

# SB 3054

## **RELATING TO CORRECTIONS**

*Description:*

Requires a financial and management audit of department of public safety commissary operations and out-of-state commissaries where Hawaii inmates are confined.



**HOUSE OF REPRESENTATIVES**

STATE OF HAWAII  
STATE CAPITOL  
415 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813

**TO: COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS & MILITARY AFFAIRS**

Senator Will Espero, Chair  
Thursday, February 9, 2012  
2:45 p.m.  
Room 224

**STRONG SUPPORT for SB3054 – AUDIT OF FACILITY COMMISSARIES**

From: Representative Faye P. Hanohano

Aloha Chair Espero, Vice Chair Kidani and Members of the Committee!

As a retired Adult Correction Officer, I am writing in STRONG SUPPORT for SB3054 – Audit of Facility Commissaries. This audit is LONG OVERDUE. This is an on-going issue that needs be evaluated and corrected.

Mahalo for this opportunity to share my mana'o.

NEIL ABERCROMBIE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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**TESTIMONY ON SENATE BILL 3054  
RELATING TO CORRECTIONS**

by

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

Senate Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair

Thursday, February 9, 2012; 2:45 pm  
State Capitol, Room 224

Chair Espero, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill 3054. This measure requires the auditor to conduct a financial and management audit of the operations of the PSD's commissaries, as well as the commissary operations of out-of-state contracted correctional facilities where Hawaii inmates are confined.

PSD will assist by providing the following information: 1) the total annual revenues generated from the sales of commissary items to correctional facilities in Hawaii during the prior fiscal year 2) the total annual expenditures incurred for the operation and maintenance of each commissary during the prior fiscal year 3) the criteria used to select the type of items that are stocked and made available at commissaries; 4) the method used to determine the price of items sold to inmates at correctional facility commissaries in Hawaii. Contract agreements with the private prison provider responsible for commissary operations on the mainland will also be made available.

Through the years, commissary operations have struggled to minimize accompanying markups in price costs to the inmates. Every effort is made to obtain

competitive prices locally for items to be sold near prevailing market prices. However, we often face unexpected shipping and handling costs which again affects the cost of commissary products. Because we are a revenue-generating entity (not supported by taxpayers), we endeavor to remain financially solvent at the end of each fiscal year with expenses that are not in excess of the amount necessary to carry out the purposes of Hawaii Revised Statutes Section 354D-10 (Correctional Industries Revolving Fund).

We welcome an evaluation of the management and operation of our commissary programs to ensure that Hawaii Correctional Industries programs continue to be self-sufficient.

Thank you for the opportunity to present this testimony.



**SB3054  
RELATING TO CORRECTIONS**

Senate Committee on Public Safety, Government Operations, and Military Affairs

February 9, 2012

2:45 p.m.

Room 224

The Office of Hawaiian Affairs (OHA) offers testimony in **SUPPORT WITH AMENDMENTS** for SB3054, which requires an audit of in and out-of-state commissary operations where Hawai'i inmates are confined.

OHA's 2010 report, "The Disparate Treatment of Native Hawaiians in the Criminal Justice System," and feedback from the community indicates that being able to provide for family members through the commissary system is a vital way to stay connected. Too often, bureaucratic barriers are put up to frustrate the simple purpose of supporting a family member. High costs hurt the family and fail to have any rehabilitative effect.

OHA suggests that this bill goes one step further and examine the high costs of inmate phone calls. This is a similar matter that also creates barriers for families.

Mahalo for the opportunity to testify on this important measure.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 07, 2012 11:45 PM  
**To:** PGM Testimony  
**Cc:** shaglund@hotmail.com  
**Subject:** Testimony for SB3054 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB3054

Conference room: 224  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Sue Haglund  
Organization: Individual  
E-mail: [shaglund@hotmail.com](mailto:shaglund@hotmail.com)  
Submitted on: 2/7/2012

**Comments:**

I strongly support SB3054 which requires a financial and management accountability and transparency audit to the practices and operations of public safety commissary and out-of-state commissaries. Please pass this measure thank you.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 08, 2012 12:18 PM  
**To:** PGM Testimony  
**Cc:** anthonySimoneau@gmail.com  
**Subject:** Testimony for SB3054 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB3054

Conference room: 224  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Tony Simoneau  
Organization: Individual  
E-mail: [anthonySimoneau@gmail.com](mailto:anthonySimoneau@gmail.com)  
Submitted on: 2/8/2012

Comments:

I support this bill. Having knowledge, I testify that the commissary At OCCC is charging significantly higher prices than could be had in the private sector, thus taking advantage of persons who can least afford it! The purchasers are buying in bulk so should receive better pricing, but upon me checking they are charging inmates more than even retail prices. To verify just ask to see a store order inmate sheet! They need to be audited, thus I support this bill.

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 08, 2012 2:31 PM  
**To:** PGM Testimony  
**Cc:** maukalani78@hotmail.com  
**Subject:** Testimony for SB3054 on 2/9/2012 2:45:00 PM

Testimony for PGM 2/9/2012 2:45:00 PM SB3054

Conference room: 224  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: elaine funakoshi  
Organization: Individual  
E-mail: [maukalani78@hotmail.com](mailto:maukalani78@hotmail.com)  
Submitted on: 2/8/2012

**Comments:**

**AUDIT OF FACILITY COMMISSARIES**

SB3054 RELATING TO CORRECTIONS. PGM, WAM Dear Chair Espero, Vice Chair Kudani and committee members:

STRONGLY SUPPORT the audit of facility commissaries. Thank you for hearing this bill. The items on the commissary list are overpriced, items unhealthy and of poor quality. The problem seems to be that there is no oversight and the facility raises prices at its will. Even clothing issue which is specified in the contract is not adhered to and of very poor quality.

A good example is the \$50 small Christmas package they purchase. Why can't families send Christmas packages from retail store to facility - the same way publications are handled. Then, they can have a Christmas package of things they like.

There is no alternative and many are putting on weight because of the unhealthy items on the commissary list. A small TV, which even the Thrift Shops won't accept, are sold for \$200 (drop in price). They also pay a 10.7% tax, and if SB2581 is passed, a 4% surcharge will be added on to that.

Punishments are easily imposed. When they move from one facility to another, they confiscate their musical instruments, TVs, etc. because the rules differ from the facility they left. There are other instances when facility confiscates items: (1) when they are released, they are not allowed to give anything to another inmate but they can pay to mail it home; (2) when they lose their receipt for any personal property; (3) when they help another inmate, etc.

There are no warnings. Restrictions from work programs, hobbies, commissary purchases, etc. for minor infractions. No points for good behavior. There is no incentive. They make 25 cents an HOUR, but pay 25 cents a MINUTE for phone calls. Compare this to our educational system. The children will fail. If one child misbehaves, we don't punish the whole classroom. That child is counseled.

The inmates consist of people from different walks of life. There are some career criminals, but we can't judge all of them to be evil. There's even some police officers serving time. People do make bad decisions and are serving time for it, but do we want to make them victims of our state government?

I thank you for being able to convey to you what some of them have shared with me.