

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Blvd. 4<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**JODIE F. MAESAKA-HIRATA**  
DIRECTOR

**MARTHA TORNEY**  
Deputy Director of  
Administration

**JOE W. BOOKER, JR.**  
Deputy Director  
Corrections

**KEITH KAMITA**  
Deputy Director  
Law Enforcement

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

**TESTIMONY ON SENATE BILL 11 SD2**  
**A BILL FOR AN ACT RELATING TO THE DEPARTMENT OF THE SHERIFF**  
by  
**Jodie Maesaka-Hirata, Director**  
**Department of Public Safety**

**House Committee on Public Safety and Military Affairs**  
**Representative Henry J.C. Aquino, Chair**  
**Representative Ty Cullen, Vice Chair**

**Thursday, March 17, 2011, 8:30 AM**  
**State Capitol, Room 309**

**Chair Aquino, Vice Chair Cullen, and Members of the Committee:**

The Department of Public Safety (PSD) supports Senate Bill 11 SD2 that creates a task force to establish a transition plan for the establishment of a Department of the Sheriff to assume 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.

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

House Committee on Public Safety and Military Affairs  
Representative Henry Aquino, Chair

Thursday, February 17, 2011; 8:30 AM  
State Capitol, Conference Room 309

Representative Aquino and Members of the Committee:

I am in strong support of Senate Bill 11,SD2, 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



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**

AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**  
*Executive Director*  
Tel: 808.543.0011  
Fax: 808.528.0922

**NORA A. NOMURA**  
*Deputy Executive Director*  
Tel: 808.543.0003  
Fax: 808.528.0922

**DEREK M. MIZUNO**  
*Deputy Executive Director*  
Tel: 808.543.0055  
Fax: 808.523.6879

**The Twenty-Sixth Legislature, State of Hawaii  
House of Representatives  
Committee on Public Safety & Military Affairs**

**Testimony by  
Hawaii Government Employees Association  
March 17, 2011**

**S.B. 11, S.D. 2 – 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 made by the Committee on Public Safety, Government Operations and Military Affairs and the Committee on Ways and Means, 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 seems to be subordinate to its responsibilities for administering and operating the correctional system, perhaps it is time to reexamine whether Law Enforcement is appropriately situated.

The sizeable budget deficit the State is facing makes the establishment of a new department impractical at this time. Therefore, we support appointing a task force to address the proper placement of the law enforcement function. The task force can review the situation and make recommendations to the Legislature.

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

Sincerely,

**Nora A. Nomura**  
Deputy Executive Director

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 9:17 AM  
**To:** PBMtestimony  
**Cc:** jpiimauna@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Jeffrey Piimauna  
Organization: Sheriff Division / Public Safety  
Address:  
Phone:  
E-mail: [jpiimauna@yahoo.com](mailto:jpiimauna@yahoo.com)  
Submitted on: 3/16/2011

### Comments:

#### Members of the Committee:

I strongly support Senate Bill 11 which would create a Task Force separating the Sheriff Division from the Public Safety Department. This would be a step in the right direction for the Sheriffs. I have been a proud Deputy Sheriff for more than 25 years and have witness the operational/administrative problems with our division. The biggest problem is the 2 separate missions (Corrections and Law Enforcement). The Law Enforcement side is tired of consently being shortchanged when it comes to resources because of Corrections greater needs. Public Safety has been mismanaged for years and will always have to shift resources to help Corrections. I humbly ask this committe to help the Sheriff's control their own future.

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 4:42 PM  
**To:** PBMtestimony  
**Cc:** thomas.cayetano@leo.gov  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Thomas K Cayetano  
Organization: Circuit Court Cell-Block  
Address:  
Phone:  
E-mail: [thomas.cayetano@leo.gov](mailto:thomas.cayetano@leo.gov)  
Submitted on: 3/16/2011

**Comments:**

We, the below listed deputies assigned to the Circuit Court Cellblock, do hereby support this bill and its intent; Thomas K Cayetano, Benjamin Kaneaiakala, Lester Kekua, Lester Inouye, Anthony Demello, Marc Leonetti, Derwin Gilman, Marilyn Haas, Tony Kaahanui, Elson Honda, Dean Yamashita, Gavin Kaina

## **PBMtestimony**

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:45 PM  
**To:** PBMtestimony  
**Cc:** leuna874@hotmail.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: alan leung  
Organization: Individual  
Address:  
Phone:  
E-mail: [leuna874@hotmail.com](mailto:leuna874@hotmail.com)  
Submitted on: 3/15/2011

Comments:



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 2:58 PM  
**To:** PBMtestimony  
**Cc:** dan14975@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Daniel Pang  
Organization: Individual  
Address:  
Phone:  
E-mail: [dan14975@yahoo.com](mailto:dan14975@yahoo.com)  
Submitted on: 3/15/2011

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 4:02 PM  
**To:** PBMtestimony  
**Cc:** oakraiderm@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Michael Oakland  
Organization: Individual  
Address:  
Phone:  
E-mail: [oakraiderm@yahoo.com](mailto:oakraiderm@yahoo.com)  
Submitted on: 3/15/2011

**Comments:**

Aloha Chair Aquino, Vice Chair Cullen and members of the committee. I am Michael Oakland and I am writing in STRONG SUPPORT of this bill. This bill is a culmination of almost eleven (11) years of work which includes several resolutions, studies and an audit that proves that corrections and law enforcement should be separate due to their completely unrelated functions. This Transitional Task Force would be responsible to come back to the legislature with the actual model of what the Sheriffs' would look like and any related increase in the cost.

Mahalo Nui Loa for hearing this bill and if there are any questions I am available to assist in any way needed.

Aloha,

Michael Oakland

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, March 15, 2011 10:12 PM  
**To:** PBMtestimony  
**Cc:** twilliams6969@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Tony Williams  
Organization: Individual  
Address:  
Phone:  
E-mail: [twilliams6969@yahoo.com](mailto:twilliams6969@yahoo.com)  
Submitted on: 3/15/2011

Comments:

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 4:55 AM  
**To:** PBMtestimony  
**Cc:** j.e.barnesiii@gmail.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: James E. Barnes III  
Organization: Individual  
Address:  
Phone:  
E-mail: [j.e.barnesiii@gmail.com](mailto:j.e.barnesiii@gmail.com)  
Submitted on: 3/16/2011

**Comments:**

I am a Deputy Sheriff. I have have been with the Department for 10 years. I am in support of this bill.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 7:22 AM  
**To:** PBMtestimony  
**Cc:** roxanne.d.ayala@hawaii.gov  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Rocky Ayala  
Organization: Individual  
Address:  
Phone:  
E-mail: [roxanne.d.ayala@hawaii.gov](mailto:roxanne.d.ayala@hawaii.gov)  
Submitted on: 3/16/2011

**Comments:**

I have been a Deputy Sheriff for the past 19 years and am in support of this bill.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 8:37 AM  
**To:** PBMtestimony  
**Cc:** joeboy33@hotmail.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Joseph Lovell  
Organization: Individual  
Address:  
Phone:  
E-mail: [joeboy33@hotmail.com](mailto:joeboy33@hotmail.com)  
Submitted on: 3/16/2011

**Comments:**

We support the Separation Bill. This bill will be beneficial for Deputy Sheriff's statewide.  
Thank you.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 8:40 AM  
**To:** PBMtestimony  
**Cc:** chl86@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Christopher Lee  
Organization: Individual  
Address:  
Phone:  
E-mail: [chl86@yahoo.com](mailto:chl86@yahoo.com)  
Submitted on: 3/16/2011

**Comments:**

I fully support SB11 to separate the Sheriff Dept from Corrections. It would be greatly beneficial due to the fact that all funding goes to Corrections and not to Law Enforcement.

## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 8:41 AM  
**To:** PBMtestimony  
**Cc:** cummingsohana@yahoo.com  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Albert CUMMINGS IV  
Organization: Individual  
Address:  
Phone:  
E-mail: [cummingsohana@yahoo.com](mailto:cummingsohana@yahoo.com)  
Submitted on: 3/16/2011

**Comments:**

I fully support SB11 to separate the Sheriff Dept from Corrections. It would be greatly beneficial due to the fact that all funding goes to Corrections and not to Law Enforcement.



## PBMtestimony

---

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 16, 2011 10:17 AM  
**To:** PBMtestimony  
**Cc:** michael.v.decenzo@hawaii.gov  
**Subject:** Testimony for SB11 on 3/17/2011 8:30:00 AM

Testimony for PBM 3/17/2011 8:30:00 AM SB11

Conference room: 309  
Testifier position: support  
Testifier will be present: No  
Submitted by: Michael DeCenzo  
Organization: Individual  
Address:  
Phone:  
E-mail: [michael.v.decenzo@hawaii.gov](mailto:michael.v.decenzo@hawaii.gov)  
Submitted on: 3/16/2011

Comments: