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DEPARTMENT OF PUBLIC SAFETY

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No. _

TESTIMONY ON SENATE BILL 207, SD1
RELATING TO CORRECTIONAL FACILITIES

By
Clayton A. Frank, Director
Department of Public Safety

House Committee on Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J.C. Aquino, Vice Chair

Thursday, March 19, 2009; 10:00AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Aquino, and Members of the Committee:

The Department of Public Safety (PSD) strongly opposes Senate Bill 207, SD1. This measure seeks to require the PSD to report any inmate and/or correctional facility employee death to the Governor, the President of the Senate, Speaker of the House of Representatives, and the Legislature within 24 hours.

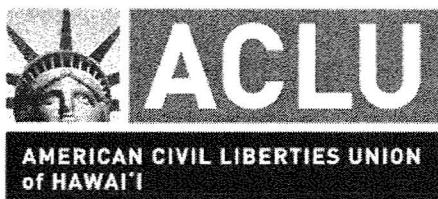
The PSD appreciates the legislature's interest in these types of unfortunate events, but we believe this measure is unnecessary. At present, PSD already has in place well established procedures in place regarding the internal reporting and investigation of incidents in our facilities and those that may occur on the mainland. PSD already notifies the Governor's Office of all serious incidents involving staff, inmates, or visitors to our facilities and those that house inmates from Hawaii on the mainland.

It should also be noted that all serious incidents including deaths are immediately reported to the appropriate authorities, including the police departments and medical examiners, and investigations are completed. Serious injuries and deaths at correctional and detention facilities is often followed by litigation. Therefore, information regarding the incident released prior to the completion of an investigation and/or the medical examiners autopsy report would be premature and speculative at best. Premature release of incident related information may also

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March 19, 2009
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serve to undermine the State's position during subsequent litigation and frustrate legitimate government operations. Therefore, the PSD respectfully requests that this matter be held.

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



Via E-mail: PBSTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Committee on Labor and Public Employment
Hearing Date/Time: Thursday, March 19, 2009, 10:00 a.m.
Place: Room 309
Re: Testimony of the ACLU of Hawaii in Support of SB 207, SD1, Relating to Correctional Facilities

Dear Chair Hanohano and Members of the Committee on Public Safety and Chair Rhoads and Members of the Committee on Labor and Public Employment:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of SB 207, SD1, which seeks to require the Department of Public Safety (“DPS”) to report to the Legislature any inmate or correctional facility employee death within 24 hours.

The ACLU of Hawaii receives hundreds of requests for assistance from Hawaii inmates each year, and conducts numerous investigations into prison officials’ actions. It is imperative that the Legislature is immediately notified about the numerous injuries and deaths so that our lawmakers can consider ways to prevent them in the future. We have particular concerns about the private prisons on the mainland, because – given the distance – we cannot know whether an inmate’s death was due to the denial of medical care, assault, or natural causes. Furthermore, because private prisons are not yet subject to Hawaii’s open records laws, requests for information are frequently denied (on the basis that these policies and procedures are “proprietary”). These private prisons – and the entire Department of Public Safety – are in dire need of the layer of accountability and transparency that this bill will add.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii 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 Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney

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the
**Drug Policy
Forum**

March 19, 2009

To: Representative Faye Hanohano, Chair
Representative Henry Aquino, Vice Chair
And Members of the Committee on Public Safety

From: Jeanne Ohta, Executive Director

RE: SB 207 SD1 Relating to Correctional Facilities
Hearing: March 19, 2009, 10:00 a.m., Room 309

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in support of SB 207 SD1 which requires the Department of Public Safety to report to the legislature any inmate or correctional facility death within 24 hours.

Since the Department of Public Safety is responsible for the well-being of more than 6,000 incarcerated people, an incident as compelling as the death of an inmate or that of an employee warrant immediate reporting. This immediate notification would help stem rumors and help inform anxious family members; and provide a communication link between what happens in a correctional facility and policy makers. The absence of official information creates a vacuum that is often filled by misinformation, which may be more difficult to correct.

The department should strive for transparency in its operations and forthrightness in its dealings with family members of those incarcerated and with the general public. This requirement is a good start.

Please pass SB207 SD1. Thank you for the opportunity to testify.

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, March 19, 2009
10:00am
Room 309

**STRONG SUPPORT
SB 207, SD1 RELATING TO CORRECTIONAL FACILITIES**

Aloha Chair Hanohano, Vice Chair Aquino, and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of SB 207, SD1. I am an attorney on the island of Maui and have previously worked as a Public Defender, Civil Rights Enforcement Attorney, and staff member of a reentry program on Maui. I am also an active member of Community Alliance on Prisons. These experiences have shaped my advocacy efforts to promote accountability and transparency within our correctional system.

The Department of Public Safety has a duty to ensure that conditions of confinement meet federal and state constitutional standards and statutory laws for the incarcerated. Similarly, PSD has a duty to ensure that employees' rights under federal and state laws are respected. The death of an inmate or employee within state and private correctional facilities where Hawai'i prisoners are housed is of concern to the community and should be made known to the public - particularly in cases where PSD and private facilities have failed to meet their constitutional and statutory responsibilities to provide a safe and secure environment.

This bill is another step in ensuring accountability and transparency within correctional facilities that are supported by taxpayer dollars.

Mahalo for this opportunity to submit testimony in support of SB 207, SD1. Please pass this bill to the next Committee.

Respectfully submitted,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i
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