

STAND. COM. REP. NO.

1370

Honolulu, Hawaii

MAR 30 2007

RE: GOV. MSG. NO. 277

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Madam:

Your Committee on Public Safety, to which was referred Governor's Message No. 277, submitting for study and consideration the nomination of:

DIRECTOR OF THE DEPARTMENT OF PUBLIC SAFETY

G.M. No. 277 IWALANI D. WHITE,
for a term to expire 12-6-2010,

begs leave to report as follows:

Your Committee reviewed the personal history, resume, and statement submitted by the nominee, Iwalani D. White, in consideration of her nomination for the position of Director of Public Safety.

Your Committee finds Ms. White's professional experience to include serving as the Interim Director of the Department of Public Safety, the First Prosecuting Attorney and Deputy Prosecuting Attorney with the Department of the Prosecuting Attorney, District Family Judge of the First Circuit, and an instructor at the University of Hawaii School of Social Work. She has a Juris Doctorate from the William S. Richardson School of Law, University of Hawaii, and a Bachelor of Arts in Sociology from the University of Hawaii. She was admitted to the Hawaii State Bar in October 1981.

Your Committee finds that Ms. White is a member of the Board of Bar Examiners; the Hawaii State Bar Association, of which she is a former member of the Board of Directors; and the Friends of the Judiciary History Center, of which she is the current

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President and a former board member. She is a former member of the Domestic Violence Working Group; the Queen Liliuokalani Children's Center, of which she is a former director; the Juvenile Justice Information Center; Gender and Fairness Committee; and the Hawaii Literacy Executive Committee.

Your Committee received testimony in support of Iwalani White's nomination from the Department of the Attorney General and its Crime Prevention and Justice Assistance Division; the State Department of Defense; Office of Hawaiian Affairs; the Department of the Prosecuting Attorney; the Hawaii Paroling Authority; the Crime Victim Compensation Commission; Momilani Elementary School; the Representatives for the Fourth and Forty-eighth Districts of the State House of Representatives; the Office of the Prosecuting Attorney for the County of Hawaii; the Office of the Prosecuting Attorney for the City and County of Honolulu; the City Councilmember representing the Fourth District of the City and County of Honolulu; Iron Workers Local Union 625's Stabilization Fund; Maui Economic Opportunity, Inc.; The Sex Abuse Treatment Center; Tihati Productions, Ltd.; and United Public Workers, AFSCME, Local 646, AFL-CIO; and seventy-three individuals. Testimony in opposition of her nomination was submitted by Pacific Rim Weddings, and sixty-five individuals, nine of whom testified pursuant to subpoena. Your Committee received comments from three individuals.

Your Committee has concerns with the nomination of Ms. White for Director of the Public Safety due to her communication skills, decision making, failure to follow procedures, and lack of experience in the corrections industry. In reaching the difficult decision to reject the nominee, your Committee focused on the nominee's decision making and communication skills, rather than the departmental accomplishments under the nominee's seven months as interim director.

Your Committee heard testimony from individuals who hold or have held positions of various rank within the Department of Public Safety that Ms. White shows a lack of communication skills and questionable decision making ability. Nine of these individuals testified under oath pursuant to subpoena. Examples of poor communication skills include a failure to meet with and communicate the nominee's vision to the wardens and mental health staff; whether or how to move forward with the plans for Maui Community Correctional Center; and the bases and resolutions, or



lack thereof, of personnel investigations, both criminal and administrative.

Your Committee notes the effect internal investigations have on staff morale and ability to function properly. Your Committee finds that such investigations should be done swiftly, with as little inference as possible and with timely communication of the results of the investigation. Your Committee heard testimony from several individuals who had been or currently were under investigation claiming that they had no or insufficient knowledge as to why they were under investigation, the status of the investigation, and whether or not they had been exonerated. In fact, the nominee testified that no letter of exoneration had been issued to one individual because she no longer worked with the Department. Ms. White further testified that she was considering shredding a document that documented that individual's exoneration, pursuant to what Ms. White thought was proper policy.

Your Committee received testimony regarding an investigation relating to equipment at Women's Community Correctional Center in which the nominee violated a collective bargaining agreement against the advice of senior staff. In cases of administrative investigations, employees are to be given notice, including the specific reasons for being placed on leave of absence without pay, pending investigation and the available facts supporting the investigation. Ms. White chose not to give the required notice due to the criminal investigation. Your Committee learned that the criminal investigation was found to have no basis within two days; however, the individuals under investigation have yet to receive the required information relating to the administrative investigation and information that they have been exonerated of criminal wrongdoing. Your Committee is also concerned with the nominee's use of "Leave Without Pay Pending Investigation" in this case given the fact that these individuals were quickly cleared of criminal suspicion and that less severe alternatives, including transfer, were immediately available for use by the nominee while conducting the investigations. Furthermore, a decision to possibly spend over \$25,000 to hire an outside investigator to complete an administrative investigation is troublesome, considering the fact that the Department is capable of completing the investigation with internal affairs staff.

Your Committee finds that investigations into personnel wrongdoing are important to the credibility and sustainability of the Department of Public Safety; however, given that these



investigations can put careers in jeopardy and disrupt the Department's staffing structure, they must be handled with the utmost care. Based on these two examples, and others given by testifiers both under and not under oath, your Committee finds Ms. White has not properly handled personnel investigations.

Your Committee heard testimony relating to decisions that were hastily made with incomplete information on the part of the nominee. One example is the nominee's changes to the complaint reporting procedures that interfered with the chain of command and other policies within the Department of Public Safety that has resulted in confusion amongst the staff. Ms. White testified that she recently formed a committee to rewrite the new policy; however, your Committee is concerned that such important procedures were not properly reviewed and tested before implementation.

Your Committee also heard testimony regarding the nominee's questioning of senior staff decision making that was done in compliance with the Department's policies and procedures, such as the transfer of an inmate by the Corrections Division Administrator. Your Committee is further concerned with the nominee's decision to ban the Mental Health Branch Administrator from entire facilities and from communicating with mental health staff, where it seems clear that other options were readily available. Although your Committee acknowledges the Mental health Branch Administrator is under administrative investigation, your Committee finds the Mental Health Administrator needs access to the facilities in which her subordinates work in order to properly supervise them and to adequately carry out the mental health reform plan so as to avoid further federal court actions. Ironically, a mental health inmate at the facility from which the Mental Health Administrator is banned recently committed suicide.

Your Committee notes with great concern that the Department of Public Safety is under scrutiny by the federal government concerning the mental health care of inmates and that communication relating to improvement planning and prioritization is vital to avoid further lawsuits. These skills are also necessary to deal with other challenges facing the Department, including overcrowding and a high rate of recidivism. It is crucial, therefore, that the Director of Public Safety is able to effectively communicate the Department's vision and goals, as well as lead with the confidence of the staff.



Your Committee finds that the nominee has created an environment of fear, distrust, uncertainty, and low morale in certain segments of the Department. Her lack of communication with key staff and management, inability to articulate goals and objectives on certain initiatives, mistreatment of employees, weak team building skills, use of investigative powers, and a series of questionable decisions have generated a wave of discontent and opposition within the Department of Public Safety.

Given Ms. White's demonstrated weakness in these key areas, your Committee believes she is not the right individual for the position of Director of Public Safety.

As affirmed by the record of votes of the members of your Committee on Public Safety that is attached to this report, your Committee, after full consideration of the background, experience, and qualifications of the nominee, has found the nominee not qualified for the position to which nominated and recommends that the Senate does not advise and consent to the nomination.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,




WILL ESPERO, Chair



The Senate
 Twenty-Fourth Legislature
 State of Hawaii

**Record of Votes of the
 Committee on Public Safety
 PBS
 (Advise and Consent)**

Governor's Message No.:*	Committee Referral:	Date:		
GM 277	PBS	3-29-07		
<input type="checkbox"/> The Committee is reconsidering its decision.				
The Recommendation is to:				
<input type="checkbox"/> Advise and Consent (2340)				
<input checked="" type="checkbox"/> Not Advise and Consent (2345)				
Members	Aye	Aye (WR)	Nay	Excused
ESPERO, WILL (C)	✓			
NISHIHARA, CLARENCE K. (VC)	✓			
SAKAMOTO, NORMAN	✓			
WHALEN, PAUL			✓	✓ <i>ca</i>
TOTAL	3		1	<i>tea</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted				
<input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one Governor's Message per Record of Votes