

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

CLAYTON A. FRANK  
DIRECTOR

DAVID F. FESTERLING  
Deputy Director  
Administration

TOMMY JOHNSON  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1152, HD1  
RELATING TO COMMITTED PERSONS' ACCOUNTS  
by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Finance  
Representative Marcus R. Oshiro, Chair  
Representative Marilyn B. Lee, Vice Chair

Friday, February 27, 2009, 12:00 PM  
State Capitol, Conference Room 308

Representative Oshiro, Representative Lee and Members of the Committee:

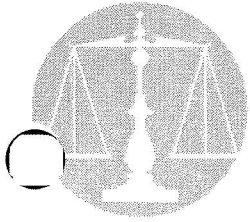
The Department of Public Safety (PSD) strongly supports House Bill 1152, HD1. The measure seeks to clarify that PSD may maintain more than one account per committed person pursuant to Section 353-20, Hawaii Revised Statutes. This measure also clarifies that the funds held in local financial institutions will be placed in non interest bearing accounts, and further, that no interest will be paid to the committed person on the funds held by PSD to facilitate the committed persons stay in custody. Recent litigation suggests that PSD is only permitted to have one account per committed person, and that the Department is obligated to pay interest on these accounts. The reason for having more than one account per committed person stems from years of experience in dealing with people who are incarcerated, and who rarely save funds during incarceration to be used in reestablishing themselves in the community upon release from custody. This measure provides for an account that the committed persons may use to purchase items, pay for copies, and deal with the day-to-day expenses incurred while in custody. The measure also provides for a second account that would be used to hold a portion of the funds earned by the committed person while in custody, to be used as release funds to

help the released person transition back into the community. This second account could only be accessed by the committed person on limited occasions, and would serve as a savings account to provide funds upon release into the community.

The non-interest bearing accounts in this measure will clarify the question regarding interest due on committed persons' accounts established by PSD pursuant to Section 353-20, Hawaii Revised Statutes. The accounts in question are established as a service for the committed persons, to facilitate their ability to purchase items and services within the facility. There are no charges for this service, even though thousands of hours of work are required to operate these accounts. Private banking institutions will not open accounts unless a minimum amount is placed in the account and maintained, and there are often charges to maintain a private account under any circumstances. PSD provides these services without charges in order to facilitate an orderly operation of the facility. However, if PSD is required to pay interest on these accounts, the funds to pay this interest are not allotted in the current budget. More significantly, the costs of the software to compute daily interest and the positions required to operate the software and the rest of the accounting functions far exceed PSD's present expenses.

Based on the enormous and clearly unfunded expenses that would be incurred if HB1152, HD1 were not to be enacted, PSD respectfully requests that this committee pass this measure and support its passage into statute to clarify the questions raised by the civil litigation.

Thank you for this opportunity to provide testimony on this matter.



**COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice Chair  
Friday, February 27, 2009  
12:00 PM  
Room 308

**OPPOSE**

**HB 1152 HD1 RELATING TO COMMITTED PERSONS ACCOUNTS**

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

My name is Carrie Ann Shirota, and I am writing in opposition to HB 1152 HD1 Relating to Committed Persons' Accounts. My experiences as a former Public Defender and staff member of a reentry program on Maui and member of Community Alliance on Prisons have shaped my advocacy efforts to promote accountability and transparency within our correctional system. Each of us has a stake in providing opportunities within the correctional system to help individuals better prepare for their release from prison as law-abiding, contributing members of their 'ohana and community.

HB 1152 HD1 seeks to amend Amends section 353-20, Hawai'i Revised Statutes, to permit the Director of Public Safety to direct the department to have one or more accounts for committed persons. The bill also states that the accounts are non-interest bearing and that no interest can be paid to committed persons in the individual accounts.

I would like to provide rebuttal responses to PSD's testimony in support of this bill.

First, PSD claims that it is necessary to have more than one account per committed person based on their experience that incarcerated persons rarely save funds during incarceration. Rather than changing the law to circumvent the Hawai'i Supreme Court's ruling, PSD should focus on providing incarcerated persons with more programs that focus on higher education, GED, and vocational training. In addition, PSD should offer classes that teach financial literacy. Equally important, PSD should pay incarcerated persons' minimum wage while working within the facility or on the work-lines. It is difficult, if not nearly impossible, to save money when you are making slave wages. As it says in the Bible, "give a man a fish, and he will eat for a day. Teach a man to fish and he will eat for a lifetime." The forced establishment of two accounts does not reflect the real world, nor does it teach incarcerated men and women the means to earn money and save money in preparation for their transition into the community.

Second, PSD claims that the second account would be used to hold a portion of the funds earned by the committed person while in custody, to be used as release money. Currently, PSD does not authorize an individual on work furlough/educational furlough or electronic monitoring furlough (EMF), to access funds from the second "restricted account." In many instances, this is when the restricted money is most needed – to purchase clothes, work tools, transportation expenses, etc. To prevent individuals from accessing funds from the restricted account during this critical period of transition into the community makes little sense.

Third, PSD asserts that if they are required to pay interest on these accounts, the funds to pay this interest are not allotted in the current budget. This begs the question – after all these years, how has PSD spent the money from interest earned on committed persons' accounts? An accounting of that interest and itemized list of expenditures is necessary to ensure transparency and accountability within the Department of Public Safety.

Based upon the foregoing reasons, I respectfully ask this Committee to hold this bill.

Sincerely,

Carrie Ann Shirota, Esq.  
Wailuku, Hawai'i  
(808) 269-3858

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) [533-3454](mailto:533-3454)/[kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair

Rep. Marilyn Lee, Vice Chair

Friday, February 27, 2009

Room 308

12 noon

## OPPOSITION

### HB 1152 HD1- INMATE ACCOUNTS

[FINTestimony@capitol.hawaii.gov](mailto:FINTestimony@capitol.hawaii.gov)

Aloha Chair Oshiro, 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 working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 1152 HD1 amends section 353-20, HRS, to permit the Director of Public Safety to direct the department to have one or more accounts for committed persons and states that the accounts are non-interest bearing and that no interest can be paid to committed persons on the individual accounts. The HD1 changed the effective date to 2025.

This bill comes to the committee because of a lawsuit filed by Hawai'i inmate, Richard Blaisdell, who successfully challenged the inmate accounts set up by the Department of Public Safety. If the tables were turned, we would be hearing that the inmate was just trying to make legal, illegal behavior, but in this case, it is the department that is working to pass a law to legalize their illegal behavior.

When the Senate Committee on Public Safety was in Arizona in November 2007, there was a meeting with about 40 men living at Red Rock Correctional Center. The issue of *Restricted Accounts* was raised by several men who are serving life terms. These men wanted to use funds from their Restricted Account to help their families pay their bills. This is not allowed, except by special request and grant of the Director.

What is interesting about Restricted Accounts, is that Hawai'i individuals ARE allowed to withdraw \$50 at Christmas to buy a Hawai'i goodie basket. They can withdraw money for this and not to help their families? As an aside, many families and inmates have told me that they stopped buying the baskets when they heard that they were made by a company that is somehow connected to the administrator of PSD's mainland branch, Shari Kimoto. I hope this is not true. If it is, it is a serious breach of ethics.

Mahalo for the opportunity to share our thoughts on HB 1152 HD1.

**Hepatitis Prevention, & Support Network of Hawai'i  
Prisoner Reintegration and Family Reunification Program**

1286 Queen Emma Street  
Honolulu, Hawaii 96813

[www.idlinks.com](http://www.idlinks.com)

Andy Botts, Director

[poidogpub@hawaiiantel.net](mailto:poidogpub@hawaiiantel.net)

808-942-4276

February 27, 2009

COMMITTEE ON FINANCE

Rep. Marcus R. Oshiro, Chair

Rep. Marilyn B. Lee, Vice-chair

Friday, February 27, 2009

12:00 pm.

Conference room 308

HB 1152, HD1

RELATING TO INMATE ACCOUNTS

**AGAINST**

My name is Andy Botts, Director of The Hepatitis Network's Prisoner Reintegration Program, and author of Nightmare In Bangkok. I don't support this bill for several reasons. First, the issue of garnishment of inmate wages for any reason has been decided in numerous Supreme Court cases in the past, including a recent decision from the Hawaii Supreme Court in Blaisdell vs Dept of Public Safety. Passage of this bill circumvents the decision of our high court, which should be the final say, and undermines their capability to function without lawmakers intervening whenever an adverse decision is rendered. Furthermore, if this bill is passed, it will be challenged, paving the way for expensive litigation that will end up in the Hawaii Supreme Court again.

Next, the rationale of instituting a restricted account, under the guise of helping the inmates save money is ludicrous. The meager wages earned from prison work-lines are barely sufficient at best to allow prisoners the opportunity to purchase toiletries and other necessities while incarcerated. To garnish these funds will create additional hardship on the families of the incarcerated, who will be pressed to send additional money during these tough financial times, and/or encourage illegal activities such as gambling, extortion, and drug dealing within the facilities. This would cause disorder to the security of the facilities, which should be the administration's priority.

Andy Botts, Director

Prisoner reintegration program

Author, Nightmare In Bangkok

## FINTestimony

---

**From:** Mary Elizabeth [nugayou@yahoo.com]  
**Sent:** Thursday, February 26, 2009 4:54 PM  
**To:** FINTestimony  
**Subject:** Fw: HB 1152 HD1 Testimony  
**Attachments:** stat8142.jpg

----- Forwarded Message -----

**From:** Mary Elizabeth <nugayou@yahoo.com>  
**To:** FINTestimony@capitol.hawaii.com  
**Sent:** Wednesday, February 25, 2009 8:06:39 AM  
**Subject:** HB 1152 HD1 Testimony

### COMMITTEE ON FINANCE

Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice Chair  
Friday, February 27, 2009  
12 Noon  
Room 308

### OPPOSE

#### HB 1152 HD1 - RELATING TO COMMITTED PERSONS ACCOUNTS

Dear Chair, Vice Chair, and committee members:

I stand OPPOSED to HB 1152 HD1 for the following reasons:

The monies of the inmates, whether it is money earned while in prison or money sent to them by their friends/relatives, no interests are paid to them. At present, they are paid \$.25 per hour - the highest pay is \$.50 per hr. The administration, I believe, takes advantage of inmates by charging them abhorrent prices for commissary items (soap, clothing, etc.). Also, charging them \$.25 a minute for phone calls, when it takes them one hour to pay for it.

Presently, the inmates in AZ can receive \$500 per month from friends/relatives, which goes, not to them directly, but to the CCA Inmate Trust account in Atlanta, GA. This system does not give them direct access to their money. They first have to receive notification that money has been received, then they can formally request for it, taking a few days before they receive it, and at times, longer. Do your math and see how much interest the state is withholding from the inmates.

The inmates in AZ purchase their own TVs, prices vary from other facilities, i.e., SCC, Red Rock, etc. When their items are confiscated, which are deemed illegal - again, policies differ from facility to facility so when they're moved, they can lose their musical instruments. They do not send items. The inmates have to pay for shipment or these items are confiscated.

Some of my testimony may not apply to the bill itself, but it is to provide you information as to what goes on within our prison walls. How can we take advantage of people who have no voice.

Thank you for your consideration in opposing this bill.

Sincerely,

Elaine Funakoshi

## **FINTestimony**

---

**From:** abraggs@aol.com  
**Sent:** Wednesday, February 25, 2009 10:40 PM  
**To:** FINTestimony  
**Subject:** HB 1152 HD1 - NAACP Testimony

### **COMMITTEE ON FINANCE**

Rep. Marcus Oshiro, Chair  
Rep. Marilyn Lee, Vice Chair  
Friday, February 27, 2009  
12 Noon  
Room 308

### **Bill # HB 1152 HD1 - RELATING TO COMMITTED PERSONS ACCOUNTS**

Amends section 353-20, Hawai'i Revised Statutes, to permit the Director of Public Safety to direct the department to have one or more accounts for committed persons. Also states that the accounts are non-interest bearing and that no interest can be paid to committed persons in the individual accounts.

### **NAACP POSITION: STRONG OPPOSITION**

**Alphonso Braggs**  
**President**

---

Looking for work? [Get job alerts, employment information, career advice and job-seeking tools at AOL Find a Job.](#)