a public-private partnership. Is Hawai`i going to 'partner' with a corporation with a record of shoddy construction?

Let's return our people to their families and communities and start working in earnest on the complex issues of reentry. There is so much we can do to return people who have not be broken by corporate greed. We want people to be given every opportunity to succeed as pro-social community members. Over the years we have met people who would be a tremendous asset to our communities.

Despite the DCR Director's reluctance, there is ample room in two Hawai`i prisons. As of March 16, 2026 the Weekly Population Report clearly states that **Kulani Correctional Facility with an operational capacity of 200, has 77 people, an operational rate of 38.5% and Waiawa Correctional Facility with an operational capacity of 334, has 165 people, an operational capacity of 49.4%.**

What is going on???

Each person there is a human being who have people who love them. Please exercise the care and concern that DCR lacks.

Please pass HB 1769 HD2 and take control of an out-of-control correctional system that is in serious crisis. Too many deaths at Saguaro - both natural and by suicide. HAWAII CAN AND MUST DO BETTER!

Mahalo for this opportunity to share our deep concerns about contracting with profiteers who care little for our people.



MARCH 25, 2026

HOUSE BILL 1769 HD2

CURRENT REFERRAL: PSM

808-679-7454
kris@imuaalliance.org
www.imuaalliance.org
@imuaalliance

Kris Coffield,
President

David Negaard,
Director

Mireille Ellsworth,
Director

Justin Salisbury,
Director

Eileen Roco,
Director

Beatrice DeRego,
Director

Corey Rosenlee,
Director

Amy Zhao,
*Policy and Partnerships
Strategist*

POSITION: SUPPORT WITH AMENDMENTS

Imua Alliance supports and suggests amendments for HB 1769 HD2, relating to correctional facilities, which requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities. Requires reports to the Legislature.

Imua Alliance is a Hawai'i-based organization dedicated to ending sexual exploitation and gender violence. For decades, Hawai'i has relied on private prisons on the mainland to house a significant portion of its incarcerated population. At times, Hawai'i has held one of the highest percentages of incarcerated people in out-of-state facilities in the nation, with thousands of residents sent thousands of miles away from their families and communities.

Today, the state still incarcerates hundreds of people in private facilities such as the Saguaro Correctional Center in Arizona, separating individuals from family, cultural connection, legal support, and reentry services that are critical for successful reintegration into society.

This practice has serious consequences for families, communities, and public safety. Research consistently shows that maintaining family connections during incarceration improves reentry outcomes and reduces recidivism risk. Hawai'i already struggles with high recidivism rates—more than half of released individuals are rearrested or return to supervision within three years—demonstrating the need for stronger reentry support and community connection, not further isolation.

Out-of-state incarceration also raises serious concerns about oversight and accountability. Private prisons are operated for profit, and federal studies have found that private facilities often experience higher rates of violence, contraband, and safety incidents compared to publicly operated facilities.

Additionally, Native Hawaiians and Pacific Islanders are disproportionately represented in Hawai'i's correctional system, and sending individuals

thousands of miles away from their ‘āina, culture, and community further compounds historical and systemic inequities. Returning people to Hawai‘i allows for culturally grounded programming, family visitation, and more effective rehabilitation and reentry planning.

This measure does not require immediate closure of out-of-state facilities, but instead establishes a gradual, responsible plan to bring people home and reduce reliance on private mainland prisons over time. This measured approach allows the state to plan for capacity, programming, and reentry services, while moving toward a more humane and accountable correctional system.

That said, we urge your committee to amend this measure by accelerating the timeline for the return of inmates from five percent per year to fifty percent by July 1, 2029 and fifty percent by July 1, 2031, as the proposal originally called for. At a rate of five percent, as the bill currently calls for, total inmate return would not occur until the year 2045, twenty years in the future and beyond the sentence length of many inmates.

Ultimately, this bill is about public safety, family stability, rehabilitation, and accountability. People who maintain family connections, receive programming, and reenter communities with support are less likely to return to prison and more likely to become productive members of society.

With aloha,

Kris Coffield

President, Imua Alliance

HB-1769-HD-2

Submitted on: 3/22/2026 9:41:20 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

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

Comments:

Aloha Chair(s) and Members of the Senate,

My name is Master Shelby "Pikachu" Billionaire, HRM, Chairman of the Ohana Unity Party, representing the Kingdom of The Hawaiian Islands. I am writing to express ****strong support**** for HB1769 HD2, Relating to Correctional Facilities. This bill requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in ****private, out-of-state correctional institutions**** back to in-state facilities. Specifically, it mandates:

- Beginning July 1, 2029, return ****25%**** of those incarcerated out-of-state as of that date. - Beginning July 1, 2031, and annually thereafter, return an additional number equal to ****5%**** of the out-of-state population each year.

- Annual progress reports to the Legislature starting in 2027. The bill defines "private, out-of-state correctional institution" as any facility outside Hawai'i operated for profit or under public-private partnership. It allows continued transfers only for legitimate reasons (security, overcrowding, inmate interests) and only to compliant institutions.

Hawai'i's reliance on mainland private prisons has caused profound harm: family separation across thousands of miles, loss of access to cultural practices, language, and 'ohana support systems essential for rehabilitation, and higher recidivism rates. Native Hawaiians remain disproportionately incarcerated due to historical and systemic inequities—this practice exacerbates intergenerational trauma and blocks pono paths to healing. Bringing people home enables culturally responsive programs, restorative justice, mental health treatment, and family reunification, aligning with racial equity and true rehabilitation over profit-driven exile.

Here are key reasons this bill deserves passage:

- ****Restores 'Ohana and Cultural Connections**** — Incarceration far from home severs ties vital for successful reentry and reduces recidivism through stronger support networks. - ****Addresses Native Hawaiian Overrepresentation****

— The policy disproportionately harms kānaka maoli and Pacific Islanders; returning them honors constitutional protections for traditional rights (Article XII, Section 7) and promotes healing. - ****Shifts from Profit to Rehabilitation****

— Private, for-profit facilities prioritize cost-cutting over humane treatment. In-state focus allows investment in evidence-based programs (education, vocational training, substance treatment) that build safer communities. - ****Ensures Accountability****

— Annual legislative reports provide transparency on progress, preventing indefinite reliance on out-of-state placements.

- ****Advances Self-Sovereignty**** — Reducing dependence on mainland private prisons empowers Hawai‘i to control its justice system, prioritize local resources, and treat incarceration as healing rather than export. HB1769 HD2 is a measured, phased approach with realistic timelines for capacity building and alternatives. It has strong community backing (including from OHA and advocates) and complements efforts for equity in corrections.

I urge the Committee to pass HB1769 HD2 unanimously and advance it forward. Our people belong home—closer to ‘ohana, culture, and the path to redemption.

Mahalo nui loa for your kuleana in promoting justice, rehabilitation, and healing for Hawai‘i's families.

Sincerely, Master Shelby "Pikachu" Billionaire, HRM

Chairman, Ohana Unity Party Kingdom of The Hawaiian Islands, H.I.



www.AlohaILHawaii.org

Mar 25, 2026

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

BOARD OF DIRECTORS

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The Honorable Carol Fukunaga, Chair
Senate Committee on Public Safety and Military Affairs
The Thirty-Third Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

SUBJECT: HB1769 HD2 – Relating to Correctional Facilities

Chair and Members of the Committee:

Aloha Independent Living Hawaii (AILH) **supports the intent of HB1769 HD2**, which requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities and to report to the Legislature on this process.

Independent Living is a civil rights-based approach that affirms people with disabilities' right to live, work, and participate fully in their home communities with appropriate supports. Removing people from Hawaii to private, for-profit prisons on the continent disrupts ohana connections, cultural ties, and local support systems that are essential to rehabilitation and successful reentry, especially for incarcerated people with disabilities.

Many incarcerated people have significant physical, sensory, mental health, intellectual, and other disabilities that require accessible environments, assistive technology, communication access, and connection to community-based services during and after incarceration. When individuals are held out of state, it becomes much harder for families, Independent Living programs, and local providers to advocate, coordinate care, and plan for a safe transition back into the community. Returning people to in-state correctional facilities, as envisioned in HB1769 HD2, can reduce isolation and trauma and improve opportunities for coordinated reentry planning with Hawaii-based disability and reentry services.



www.AlohaILHawaii.org

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EXECUTIVE DIRECTOR

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Jennifer Hartssock

The Legislature's findings in this bill recognize that Native Hawaiians and other disproportionately impacted communities are overrepresented in Hawaii's criminal legal system and have endured the harms of out-of-state incarceration. From a disability and Independent Living perspective, these harms are compounded when culturally grounded healing, language access, and disability-related supports are separated from the person for years at a time. Ending reliance on private, out-of-state prisons is consistent with moving toward evidence-based, culturally responsive, community-oriented approaches that better support disabled and nondisabled people alike.

AILH respectfully offers the following comments and requests:

- Ask that the Department of Corrections and Rehabilitation, in meeting the bill's return benchmarks and reporting requirements, be directed to describe how it will assess and address disability-related needs (including accessibility, accommodations, and healthcare) of individuals being returned from out-of-state facilities.
- Encourage explicit collaboration with Centers for Independent Living and other disability and reentry organizations in Hawaii to support discharge planning, linkage to home- and community-based services, housing navigation, and peer support for people returning home.
- Encourage that data in the required reports be disaggregated, to the extent practicable, by disability status and other key demographics so that policymakers and the community can better understand who remains out of state and what additional supports are needed as people are returned.

Thank you for the opportunity to submit testimony in support of the intent of HB1769 HD2 and for considering the needs of people with disabilities and their ohana as Hawaii brings incarcerated people home..

Mahalo,



www.AlohaILHawaii.org

Roxanne U. Bolden

Roxanne Bolden
Executive Director

MISSION

Aloha Independent Living Hawaii (AILH) dedicated to providing independent living programs and services for persons with disabilities in Hawaii.

We work together with the community and consumers to improve the quality of life through individual choices and access to services.

EXECUTIVE DIRECTOR

Roxanne U. Bolden

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March 23, 2026

Support for HB1769, HD2 – Relating to Correctional Facilities

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs,

My name is Jamee Mahealani Miller, Co-Executive Director of 'Ekolu Mea Nui, and I strongly support **HB1769 HD 2**, 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 HD2 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. Furthermore, HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation

Mahalo for the opportunity to submit testimony in strong support of HB1769 HD2. 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



Committee: Senate Committee on Public Safety and Military Affairs
Hearing Date/Time: Wednesday, March 25, 2026, at 3:00 PM
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i providing
COMMENTS on HB1769, HD2: Relating to Correctional
Facilities**

Dear Chair Fukunaga, Vice-Chair Lee, and Members of the Committee:

The ACLU of Hawai'i (ACLU-HI) provides **comments on HB1769, HD2: 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.

The current house draft outlines a required timeline for the Hawai'i Department of Corrections and Rehabilitation ("DCR") to return the number of incarcerated people in private, out-of-state correctional institutions to in-state correctional facilities. At the rate outlined and depending on how the 5% annual rate is calculated, it could take decades for those people to return to Hawai'i.

We believe it is necessary to end Hawai'i's relationship with private prison operators like CoreCivic now, 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 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

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>

groups,² gang-related violence,³ and long-term solitary confinement⁴ through its SHIP 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

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

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

better protect its incarcerated individuals from the harms that have arisen at the Saguaro facility.

Mahalo for the opportunity to testify.

Sincerely,

Donavan Kamakani Albano

Donavan Kamakani Albano

Policy Fellow

ACLU of Hawai'i

dalbano@acluhawaii.org

With more than 4,000 Hawaii-based members, the mission of the American Civil Liberties Union of Hawai'i is to protect the fundamental freedoms enshrined in the United States and Hawai'i State Constitutions through legislative, litigation, and public education work. 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 our communities in Hawai'i for over 60 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



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

Wednesday March 25, 2026

TIME: 3:00 p.m.

VIA VIDEOCONFERENCE & Conference Room 016

HB 1769, HD 2 Relating to Correctional Facilities Hawai'i

Hawai'i Friends of Restorative Justice strongly supports HB 1769 to return people incarcerated in private, out-of-state correctional institutions to in-state correctional facilities.

The Department of Corrections and Rehabilitation (DCR) has opposed the bill on the grounds that it has no space to bring people home. That operational reality cannot permanently foreclose the rights of incarcerated people, their families, and public safety for the community.

Hawai'i spends over \$60 million per year for incarceration at Saguaro Correctional Center, a private CoreCivic facility in Arizona, roughly 2,500 miles from home. Distance from home is not a neutral fact, it is a public safety issue. [Research tracking over 16,000 people](#) released from Minnesota prisons found that those who received visits had felony reconvictions 13% lower, and parole revocations 25% lower, than those who did not. The Pacific Ocean ensures most Hawai'i families cannot visit at all. For Native Hawaiians, the separation is compounded. The incarcerated are cut off not only from family, but from 'āina, 'olelo, and cultural practices essential to healing and reentry.

Conditions at Saguaro further compound the harm. Incarcerated people from Hawai'i face a minimum of 30 days in solitary confinement per infraction, double the [15-day cap applied to Idaho prisoners](#) at the same facility. That is warehousing under unequal conditions, far from the communities the people will return to.

DCR is right that returning people requires capacity, and HB 1769 HD2 provides three years to begin planning a reasonable, and phased mandate.

The Legislature should pass this bill and direct DCR to develop a facility plan that includes alternatives to new prison construction: expanded diversion, community supervision, and sentence modifications for elderly and medically vulnerable people.

Every year we delay costs money, severs family ties, and undermines the public safety benefits.

Mahalo for your service and the opportunity to testify.

Loren Walker, JD, MPH

Director, Hawai'i Friends of Restorative Justice

HB-1769-HD-2

Submitted on: 3/24/2026 10:13:26 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kehaulani Lum	Testifying for Ali'i Pauahi Hawaiian Civic Club	Support	Written Testimony Only

Comments:

In **Strong Support** of HB1769, HD2, Relating to Correctional Facilities

DATE: Wednesday, March 25, 2026

TIME: 3:00 PM

Conference Room 016 & Videoconference

PLACE:

State Capitol

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs,

My name is Kehaulani Lum, and I serve as the Pelekikena of the Ali'i Pauahi Hawaiian Civic Club (APHCC), a Native Hawaiian organization chartered by the Association of Hawaiian Civic Clubs in 1973. Our mission is to educate, research, protect and preserve the Hawaiian culture, among other things.

We are headquartered in 'Aiea, near the Hālawā Prison and the State Animal Quarantine Station, which is the State's proposed site for a new OCCC community. With the help of lead cultural practitioners, we participated in several opening ceremonies for the Makahiki Season at Hālawā and Waiāu and were honored and inspired to be included. In partnership with others, we have also successfully supported residential life skills programming for individuals released from prison.

Mahalo nui loa for the opportunity to offer our **strong support** for HB1769, HD2, A Bill for an Act Relating to Correctional Facilities. The purpose of this measure is to require the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities.

The Bill finds that "Hawai'i's long-standing reliance on private, out-of-state correctional facilities has separated incarcerated individuals from their families, culture, and support systems, resulting in increased trauma and barriers to rehabilitation." Further, it finds that these transfers reduce

transparency and accountability while disproportionately harming Native Hawaiians and other communities already overrepresented in the criminal legal system."

APHCC commends the Committee for considering the gradual ending of the use of out-of-state private prisons, returning individuals to facilities within Hawai'i in order to strengthen rehabilitation, support family connections, and advancing a more just and community-based correctional system.

It is written that in the 1600s, England sent their inmates to America, in order to empty their jails. After their loss of the Colonies in the American Revolution, they sent over 160,000 "convicts" to Australia, to solve its overcrowded prisons. In the 1790s, the British Captain William Brown identified Hawai'i as a potential penal colony for the same reason. 200 years later, Hawai'i is transporting our prisoners to lands far away, in a purely transactional manner, because plans such as those envisioned in this measure were not in place when the laws and policies that lead to explosive incarceration increases came about.

Removing individuals from their birthplace, culture, environment, family, traditional foods, community system, and, indeed, the healing breath of life that sustains millions of people in Hawai'i every year appears cruel and unusual.

Moreover, sending nearly \$50,000,000 a year in funds to another State, rather than stimulating our economy, here at home, is fiscally imprudent, especially, at a time when we are experiencing a tourism downturn, federal job cuts, and, most recently, a projected \$1 billion-plus in Kona-low storm recover costs.

Let us be visionary, compassionate and purposeful in addressing one of the most challenging problems affecting our people and our State. Let us bring our people home.

We respectfully request your support for HB1769, HD2.

Me ke aloha pumehana,

Kehaulani Lum, Pelekikena

Ali'i Pauahi Hawaiian Civic Club



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

TESTIMONY IN SUPPORT OF HB 1769, HD 2

LATE

TO: Chair Fukunaga, Vice Chair Lee, and PSM Committee

FROM: Nikos Leverenz, DPFH Board President

DATE: March 25, 2026 (3:00 P.M.)

Drug Policy Forum of Hawai'i (DPFH) **supports** HB 1769, HD 2, which requires the Director of Corrections and Rehabilitation to incrementally return those incarcerated in private, out-of-state correctional institutions to in-state correctional facilities, with reports to the Legislature.

DPFH underscores the testimony from the Office of Hawaiian Affairs noting that “incarcerating individuals thousands of miles from home separates them from ‘ohana, community support, legal access, and culturally grounded programming.” It is well-established that the criminal legal system has disproportionately impacted Native Hawaiians dating back to the late 19th Century. This includes [the enforcement of punitive drug laws](#), which vastly exceeds the state’s commitment to the provision of community-based behavioral health treatment year after year even though it costs a fraction of the [\\$112,000 it takes to house a person in the state’s correctional facilities](#). The conditions of the contracted private prisons in Arizona [have long been a problem](#), with Hawai’i residents treated less favorably than those from the continent. This unfavorable treatment includes [excessive use of solitary confinement](#). Geographic separation also exacerbates the negative psychosocial toll on an incarcerated person’s children, with the [negative impacts extending through the course of their lives](#).

Since 1993 DPFH has advanced public discussions and policy changes around Hawai’i’s drug policies, which continue to advance severe criminal penalties and extended periods of criminal legal supervision. DPFH also supports policy changes around substance use and behavioral health issues that are anchored in harm reduction, public health, and human rights. Mahalo for the opportunity to provide testimony.



Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

On behalf of the Hawai'i Community Safety Coalition, we strongly support HB1769, which requires the Department of Corrections and Rehabilitation (DCR) to systematically reduce Hawai'i's reliance on private, out-of-state prisons and report progress to the Legislature. This bill is a necessary step toward ending a 30-year policy that has separated hundreds of Hawai'i residents from their families, communities, and cultural foundations.

Hawai'i's Overreliance on Out-of-State Private Prisons

What began as a temporary measure decades ago has become standard practice. Today, nearly 800 Hawai'i residents are incarcerated at Saguaro Correctional Center in Arizona under a contract with CoreCivic. Hawai'i continues to export one of the largest percentages of its prison population in the country.

This practice:

- Separates families and weakens community ties
- Disproportionately impacts Native Hawaiians by removing them from ancestral lands central to identity and healing
- Sends millions of public dollars to mainland corporate shareholders rather than reinvesting locally

Safety and Accountability Concerns

Research and prior federal findings have documented that private prisons:

- Experience higher rates of assault and illicit weapons
- Report more disturbances and drug incidents
- Offer fewer educational and rehabilitative programs

- Carry hidden long-term costs beyond per diem rates

Hawai'i retains legal and moral responsibility for the people it incarcerates — regardless of where they are housed. Contracting out incarceration does not eliminate that duty.

The “Lack of Space” Argument Is Not Supported by Data

DCR has argued that out-of-state transfers are necessary due to overcrowding. However, recent population reports show hundreds of empty beds across Hawai'i facilities, including Kūlani, Waiawa, Maui, and Kaua'i. The number of available beds significantly narrows the gap between those held in Arizona and those who could be housed in-state.

Additionally, work furlough programs and community-based alternatives remain underutilized, despite strong evidence that they improve reentry outcomes and reduce recidivism.

Unimplemented Reform Recommendations

Over the past decade, multiple task forces have produced recommendations to reduce incarceration through: Pretrial reform, Sentencing reform, probation and parole reform, and culturally responsive approaches

Many of these recommendations remain largely unimplemented. Meaningful decarceration strategies have not been fully pursued.

Public Dollars Should Support Reform — Not Corporate Profit

CoreCivic and similar corporations generate significant revenue from incarceration and immigration detention contracts nationwide. Hawai'i's continued partnership with private prison companies ties state policy to a profit-driven incarceration model rather than a public-safety-driven one.

HB 1769 establishes a framework to:

- Gradually reduce out-of-state prison transfers
- Increase transparency through required reporting
- Move Hawai'i toward ending reliance on private, mainland incarceration contracts

Recommended amendments include setting measurable annual reduction benchmarks and modernizing statutory language to use person-first terminology.

HB1769 is about accountability, fiscal responsibility, public safety, and dignity. Returning incarcerated individuals closer to home strengthens families, improves reintegration outcomes, and aligns state policy with long-term reform goals.

Reducing out-of-state transfers is not only achievable — it is overdue.

Mahalo,

Liam Chinn

Public Safety Consultant

Honolulu

HB-1769-HD-2

Submitted on: 3/20/2026 8:55:15 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Caron	Individual	Support	Written Testimony Only

Comments:

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

I am writing in **strong support** of HB1769, which requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities and to report regularly to the Legislature on this process.

This bill represents a long-overdue commitment to bringing our incarcerated family members home, where they can maintain connections to their communities, access rehabilitation services, and prepare for successful reentry.

A Practice Rooted in Expediency, Not Justice

For over two decades, Hawai‘i has shipped its incarcerated citizens thousands of miles away to private, out-of-state prisons—primarily operated by CoreCivic (formerly Corrections Corporation of America) in Arizona and other mainland states. What began as a temporary solution to overcrowding has become a permanent exile. At the height of this practice, the state was spending more than **\$50 million annually** on contracts with private, out-of-state facilities.

But the costs of this arrangement go far beyond dollars. When we incarcerate people in distant states, we sever them from their families, their support networks, and any realistic opportunity for rehabilitation. Children cannot visit their parents. Kūpuna cannot connect with their loved ones. And when individuals are eventually released—often with no advance return to Hawai‘i—they are dropped into communities they have not seen in years with no support, no housing, and no meaningful preparation for reentry.

Building on Existing Law

Hawai‘i law already recognizes that out-of-state incarceration is harmful and that returning inmates home before release is essential. Section 353H-7 of the Hawai‘i Revised Statutes requires the Director of Corrections and Rehabilitation to return Hawai‘i inmates held in out-of-state prisons **at least one year prior to the inmate's parole or release date** so they can participate in reentry programs on the island where they have the most support.

The law provides that this does not prevent the return of inmates with less than one year left of their sentence, and it requires annual reports to the Legislature on any inmates not returned, with explanations for noncompliance.

Yet despite this clear statutory mandate, compliance has been inconsistent at best. As the Legislature recognized in House Concurrent Resolution 153 (2025), previous efforts intended to prevent the transfer of individuals with strong community ties have not been adequately followed, leading to a loss of focus on rehabilitation and community reintegration. Inmates are still being held thousands of miles away from their families, their communities, and their futures.

What HB1769 Does

HB1769 strengthens and clarifies this existing mandate by requiring the Director of Corrections and Rehabilitation to **incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities.**

Critically, the bill requires reports to the Legislature, ensuring transparency and accountability in the return process. This reporting mechanism is essential—it allows the Legislature and the public to track progress and hold the Department accountable for compliance.

Why Returning Inmates Home Matters

The case for bringing our incarcerated loved ones home is rooted in rehabilitation, public safety, and basic humanity:

- **Family connections are essential to successful reentry.** Incarcerated individuals who maintain regular contact with family are significantly less likely to reoffend after release. Shipping people thousands of miles away destroys those connections.
- **Reentry programs are location-specific.** Preparing for release requires access to programs and services on the island where a person will actually live. An inmate in Arizona cannot access housing assistance, job training, or substance abuse treatment in Wai‘anae.
- **Oversight and accountability are compromised in private, out-of-state facilities.** These facilities operate with far less transparency than in-state public prisons. Lawsuits and investigative reports have documented inadequate medical care, dangerous conditions, and insufficient programming in private prisons across the country. A 2008 law requiring access to information about these facilities was a step forward, but the fundamental problem remains: we cannot adequately oversee facilities we cannot visit .
- **The financial costs are staggering, with little to show for it.** Spending more than \$50 million annually on private, out-of-state prisons is a poor investment in public safety. That money would be far better spent on in-state facilities, community-based reentry programs, and alternatives to incarceration that actually reduce recidivism.

A Measured, Incremental Approach

HB1769 does not demand an immediate, impossible return of every inmate overnight. It requires an **incremental** approach—a deliberate, phased plan to bring our people home. This is both practical and responsible. It allows the Department to plan, to identify appropriate in-state placements, and to ensure that returning inmates have the support they need upon arrival.

The bill also does not mandate the return of inmates who are participating in reentry programs in mainland facilities and consent to remain, consistent with the existing protections in Section 353H-7. It simply requires that the Department move with purpose toward ending the shameful practice of exiling our incarcerated citizens to private prisons thousands of miles away.

For over 20 years, Hawai‘i has outsourced its responsibility to care for and rehabilitate incarcerated individuals. We have paid private corporations billions of dollars to hold our family members in facilities we cannot adequately oversee. We have severed people from their communities and then wondered why reentry is so difficult.

HB1769 begins to undo this harm. It is a commitment to bringing our people home, to honoring the connections that make rehabilitation possible, and to investing in a corrections system that prioritizes safety, accountability, and second chances.

I urge this committee to pass HB1769.

Mahalo for the opportunity to testify.

HB-1769-HD-2

Submitted on: 3/21/2026 7:47:12 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ethan Chang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee:

My name is Ethan Chang, and I strongly support HB 1769 HD2 Relating to Correctional Facilities. HB 1769 requires the Director of Corrections and Rehabilitation to incrementally return people from Hawai'i who are incarcerated in private, out-of-state for profit prisons to in-state correctional facilities. HB 1769 further supports incarcerated people to transition back into communities with comprehensive support services.

The practice of out-of-state transfers to for profit prisons is harmful and conflicts with the Department of Corrections' mission to provide "comprehensive rehabilitative, holistic, and wraparound re-entry services, including culturally based approaches, to persons sentenced to our custody and care with professionalism, integrity, respect, and fairness." It separates people, disproportionately Native Hawaiians, from their families, land, culture, and community, and exposes individuals to further violence and gang culture in the U.S. continent.

I urge you to pass HB 1769 HD2.

Mahalo,

Ethan

Honolulu, O'ahu

HB-1769-HD-2

Submitted on: 3/22/2026 4:12:38 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee,

My name is Colleen Rost-Banik and I urge you to support HB1769 HD2, which requires the Director of Corrections and Rehabilitation to incrementally reduce the number of people incarcerated in out-of-state, for-profit prisons.

Currently the State of Hawai'i has about 800 people incarcerated at Saguaro Prison in Arizona. It is time to bring our neighbors home, closer to family and loved ones. Instead of relying on for-profit prisons, we could house them at other DCR facilities with empty beds or release them into community-based programming. Partnering with out-of-state, for-profit prisons is not the answer.

I understand that DCR is concerned about how to manage an increased population if this bill is to pass, but I encourage us to think about how passage of HB1769 HD2 provides the opportunity for ALL OF US (the Legislature, the Courts, our county police departments, the Department of Corrections and Rehabilitation, and the public at large) to consider better diversion strategies that would significantly decrease the amount of people who are incarcerated in the first place.

I respectfully request that you support HB1769 HD2.

Mahalo for your consideration.

Colleen Rost-Banik, PhD

HB-1769-HD-2

Submitted on: 3/22/2026 10:37:35 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
TERI SAVAIINAEA	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga and Committee Members,

I strongly support HB1769 HD2.

For too long, Hawai‘i has relied on out-of-state private prisons as a long-term solution, when it was never meant to be permanent. Nearly 30 years later, many of our people—especially Native Hawaiians—remain separated from their families, culture, and support systems.

This issue is personal for me. My cousin was sent to a prison in California, far from home. He has since served his time and returned, but that distance made it difficult for our family to stay connected and support him.

As a Kanaka Maoli, I see how incarceration already impacts our families. Sending individuals thousands of miles away only deepens that impact—it becomes isolation and disconnection for both the individual and their ‘ohana.

Bringing our people home is not about excusing wrongdoing. It is about accountability, rehabilitation, and giving individuals a real chance to reconnect with their communities.

This bill provides a responsible, phased approach with legislative oversight. It is time to bring our people home.

Mahalo for the opportunity to testify in strong support.

Respectfully,

Teri Kia Savaiinaea

Wai‘anae resident

HB-1769-HD-2

Submitted on: 3/23/2026 9:09:22 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair, Vice Chair, and Members of the Committee,

My name is Nanea Lo, and I am writing in **strong support of HB1769 HD2.**

For decades, Hawai‘i has relied on out-of-state incarceration as a solution to overcrowding, but this practice has come at a deep and lasting cost to our people, our families, and our communities. What was intended to be a temporary measure has now stretched nearly 30 years, leaving many of our pa‘ahao separated from their ‘āina, their culture, and their loved ones.

Out-of-state incarceration is more than just physical distance—it is a form of isolation that disrupts healing, rehabilitation, and successful reintegration. For many, it feels like a second punishment: not only being incarcerated, but being exiled from home. This separation makes it significantly more difficult for individuals to maintain family connections, access culturally grounded support systems, and prepare for a meaningful return to their communities.

The impacts of this system are not felt equally. Native Hawaiians are disproportionately represented in out-of-state facilities, making up a significant portion of those impacted. This reality reflects broader inequities within our criminal justice system and underscores the urgency of bringing our people home.

HB1769 HD2 offers a thoughtful and necessary path forward. By requiring a phased and accountable reduction in the use of private, out-of-state facilities, this bill acknowledges the harm that has been done while creating a structured approach to change. The inclusion of legislative reporting ensures transparency and accountability throughout the process.

Bringing our pa‘ahao home is not just about proximity—it is about restoring dignity, strengthening families, and creating real opportunities for rehabilitation and reintegration. It is about ensuring that our systems reflect care, responsibility, and justice for the people of Hawai‘i.

I respectfully urge you to **PASS HB1769 HD2.**

Me ke aloha ‘āina,

Nanea Lo, 96826

Sierra Club of Hawai'i Member

Hawai'i Workers Center Board Member

Clean Elections Hawai'i Member

Honolulu Tenants Union Member

350 Hawai'i Member

Carbon Cashback Hawai'i Member

Hawai'i Tax Fairness Coalition Member

HB-1769-HD-2

Submitted on: 3/23/2026 9:14:30 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Makaiwa kanui	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and

perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Makaiwa Kanui

HB-1769-HD-2

Submitted on: 3/23/2026 9:29:12 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

HB-1769-HD-2

Submitted on: 3/23/2026 9:40:10 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

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

Comments:

Aloha Chair Fukunaga, Vice Chair Lee, and Members of the Committee:

My name is Luanna Peterson, and I am writing in **strong support** of HB 1769 HD2, Relating to Correctional Facilities, which requires the Director of Corrections and Rehabilitation to incrementally return people from Hawai‘i who are incarcerated in private, out-of-state for-profit prisons to in-state correctional facilities.

Since 1995, Hawai‘i has been transferring people to private, for-profit prisons on the American continent. This practice was originally described as a "temporary solution" by Governor Ben Cayetano to address prison overcrowding. After more than thirty years, it is clear that this punitive practice must end. Multiple Governors and lawmakers have expressed interest in stopping this policy; HB 1769 HD2 is the concrete action needed **now** to finally do so.

The Hawai‘i Correctional System Oversight Commission has repeatedly raised concerns about underutilized beds at minimum custody facilities. In the Oversight Coordinator’s February 2026 Report, it was noted that Hawai‘i has two minimum custody prisons for men—Kulani Correctional Facility (KCF) and Waiawa Correctional Facility (WCF). These facilities are designed for people who pose low public safety risk and are eligible for rehabilitation-focused programming. WCF can hold 334 individuals, and KCF can hold 160 individuals. Despite this:

- Both facilities are less full now than they were in 2023 (WCF is at 50% capacity, KCF is at 48% capacity).
- At the same time, hundreds of people who qualify for minimum custody remain housed in Halawa Correctional Facility (HCF), a higher-security prison, or Saguaro Correctional Center in Arizona (AZSC), a higher-security, out-of-state prison.

Contrary to testimony submitted by the Director of the Department of Corrections and Rehabilitation, **hundreds of people who qualify for minimum custody and could be transitioned to Waiawa and Kulani remain locked in cages in Halawa and at Saguaro prison in Arizona.** This is an urgent and unnecessary harm that the Legislature has the power to correct.

Reunification, Rehabilitation, and Public Safety Hawai‘i has made some progress in reducing the number of people transferred to out-of-state, for-profit prisons. At its peak, over 2,000 people

were held out of state. Currently, nearly 800 remain in Saguaro prison in Arizona. Every one of these transfers separates a person from their ‘ohana, community, and home.

Bringing people back to Hawai‘i strengthens family connections, supports healing, and makes genuine rehabilitation and reentry possible. **Public safety is not improved by keeping people thousands of miles away from their support systems; it is improved when we prepare people to return home successfully.**

Native Hawaiians are disproportionately represented in the criminal legal system. According to the Office of Hawaiian Affairs’ report, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), Native Hawaiians make up the highest percentage of people incarcerated in out-of-state facilities. In 2005, of the 6,092 people under the custody of the Public Safety Department, 29 percent (1,780) were in facilities operated by other states or private companies on behalf of states. Of those in out-of-state facilities, **41 percent were Native Hawaiian.**

Mark Patterson, the current Chair of the Hawai‘i Correctional System Oversight Commission and former Warden at the Women’s Community Correctional Center, has emphasized that out-of-state transfers are punitive, not rehabilitative. He underscores the importance of building relationships with family, community, ‘āina, and culture as key to healing trauma and breaking generational cycles of incarceration. “We really shouldn’t be sending people to Arizona because we need to have the people re-establish their relationship with the community and they can’t do that over there,” he said. “There is a sense of place that can come only from here. If we can bring back the women, we can bring back the men.”

Profit Motive vs. Hawai‘i’s Values The current out-of-state Saguaro prison in Arizona is operated by CoreCivic, a private corporation that profits from incarceration and high recidivism. Hawai‘i’s lucrative contracts with CoreCivic benefit its shareholders while investing our tax dollars into a major private prison operator that also partners with U.S. ICE to operate immigration detention facilities.

This profit-driven carceral model directly conflicts with the State’s stated mission to provide “comprehensive rehabilitative, holistic, and wraparound re-entry services, including culturally based approaches.” Continuing to send our people to for-profit prisons on the continent undermines our values of mālama, kuleana, ‘ohana, and aloha.

Urgent Call to Act Now For all of these reasons, I **strongly** request that you **pass HB 1769 HD2 without weakening amendments** and move swiftly to:

- Incrementally return people to in-state correctional facilities; and
- Ensure they can transition into the community with comprehensive reintegration support services to maximize their chances of success.

After three decades, Hawai‘i cannot afford to delay any longer. Our communities, our ‘ohana, and especially our Native Hawaiian people deserve a correctional system rooted in healing and justice, not distance and corporate profit.

Thank you for the opportunity to submit testimony in strong support of this critical measure.

Mahalo,

Luanna Peterson

Niu Valley

HB-1769-HD-2

Submitted on: 3/23/2026 9:41:20 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeannine Johnson	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in **support of HB1769 HD2** relating to correctional facilities. Native Hawaiians are significantly overrepresented in Hawai‘i’s correctional system, making up roughly **39% to 41%** of the state's prison population while comprising only about 20% to 24% of the state's total adult population. Data shows that Native Hawaiians are much more likely to get a prison sentence than almost all other groups and for a longer sentence. Native Hawaiians also serve more time on probation than other racial and ethnic group and Native Hawaiians make up the highest percentage of people incarcerated in out-of-state facilities.

As a family member of a man who was imprisoned two years out of state, I know the disparate impact it has on families, especially children. Native Hawaiians suffer the most from the drastic dislocation from their home, culture, family, job prospects, and community support and their families are the least able to afford the transportation costs associated with visiting family imprisoned out of state. Staying connected with family members is crucial as statistics show that supportive communities and families give them a reason to exit prison as soon as possible.

Justice Thurgood Marshall once wrote that transferring a prisoner to a location far from the prisoner's home and family amounts to double punishment and recommended that returning prisoners to Hawai‘i should be a top priority. I wholeheartedly agree and ask for your support of HB1769 HD2. Mahalo.

HB-1769-HD-2

Submitted on: 3/23/2026 9:43:31 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nalani Hao	Individual	Support	Written Testimony Only

Comments:

I believe it is important that incarcerated individuals paying the cost of their crimes in prison need to be close to home for a number of reasons. (1) It is emotionally healing for them to be in their homeland, and not surrounded by foreigners and foreign lands. When they are released, they are feeling strengthened, motivated and desirous of starting fresh on a good path. (2) Their families, children especially, can visit and give incentive for their parent to improve their lifestyles. It gives the family hope and healing as well. The bond between child and parent can't be broken, and the prisoner/parent builds/maintains their sense of responsibility. It matures them. (3) A young incarcerated individual will build a plan for the future when they are released back into their homeland, right outside the gates of the prison.

Yes, do keep them here, and spend the money on building a good prison, rather than pay other States to care for our island people.

HB-1769-HD-2

Submitted on: 3/23/2026 9:46:07 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Melina Rajaei	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Melina Rajaei

melinarajaei@gmail.com

HB-1769-HD-2

Submitted on: 3/23/2026 9:48:07 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Makuakane	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and

perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

I am also a proponent for compassionate justice, including the right for ‘ohana to be able to visit.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Rev. Dr. Kenneth Makuakane

Kawaiaha‘o Church

957 Punchbowl Street

Honolulu, HI 96813

HB-1769-HD-2

Submitted on: 3/23/2026 9:58:13 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Theodora Furtado	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Theodora Furtado

teefurtado@msn.com

HB-1769-HD-2

Submitted on: 3/23/2026 10:11:47 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richard Bodien	Individual	Support	Written Testimony Only

Comments:

Support this, please.

Richard

Hāwī

HB-1769-HD-2

Submitted on: 3/23/2026 10:18:01 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
János Samu	Individual	Support	Written Testimony Only

Comments:

Aloha e nā lālā o ka‘aha‘ōlelo!

I am supporting this bill, because knowing Hawaiian culture it is of primary importance to keep the ‘ohana and its members as close as possible or together, and while prison terms are punishment, but keeping the inmates in out of state penal facilities among hardened American criminals not knowing anything about Hawaiian culture is double punishment. And the objective of Hawaiian penal policy is the punishment of the lawbreaker and not of his/her family and culture too.

Please consider the above in discussing the intended measures for this bill. I am strongly support it.

Mahalo no ka hana ho‘okāo‘i e kou hui.

János Samu
Kalaheo, Kaua‘i

HB-1769-HD-2

Submitted on: 3/23/2026 10:24:11 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisette Akamine	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in **support of HB1769 HD2** relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to **pass HB1769 HD2.**

Mahalo for the opportunity to testify.

Lisette Akamine

Kahalu'u, O'ahu

HB-1769-HD-2

Submitted on: 3/23/2026 10:24:31 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Martha Evans	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their 'ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai'i's criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

Most importantly, we all recognize that incarceration is a western construct that does not work for our people. Instead of spending Hawai'i taxpayer money to enrich private detention facilities in the continent, we must acknowledge our kuleana and work to build a more culturally inclusive society and system built on our own soil that will provide interventions and supports for our communities. How can we heal as island people when we refuse to acknowledge the wisdom and lessons of our kūpuna? That approach has not worked in the past and will not work going forward. Let us come together to heal as a people who focus on the future with the purpose of welcoming our brothers and sisters home and working with them to heal together.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

With humility, respect, and hope for our people,

Martha Evans

Honolulu, HI

HB-1769-HD-2

Submitted on: 3/23/2026 10:34:59 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kawaiohawaiki Anakalea-Kila	Individual	Support	In Person

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and

perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Kawaiohawaiki Anakalea-Kila

HB-1769-HD-2

Submitted on: 3/23/2026 10:37:36 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nicholas Chagnon	Individual	Support	Written Testimony Only

Comments:

Dear legislators,

I am writing in support of this bill because out-of-state incarceration in private prisons is one of the most destructive practices that our criminal-legal system implements. Any effort to reduce or end this practice should be supported.

Sincerely,

Nicholas J. Chagnon, PhD

HB-1769-HD-2

Submitted on: 3/23/2026 11:01:27 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Wahinehookae	Individual	Support	Written Testimony Only

Comments:

****Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:****

I am writing to express my strong support for HB1769 HD2 relating to correctional facilities, as it addresses the pressing issues faced by Native Hawaiians and promotes a more equitable and rehabilitative approach to our criminal justice system.

Reducing Harmful Out-of-State Incarceration

The bill mandates a gradual reduction in the number of individuals incarcerated in private, out-of-state facilities. Currently, Native Hawaiians represent a staggering 41% of those incarcerated outside of our islands. This practice disrupts vital connections to ‘ohana, culture, and support systems, which are crucial for rehabilitation and successful reintegration into society. By reversing this trend, we can begin to heal the rift caused by such dislocation.

Supporting Rehabilitation and Community Stability

Bringing individuals back to in-state facilities allows for better access to culturally relevant programs and community-based resources. Research shows that maintaining ties to home significantly decreases recidivism rates and enhances public safety. This bill is an essential step toward ensuring that our correctional approach is not only punitive but also restorative.

Addressing Structural Inequities and Disproportionate Impacts

Out-of-state incarceration exacerbates historical and systemic inequities, particularly for Native Hawaiians. These individuals often face compounded trauma from being removed from their communities. HB1769 HD2 acknowledges these disparities and takes concrete steps to address them, promoting healing for both those incarcerated and their families.

Balanced Implementation with Oversight

The phased reduction outlined in the bill allows for responsible management of the transition, ensuring that the Department of Corrections can effectively handle capacity adjustments. The requirement for periodic reporting to the legislature enhances transparency and accountability, fostering public trust in the process.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2. This bill is not just about reforming our correctional facilities; it's about restoring dignity, family ties, and cultural connections for Native Hawaiians and other affected communities.

****Mahalo for the opportunity to testify.****

Eric Keali'i Wahinehookae

ewahinehookae@gmail.com

HB-1769-HD-2

Submitted on: 3/23/2026 11:20:56 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Malialani Dullanty	Individual	Support	Written Testimony Only

Comments:

Aloha mai Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs,

My name is Malialani Dullanty, Kānaka Maoli and resident Moku o Keawe. I am writing in support of HB1769 HD2.

This bill will reduce the harm of out-of-state incarceration by requiring the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I urge the Committee to pass HB1769 HD2.

Me ka mahalo,

Malialani Dullanty

HB-1769-HD-2

Submitted on: 3/23/2026 12:24:14 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
ANITA MAE K NAONE	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of HB1769 HD2 (March 23, 2026)

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Anita Mae K. Naone

(808) 375-7301

anitanaone@msn.com

HB-1769-HD-2

Submitted on: 3/23/2026 12:31:27 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Molly Mamaril

Kaimukī, O‘ahu

TESTIMONY OF KEALI'I PANG, PH.D.

Kaimukī, O'ahu

IN SUPPORT OF HB 1769, HD2

TO: Senate Committee on Public Safety and Military Affairs

Senator Carol Fukunaga, Chair; Senator Chris Lee, Vice Chair

DATE: Wednesday, March 25, 2026

TIME: 3:00 PM

PLACE: Conference Room 016 & Videoconference, State Capitol

Aloha Chair Fukunaga, Vice Chair Lee, and distinguished members of the Senate Committee on Public Safety and Military Affairs:

My name is Keali'i Pang, Ph.D. I am a resident of Kaimukī, a lifetime member of the Hawaiian Civic Club of Honolulu, and have served as an environmentalist in Hawai'i for the last 35 years. I am also a retired federal biologist and currently serve as a State Commissioner. I write today to express my strong support for HB 1769, HD2, which requires the Department of Corrections and Rehabilitation to incrementally return committed felons housed in private, out-of-state correctional institutions to in-state correctional facilities.

The Human Cost of Out-of-State Incarceration

As a longtime member of the Hawaiian Civic Club of Honolulu, I have witnessed firsthand how Hawai'i's reliance on out-of-state, private correctional facilities imposes deep and lasting harm on our community. Incarcerating individuals thousands of miles from home severs them from 'ohana, cultural grounding, and the support networks most essential to successful reentry. For Native Hawaiians—who are disproportionately represented at every stage of our criminal legal system—this geographic and cultural exile compounds the injury. Separation from 'āina, language, and community does not rehabilitate; it deepens the very disconnection that underlies much of the behavior we seek to address.

A Structured, Responsible Path Home

I recognize that Hawai'i's in-state facility capacity is constrained and that a meaningful transition cannot happen overnight. HB 1769, HD2 is calibrated with that reality in mind. By requiring the return of twenty-five percent of individuals from private out-of-state facilities beginning July 1, 2029, and a five percent annual reduction each year thereafter, the bill provides the Department of Corrections and Rehabilitation with the time and framework needed for responsible capacity planning. This phased approach does not demand the impossible; it demands a commitment to a clear direction and steady progress.

The bill's regular reporting requirement reinforces that commitment. Requiring the department to report to the legislature no later than twenty days before each regular session ensures that this transition remains visible, accountable, and subject to course correction. Public oversight of correctional practices—which has been weakened by the use of facilities far from our shores—is restored through this mechanism. As someone who has spent a career working within state and federal institutional structures, I can attest that what gets reported gets managed.

Alignment with Broader Reform Priorities

The findings of this bill echo what the House Concurrent Resolution No. 85 task force concluded: mass incarceration has not improved public safety and imposes enormous fiscal and social costs. The path forward requires investment in diversion, treatment, reentry services, and proportional sentencing—reforms that make it feasible, over time, to bring people home and house them in a system grounded in accountability and cultural responsiveness. HB 1769, HD2 does not stand alone; it is a necessary structural precondition for those reforms to take meaningful hold.

Private, for-profit correctional institutions operating outside our state have neither the incentive nor the capacity to provide culturally grounded programming for Native Hawaiians and Pacific Islanders. Continuity of care, family engagement, and reintegration planning are all weakened when incarceration occurs thousands of miles from home. Ending our reliance on these facilities is both a matter of fiscal responsibility and of basic human dignity.

Conclusion

Our communities deserve a corrections system that holds people accountable while preserving their humanity, their family ties, and their connection to the culture and 'āina that define who we are as a people. HB 1769, HD2 moves us in that direction—responsibly, incrementally, and with the accountability that this legislature and the public deserve.

I respectfully urge the Committee to PASS HB 1769, HD2. Mahalo for the opportunity to provide testimony on this important measure.

Me ka 'oia'i'o,

Keali'i Pang, Ph.D.
Kaimukī, O'ahu

HB-1769-HD-2

Submitted on: 3/23/2026 2:21:36 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Richanda Mikaele	Individual	Support	Remotely Via Zoom

Comments:

Aloha e

my name is Richanda Mikaele, I am a wife of a incarcerated native Hawaiian who was sent to AZ to complete his sentence. I am a daughter and granddaughter of a kanaka who have been formally incarcerated, a girl/women who have been visiting my incarcerated loved once's since I have been in my mother womb! I hold a maters degree in social work and work with children who are incarcerated, some of who worked with in the foster care system who are now in the judiciary system, who parents are incarcerated. I am writing because I am in favor of bringing back our ohana. I am in favor because I am a privledge kanaka who have spent \$10,000 each time I visit my husband. Others I have met not so privileged. My husband shares mooleleo with me on his brothers he is incarcerated with who has not seen or spoken to ohana in decades. Kanaka father and sons who are in the same mod, sons from 18 years old facing 20 year sentences. It's crucial to bring our people home. Our kanaka our cultural is to be connected to our ohana and our aina. My cousin was recently released after doing 8 years in AZ, did not have a plan, and passed away 3 months later from drowning after having hallucinating, he attempted to go into the ocean to cleanse, washed up ashore as his mother begged for HPD to pull him up. I can share more testimonies from personal experience and from other that have shared, I've lost my father from suicide after being released from prison 3 months prior, more recently a cousins, who's son was born 5 months after. My sons father who was killed 1 year after being released, the person who took his life came home and lost his in 9 months. Please please explain to me how is taking our people away taking them from their home their ohana their culture is healing our people? How is it that native Hawaiians have the highest sentencing, how is it we are a minority on our island but the priority in the prison system! Pass this bill bring our kananka home create culturally informed resources, and create programs to break generational incarceration within our kanaka communities! Aloha for considering and reading my testimony. I am a kananka who has experienced who is experiencing mass incarceration. I am a kanaka who got a degree who works with her people who is taking a stand to break these chains. Taking a stand for my people, to say we had enough, help us to help out kanaka, our keiki, provided us with the resources to do so.

Mahalo,

Richanda Mikaele

HB-1769-HD-2

Submitted on: 3/23/2026 2:41:15 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jerrean Kaikaina	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in **support of HB1769 HD2** relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and

perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to **pass HB1769 HD2.**

Mahalo for the opportunity to testify.

Jerrean Kaikaina

85-1394 Kaneaki St.

Waianae, HI 96813

(808) 216-5874

alohakaikaina@gmail.com

HB-1769-HD-2

Submitted on: 3/23/2026 3:49:58 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee:

My name is Carla Allison and, as a Hawai'i resident and voter, deeply concerned for the public safety and civil liberties of all the people of Hawai'i, **I strongly support HB 1769 HD2 Relating to Correctional Facilities.**

The practice of out-of-state transfers to for profit prisons is harmful and conflicts with our Department of Corrections' mission to provide "comprehensive rehabilitative, holistic, and wraparound re-entry services, including culturally based approaches, to persons sentenced to our custody and care with professionalism, integrity, respect, and fairness."

Worst of all, it separates people, disproportionately Native Hawaiians, from their families, land, culture, and community, and exposes individuals to further violence and gang culture in the U.S. continent.

Please take a stand for our community by **supporting and passing 1769 HD2.**

Thank you for your consideration,

Carla Allison – Honolulu

Philomena Scherling
PO Box 1664
Keaau, Hawaii 96749
philomena.scherling@gmail.com

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in **support of HB1769 HD2** relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their 'ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai'i's criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to **pass HB1769 HD2**.

Mahalo for the opportunity to testify.

Philomena Scherling

PO Box 1664

Keaau, Hawaii

96749

HB-1769-HD-2

Submitted on: 3/23/2026 5:09:39 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brandee Yuen	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai'i's criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify,

Brandee Yuen

Pearl city, oahu

HB-1769-HD-2

Submitted on: 3/23/2026 5:58:17 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Julia Estigoy-Kahoonei	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and

perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Julia Estigoy-Kaho'onei

Moku o Keawe

HB-1769-HD-2

Submitted on: 3/23/2026 7:54:08 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lise Vaughan Sekona	Individual	Support	Written Testimony Only

Comments:

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

I write in **strong support** of HB1769, Relating to Correctional Facilities.

This measure represents a critical step forward in rethinking how we care for individuals within our correctional system and, more broadly, how we strengthen the health and safety of our communities. Far too often, correctional facilities have become de facto providers of services they were never designed to deliver—particularly in the areas of health, rehabilitation, and reentry support.

HB1769 acknowledges a fundamental truth: when we invest in humane, effective, and culturally responsive correctional systems, we reduce recidivism, improve public safety, and create pathways for individuals to successfully reintegrate into society.

In Hawai‘i, the need for reform is especially urgent. Native Hawaiians and other disproportionately impacted communities continue to be overrepresented in the correctional system. Addressing correctional facility conditions, programming, and oversight is not just a matter of infrastructure—it is a matter of equity, justice, and kuleana.

This bill moves us closer to:

- Ensuring safer, more humane conditions for individuals in custody
- Expanding access to rehabilitation, education, and reentry services
- Supporting correctional staff with better resources and safer working environments
- Aligning our systems with evidence-based and culturally grounded approaches

By prioritizing these outcomes, HB1769 helps break cycles of incarceration and strengthens families and communities across our state.

I respectfully urge the Committee to pass HB1769. This is an opportunity to lead with compassion, accountability, and vision for a more just Hawai‘i.

Mahalo for the opportunity to testify.

HB-1769-HD-2

Submitted on: 3/23/2026 8:47:17 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Von Kaanaana	Individual	Support	Written Testimony Only

Comments:

I strongly urge the committee to support HB1769 HD2.

The strategy for using out-of-state prisons on a population comprised of 41% of Native Hawaiian descent was supposed to be a temporary solution now used in negligence by the state to further separate the nuclear Hawaiian families in order to disenfranchise them further.

The state cannot without in good conscience continue this inhumane practice of family separation. Family is necessary in rehabilitation! Willfull ignorance is no longer an option since the issue is so important a law need to be made to enforce it.

HB-1769-HD-2

Submitted on: 3/24/2026 7:36:10 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Broder	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in strong support of HB1769 HD2 relating to correctional facilities. Currently, the percentage of Native Hawaiian men and women incarcerated in prison in Hawai'i and on the continent far exceeds their percentage of our population. This bill would gradually phase out the bad practice of sending Native Hawaiian and other Hawaiian prisoners to the mainland for incarceration in private prisons. On the mainland they have no access to family, friends, and local culture. It is hard on everyone. In a dissenting opinion Justice Thurgood Marshall wrote, "There can be little doubt that the transfer of Wakinekona from a Hawai'i prison to a prison in California represents a substantial qualitative change in the conditions of his confinement. In addition to being incarcerated, which is the ordinary consequence of a criminal conviction and sentence, Wakinekona has in effect been banished from his home, a punishment historically considered to be "among the severest. . . Surely the isolation imposed on him by the transfer is far more drastic than that which normally accompanies imprisonment." (Olim v. Wakinekona, 461 US 238 (1983).

There needs to be prison reform in Hawai`i. Our Hawai`i prison system is in desperate need overall of reform. There needs to investments in diversion programs, restorative justice and violence interrupter programs, as well as policy reforms relating to sentencing, parole, probation and bail reform, This bill is one step toward making Hawai`i's prison system more humane and just.

Thank you for your attention to this matter.

HB-1769-HD-2

Submitted on: 3/24/2026 7:53:38 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Megaan M. Clark	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in support of HB1769 HD2 relating to correctional facilities, for the following reasons:

Reduces Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Department of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals to prisons far from home, separates them from their ‘ohana, culture, and support systems; factors that are essential to rehabilitation and successful reentry into society.

Supports Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addresses Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for both the incarcerated and their families. This bill acknowledges these structural disparities and takes a practical step toward addressing them.

Balances Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department of Corrections and Rehabilitation to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature ensures transparency and oversight throughout each phase of implementation.

Out-of-state imprisonment has been described by pa‘ahao as double punishment; it is both incarceration and exile from their homeland. When out-of-state incarceration was initially implemented in 1995, it was intended to be a temporary measure, with prisoners and families informed that the incarcerated would be returned to the islands within 3 years. Now, 30 years later, Native Hawaiian pa‘ahao and others are still waiting to be reunited with family and their ‘one hānau.

For these reasons, I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for this opportunity to testify.

Yours truly,

Megaan M. Clark

HB-1769-HD-2

Submitted on: 3/24/2026 9:56:06 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Alexander McNicoll	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am writing in **support of HB1769 HD2** relating to correctional facilities, for the following reasons:

Reducing Harmful Out-of-State Incarceration:

HB1769 HD2 requires the Director of Corrections and Rehabilitation to incrementally reduce the number of prisoners incarcerated in private, out-of-state correctional institutions. The current practice of transferring individuals far from their homes separates them from their ‘ohana, culture, and support systems. These factors are essential to rehabilitation and successful reentry into society. This measure helps reverse that harmful trend.

Supporting Rehabilitation and Community Stability:

By bringing more individuals back into in-state correctional facilities over time, the bill promotes better access to culturally appropriate programming, family support, and community-based reentry resources. Research and community testimony have shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes.

Addressing Structural Inequities and Disproportionate Impacts:

Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai‘i’s criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

Balanced Implementation with Oversight:

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

For these reasons, I respectfully urge the Committee to **pass HB1769 HD2**.

Mahalo for the opportunity to testify.

Alexander McNicoll
Honolulu, Hawai'i

HB-1769-HD-2

Submitted on: 3/24/2026 10:00:33 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

Strong support! Bring our people home!

HB-1769-HD-2

Submitted on: 3/24/2026 10:05:59 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tiare Smith	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

My name is Tiare Smith and I am writing from Kahalu‘u, O‘ahu in **strong support** of **HB1769 HD2**.

This bill requires the Department of Corrections and Rehabilitation to begin incrementally bringing Hawai‘i citizens home from private, out-of-state prisons — starting with a 25% reduction in 2029, followed by additional phased reductions and annual reports to the legislature. It is a measured, responsible step toward ending a harmful practice that has lasted far too long.

When out-of-state incarceration began in 1995, it was presented as a temporary solution. Prisoners and their families were told they would be returned home within three years. Thirty years later, hundreds of pa‘ahao — including a disproportionate number of Native Hawaiians — are still exiled from their ‘one hānau. Native Hawaiians make up **41%** of those incarcerated out-of-state, even though we are a much smaller share of the overall population. This is not justice; it is double punishment — incarceration compounded by separation from ‘ohana, culture, language, and the land that sustains us.

Out-of-state placement severely undermines rehabilitation and successful reentry. Distance makes family visits rare or impossible, cuts off access to culturally grounded programs, and weakens the support systems proven to reduce recidivism. For Native Hawaiian pa‘ahao, this exile compounds the historic and systemic disparities that already exist at every stage of Hawai‘i’s criminal justice system. It fractures ‘ohana, burdens communities, and delays healing for those who have served their time.

Bringing our citizens home is not only the right thing to do — it is smart public safety policy. In-state facilities allow better access to education, job training, restorative justice, and culturally appropriate services that support true rehabilitation. Strong family and community ties are among the most powerful factors in lowering recidivism and building safer communities for everyone.

HB1769 HD2 strikes a balanced approach. It provides the Department with time to manage capacity and logistics through a phased reduction while requiring regular reporting to ensure

transparency and accountability. This is a compassionate, practical, and overdue correction to a policy that was never meant to become permanent.

I strongly urge the Committee to **pass HB1769 HD2** so that Hawai'i can finally begin the work of bringing our people home, honoring our kuleana to 'ohana and community, and ending the exile of our pa'ahao.

Mahalo nui loa for the opportunity to testify and for your leadership on this important issue of justice and rehabilitation.

Tiare Smith Kahalu'u, O'ahu

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Carol Fukunaga, Chair

Senator Chris Lee, Vice Chair

HEARING:

Wednesday, March 25, 2026 at 3:00 pm

Conference Room 016 & Videoconference

TESTIMONY IN SUPPORT OF HB 1769, HD 2 - RELATING TO CORRECTIONAL FACILITIES.

Aloha Chair Fukunaga, Vice Chair Lee, Senator Hashimoto for my district on Maui, and Members of the Committee,

My name is Christine Andrews and I am a lawyer licensed for over 25 years in the state of Hawai'i. I write you today in **strong support with comments on HB 1769, HD2**, Relating to Correctional Facilities, which requires the Director of Corrections and Rehabilitation to incrementally return committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities, and requires reports to the Legislature.

Native Hawaiians make up the highest percentage of people incarcerated in out-of-state facilities.¹ Incarcerating community members thousands of miles away separates them from family, community, and the land. This separation causes harmful cultural disconnection and family disruption. It also undermines culturally appropriate rehabilitation and reintegration efforts.

While in-state facility capacity is limited, a substantial portion of people in custody are held pretrial or are primarily impacted by substance use and mental health needs that would better be served outside our correctional system. What is needed is not mainland incarceration, but investment in diversion, treatment, reentry support, and fair sentencing measures that safely reduce correctional populations over time. As a community we must invest in reentry services, treatment, diversion, and proportional sentencing rather than overly punitive approaches that increase prison and jail populations without improving public safety. I **strongly support the intent of HB1769, HD2** but find the phased reduction timeline presented in HD2 of 5% a year beginning on July 1, 2031 too limited. Doing the math, it would take until July 1, 2041, over fifteen years, for just 80% of those incarcerated on the mainland to be returned home. **I believe that, in tandem with the other bills related to compassionate release and pre-trial detention, we can find a way to bring our community members home to Hawai'i more expeditiously.**

I appreciate your time considering this measure.

Mahalo,

Christine Andrews, JD

Wailuku, Maui

¹ Office of Hawaiian Affairs, The Disparate Impact of Native Hawaiians in the Criminal Justice System (2010), available at http://www.oaha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf



Carrie Ann Shirota
Attorney at Law

Committee on Public Safety and Military Affairs
Senator Carol Fukunaga, Chair
Senator Chris Lee, Vice Chair
Wednesday, March 25, 2026
3:00 P.M.
Conference Room 016

**Support: HB1769 HD2 Relating to Correctional Facilities
with Proposed Amendments**

Dear Chair Fukunaga, Vice Chair Lee and Committee Members:

My name is Carrie Ann Shirota, and I am an attorney and justice advocate writing in strong support of **H.B. 1769 HD2 Relating to Correctional Facilities with proposed amendments**. This vital measure mandates an important public policy, mandating the Director of Corrections and Rehabilitation (DCR) to systematically reduce the number of individuals incarcerated in private, out-of-state correctional institutions. Additionally, this bill requires DCR to submit 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 Hawai'i'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.

Hawai'i Out-of-State Transfers Over 30 Years

Hawai'i	1995	2005	2008	2015	2020	2026
	300	1780	2014	1371	999	799

As the data shows, Hawai'i has reduced the number of people transferred to out-of-state private prisons. However, we need to set robust requirements for the Department of Corrections to follow this mandate, and work collaboratively with other state systems to divert more people from our jails and prisons that would be better served with community based infrastructure and care.

Other States Have Reduced Out-of-State Prisoner Transfers

While Hawai'i has reduced out-of-state transfers, it has not reduced its rates comparable to other states - such as Vermont, Arkansas and California.

Significantly, California has ended operations in all out-of-state facilities and has exited all for-profit contract prisons, in line with Governor Gavin Newsom's commitment to reduce the state's reliance on out-of-state and private prisons.

<https://www.cdcr.ca.gov/prison-closures/>

State	1995	2005	2008	2011	2015	2020	2025
Hawai'i	300	1780	2014		1371	999	799
Vermont		280	800		241	120 ('23)	128
California		80 ('26)		10,400	5226	0	0
Arkansas		4,900			336		0

Proposed Amendments

I respectfully urge this Committee to pass this vital measure, including the proposed amendments detailed below.

1. Amend Section 2 (2) as follows to include more specific benchmarks for Department of Corrections to incrementally return people in out-of-state prisons to in-state prisons.

SECTION 2. Section 353-16.2, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

(2) In the interest of the inmate[-];

(2) In the interest of the inmate[-];

provided further that beginning on July 1, 2026, the director shall return **five per cent** of the number of committed felons incarcerated in private, out-of-state correctional institutions

to in-state correctional facilities; provided further that beginning on July 1, 2027, the director shall return **ten per cent** of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities in that year; provided further that beginning on July 1, 2028, the director shall return **fifteen percent** of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities in that year; provided further that beginning on July 1, 2029 to July 1, 2030, the director shall annually return **ten percent** of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities in that year.

STRIKE HD1 Section 2 (2)

~~Provided further that beginning on July 1, 2029, the director shall return twenty-five per cent of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities; provided further that beginning on July 1, 2031, the director shall annually return five per cent of the number of committed felons incarcerated in private, out-of-state correctional institutions to in-state correctional facilities in that year.~~

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."

Bringing incarcerated individuals closer to home is vital for maintaining family and community bonds, as well as a connection to the 'aina and cultural roots. These ties are essential for successful reintegration and reducing recidivism. By mandating a reduction in transfers, we prioritize systemic reform, uphold our legal responsibilities, and ensure that accountability and rehabilitation—rather than corporate profit—remain the guiding principles of our justice system.

Finally, we begin the long overdue process of divesting from Core Civic, a corporation that earns profits for shareholders, by fueling mass incarceration and mass detention of immigrants.

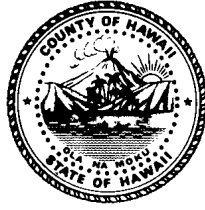
For these reasons, I respectfully you to pass **HB 1769 HD2 Relating to Correctional Facilities with the requested amendments.**

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota, Esq.
Honolulu, Hawaii

Jennifer Kagiwada
Council Member District 2 South Hilo



Office: (808) 961-8272
jennifer.kagiwada@hawaiicounty.gov

HAWAI'I COUNTY COUNCIL - DISTRICT 2

25 Aupuni Street • Hilo, Hawai'i 96720

DATE: March 24, 2026
TO: Senate Committee on Public Safety and Military Affairs
FROM: Jennifer Kagiwada, Council Member
Council District 2
SUBJECT: HB1769 HD2

Aloha Chair Fukunaga, Vice Chair Lee, and esteemed Committee Members,

I am writing in **strong support of HB1769 HD2**. The continued use of out-of-state prisons creates significant challenges for incarcerated individuals, their 'ohana, and our communities. Separation from family, cultural connections, and support systems contributes to limiting opportunities for rehabilitation and successful reentry. It has been shown that maintaining connections to home and culture can significantly reduce recidivism and support long-term public safety outcomes. By bringing more individuals back into in-state correctional facilities over time this measure will help to address these concerns.

Native Hawaiians make up only about 20% of the general population yet are around 40% of the incarcerated population. Native Hawaiians and other disproportionately impacted communities are overrepresented at every stage of Hawai'i's criminal justice system. Out-of-state incarceration compounds historical and systemic inequities by further distancing individuals from their communities and perpetuating trauma for those incarcerated and their families. This bill acknowledges those disparities and takes a practical step toward addressing them.

HB1769 HD2 establishes a phased reduction allowing the Department to manage capacity and logistical transitions responsibly. The requirement for periodic reporting to the legislature also ensures transparency and oversight throughout each phase of the implementation.

Mahalo,

A handwritten signature in black ink, appearing to read "Jenn Kagiwada".

Jenn Kagiwada

LATE

HB-1769-HD-2

Submitted on: 3/24/2026 8:47:34 PM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Young	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Fukunaga, Vice Chair Lee and Members of the Committee:

I strongly support HB 1769 HD2 Relating to Correctional Facilities, which requires the Director of Corrections and Rehabilitation to incrementally return people from Hawai'i who are incarcerated in private, out-of-state private for-profit prisons to in-state correctional facilities and transitioning to the community with comprehensive support services to enhance opportunities for reintegration success.

The practice of out-of-state transfers to for-profit prisons is harmful and conflicts with the Department of Corrections' mission to provide "comprehensive rehabilitative, holistic, and wraparound re-entry services, including culturally based approaches, to persons sentenced to our custody and care with professionalism, integrity, respect, and fairness." It separates people, disproportionately Native Hawaiians, from their families, land, culture, and community, and exposes individuals to further violence and gang culture in the U.S. continent.

I urge you to pass HB 1769 HD2.

Mahalo,
Kristen Young
Punchbowl, Honolulu, Hawai'i 96813

LATE

HB-1769-HD-2

Submitted on: 3/25/2026 7:55:56 AM

Testimony for PSM on 3/25/2026 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle Manalo	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair Fukunaga, Vice Chair Lee, and Members of the Senate Committee on Public Safety and Military Affairs:

I am testifying in strong support of HB1769 HD2.

This measure is critical to ensuring that individuals from Hawai‘i who are incarcerated are able to remain in—or be returned to—their home state. Too many of our people are currently held in out-of-state, private prisons, far from their families, culture, and support systems.

For those directly impacted, being sent thousands of miles away creates deep and lasting harm. It weakens family connections, limits access to meaningful rehabilitation programs, and makes successful reentry far more difficult. Families—especially children—carry the emotional and financial burden of distance, often unable to visit or maintain consistent contact.

Bringing our people home is about more than location—it is about restoring connection, dignity, and opportunity. When individuals are closer to their communities, they have better access to culturally grounded programs, reentry services, and support networks that are essential for long-term success.

From a reentry perspective, this bill is a smart investment. Individuals who maintain strong family ties and receive proper support are more likely to successfully reintegrate, reducing recidivism and strengthening our communities across Hawai‘i.

This measure reflects our shared values of kuleana, compassion, and community. We have a responsibility to care for our people—not send them away and out of sight.

I respectfully urge the Committee to pass HB1769 HD2.

Mahalo for the opportunity to testify.

Michelle Manalo