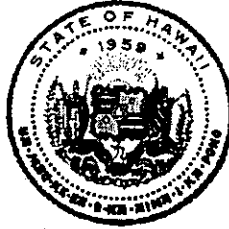


NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE BILL 11 SD2 HD1
A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF

by
Jodie F. Maesaka-Hirata, Director
Department of Public Safety

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

Wednesday, March 30, 2011, 10:00 AM
State Capitol, Room 308

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

The Department of Public Safety (PSD) supports Senate Bill 11 SD2 HD1 that creates a task force to study the feasibility / need to establish a new Department of the Sheriff that would assume the responsibilities and functions exercised by the Sheriff Division of the Department of Public Safety. PSD believes that a thorough evaluation of all aspects of such a significant move is warranted in this time of fiscal difficulty. The proposed task force should be able to evaluate the increased costs of more staff requirements, new office space, additional duties and more equipment and supplies that will be necessary to adequately implement a new agency against any proposed benefits and/or disadvantages.

Thank you for the opportunity to testify on this matter.



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The Twenty-Sixth Legislature, State of Hawaii
House of Representatives
Committee on Finance

Testimony by
Hawaii Government Employees Association
March 30, 2011

S.B. 11, S.D. 2, H.D. 1 RELATING TO
THE DEPARTMENT OF THE SHERIFF

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the amendments to S.B. 11, S.D. 2, H.D. 1 made by the previous committees in the Senate and House of Representatives, with the exception of the date upon which the bill takes effect.

The deputy sheriffs we represent consistently maintain that a Corrections and Law Enforcement Department as established through Act 211, SLH 1989, does not serve the needs of our State. Prior to that time, the deputy sheriffs were part of the Judiciary. As the law enforcement function of the Public Safety Department (PSD) seems to be subordinate to its responsibilities for administering and operating the correctional system, perhaps it is time to reexamine whether the law enforcement function is appropriately placed. We note that Hawaii appears to be the only state without a state police, highway patrol or state patrol department according to the Official Directory of State Patrol and State Police.

The sizeable budget deficit the State is facing makes the establishment of a new department impractical at this time. Therefore, we support creating a task force to address the question of whether PSD is capable of supporting and maintaining the function of the Sheriff Division, along with the feasibility of creating a new department for the sheriffs. If the task force determines that a new department is warranted, it would create a plan to establish the new department, including cost estimates. The task force will review the issues and make specific recommendations to the 2012 Legislature.

Thank you for the opportunity to testify in support of S.B. 11, S.D. 2, H.D. 1.

Sincerely,

Nora A. Nomura
Deputy Executive Director

TESTIMONY ON SENATE BILL 11, SD2, HD1
RELATING TO THE DEPARTMENT OF THE SHERIFF

House Committee on Finance
Representative Marcus Oshiro, Chair

Wednesday, March 30, 2011; 10:00 AM
State Capitol, Conference Room 308

Representative Oshiro and Members of the Committee:

I am in strong support of Senate Bill 11, SD2, HD1 which would create a taskforce to plan for the separation of the Sheriff Division from the Department of Public Safety and create a new Department of the Sheriff. This would clearly separate the administration of corrections and law enforcement, which have no direct correlation between the two functions. This is an essential first step towards mitigating the risks associated with a law enforcement organization.

These operational and administrative problems faced by the Sheriff Division are not new. These same issues have been ongoing since being placed within the Department of Public Safety through Act 211, SLH 1989. The inability to address and resolve these issues over the past 20 years points to a deeper, systemic problem, which creates a situation that nearly ensures failure.

The State Auditor's, June 2010, Report #10-06, "Audit of the Department of Public Safety, Sheriff Division" stated, "In 1987, prior to the formation of the Department of Public Safety, the Legislature created the Department of Corrections by removing correctional services from the Department of Social Services and Housing (DSSH). The Legislature determined that the state corrections program had grown too large and complex to remain under the umbrella of DSSH and that in order to "properly address the magnitude of the problems within the state corrections system, a separate department that can provide the focus and continuous attention the system desperately needs is essential." During that time, the Legislature initially sought to transfer the Office of the Sheriff,

Capitol Security, and state law enforcement officers from the Department of the Attorney General into the new department of Corrections. Concerns arose over the potential conflict between the new department's responsibility for corrections. It was argued that the transfer of law enforcement functions into the Department of Corrections was undesirable. Accordingly, state law enforcement functions were not included in the new department, and the legislation was amended to remove state law enforcement officers from the bill. Nevertheless, two years later, the Legislature passed Act 211, SLH 1989, which made a single department, the Department of Public Safety, responsible for both vital functions of the preservation of public safety – law enforcement and corrections.

Act 83, SLH 2003, required the director of the Department of Public Safety to conduct a study to determine the feasibility of dividing the Department of Public Safety into a Department of Corrections and a Department of Law Enforcement. According to a 2005 Department of Public Safety report to the Legislature by Interim Director Richard Bissen, this created a situation in which the department “must attempt to establish resource priorities for each function without adversely impacting the other.” According to the previous Director of Public Safety, Clayton Frank, it is a challenge to manage both correctional and law enforcement in the same department since there is no direct correlation between the two functions.

More importantly, the separation of the law enforcement and corrections functions would allow the Department of Public Safety to, as intended by the 1987 Legislature, “properly address the magnitude of the problems within the state corrections system.” As noted in the 2005 Department of Public Safety report to the Legislature by Interim Director Richard Bissen, “no Department director seems to have stepped into the job with the breath and depth of knowledge and experience in both law enforcement and corrections. The issues relating to corrections, such as persistent overcrowding, offender treatment programs, inmate management, development of alternatives to incarceration, health care, and facility maintenance, are exceedingly complex and require the full focus of a director”. The report also stated, “For these reasons, a separate Department of Law Enforcement may create an administrative structure that could concentrate on managing

available law enforcement resources without the distractions of managing correctional facilities and programs. It would also establish a solid foundation for needed growth, which would ultimately better protect the people of Hawaii”.

A review of how other states organize corrections and law enforcement responsibilities indicates that it is not common practice to place law enforcement and corrections responsibilities with in the same organization.

As my testimony maybe contrary to the Department of Public Safety’s position, I am presenting my testimony as a private individual and not as an official representative of the department. Thank you for this opportunity to testify on this important matter.

Robin Nagamine, Lieutenant
Sheriff Division