

yamashita1-Marianne

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 03, 2015 5:52 PM
To: pbstestimony
Cc: anne.e.lopez@hawaii.gov
Subject: Submitted testimony for HB961 on Feb 5, 2015 09:00AM
Attachments: HB0961_ATG_02-05-15_PBS.pdf

HB961

Submitted on: 2/3/2015

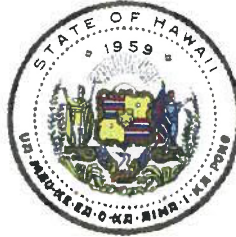
Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Lopez	Department of Attorney General	Support	Yes

Comments: Deputy Attorney General, Richard Stacey, will be present at the hearing on HB961 to testify.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Blvd. 4th Floor
Honolulu, Hawaii 96813

NOLAN ESPINDA
DIRECTOR

Cathy Ross
Deputy Director of
Administration

Deputy Director
Corrections

Shawn H. Tsuha
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL (HB) 961
A BILL RELATING TO COURT ORDERS TO PROVIDE MEDICAL
TREATMENT FOR INMATES AND DETAINEES IN
CORRECTIONAL FACILITIES

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative. Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 05, 2015, 9:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita and Members of the Committee:

The Department of Public Safety (PSD) **strongly supports** House Bill (HB) 961, to amend an existing statute, Act 72, Session Laws of Hawaii 2011 (HB 1088), authorizing the Department of Public Safety to render necessary medical and mental health treatment to inmates and detainees in correctional facilities.

As can be surmised with many newly created statutes, implementing the specific language of the statute often encounters operational considerations previously not envisioned in the original design. There are two (2) specific operational deficiencies in the original statute that restrict the Department's ability to fully implement the original intent of the statute, and that require modification, as well as seven "housekeeping items" contained in this bill.

The two most significant specific areas that require modification are:

- 1) the definitions of danger of harm to self or others; and
- 2) the hearing notification process.

We are proposing that the definitions for harm to self or others be expanded to include individuals who, although they do not pose an immediate danger due to present

physical constraints, do represent an imminent danger if these physical constraints are not present. We are seeking this expanded definition since we have encountered inmates with mental health disorders who have been relegated to long periods of isolation in segregated settings who may not present the immediate behaviors of danger to self or others. However, if released from segregated settings, it is reasonably predictable based on past behaviors, that they would pose a serious danger to self or others. Presently, these individuals are relegated to indefinite seclusion, depriving them of the opportunity and rights of other prisoners or detainees. The Department considers it to be inhumane to retain these inmates in such settings without attempting interventions that could conceivably permit them the rights and privileges of other prisoners.

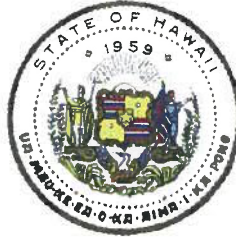
The second significant area of change is the hearing notification process. The Department has found it unnecessarily cumbersome to attempt to contact the litany of individuals outlined in the present statute, and is seeking to expedite the notification process by restricting notification to those parties whom the inmate has designated as their emergency contact or their legal guardian while in the custody of the department, while still permitting the court to decide if other significant parties are relevant to the hearing.

There are seven additional proposed technical amendments to the statute, which make it more operationally efficient, that are reflected as follows:

- 1) permitting a declaration as an option to an affidavit from licensed physicians or psychologists who have personally examined the inmate;
- 2) changing the period of the examination requirement from two (2) to five (5) days;
- 3) deleting the erroneous reference to “commitment” and replacing it with a reference to “treatment”;
- 4) substituting the references to “judge” with references to “court “ throughout the bill;
- 5) removing the inmates’ inability to participate in the hearing as a condition for the court considering appointing guardianships;

- 6) permitting the court order to continue to the maximum period of the order should an individual be released and returned to custody, unless it has been determined the person is no longer in need of treatment; and
- 7) allowing the Department to petition the court for extension of the orders for a period of one year for inmates who continue to meet the criteria for the order.

Thank you for the opportunity to testify on this bill.



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Thank you for the opportunity to testify on this bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 04, 2015 9:57 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB840 on Feb 5, 2015 09:00AM

Follow Up Flag: Follow up
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HB840

Submitted on: 2/4/2015

Testimony for PBS on Feb 5, 2015 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Oppose	No

Comments: We strongly oppose this bill specifically on the grounds that this bill is premature. The Governors proposed appointment for the Public Safety Department, Nolan Espinda had not provided any clear & concrete plans for the building of a new facility, or whether or not he is for the building of a new prison. If he is supportive of building a new prison, what kind of facility will it be, e.g. High Security, Medium Security, Minimum/Community Facility, or mental health facility? Who will build the prison: Private or Public? How many beds will it have? Where will it be built? Will this new facility allow the State to end its private prison contracts? How will the facility be staffed, given the numerous unfilled positions for Corrections Officers that has plagued the Department for years? Without any specifics, it would be unwise to waste valuable tax payer dollars on, as it stands right now, a "Pipe Dream" reminiscent of politicians who offer empty & vague promises that they could not fulfill. This bill should be killed in the interest of the Hawaii Taxpayers!

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