

DAVID Y. IGE
GOVERNOR

LATE



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 1993
RELATING TO PUBLIC SAFETY**

by
Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Cedric Asuega Gates, Vice Chair

Wednesday, February 1, 2018; 10:00 a.m.
State Capitol, Conference Room 312

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

The Department of Public Safety (PSD) respectfully offers the following comments on House Bill (HB) 1993.

The Department has no objection to creating a new annual report with information related to inmate deaths and serious or violent incidents, however, specific incident details may be restricted based on confidentiality and other statutory provisions.

PSD interprets the new language added to Section 353-16.2(b), Hawaii's Revised Statutes (HRS) as an intent to formalize into law the current jurisdictional authority exercised by PSD with out-of-state correctional institutions. This jurisdictional language is technically covered through the contract agreement and terms with the out-of-state correctional institution, therefore, the measure seeks to replicate practice.

PSD respectfully requests the Committee's consideration of our comments to HB 1993.

Thank you for the opportunity to present this testimony.



LATE

HB1993
RELATING TO PUBLIC SAFETY
House Committee on Public Safety

February 1, 2018

10:00 a.m.

Room 312

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend that the Board of Trustees **SUPPORT** HB1993, which would require the Department of Public Safety (PSD) to publicly report on Department procedures and statistics regarding violent incidents and inmate deaths.

Recent media attention to a rash of violent deaths and apparent suicides among young, mostly Native Hawaiian inmates held in local and out-of-state facilities have prompted public outrage, especially in the Hawaiian community. The public is increasingly distrustful of our criminal justice system and concerned about the safety of our family and community members held in the “custody and care” of PSD. Moreover, the Department’s lack of transparency about its violent incident procedures, the circumstances surrounding specific violent events and inmate deaths, and the parameters and findings of PSD investigations on these matters deepens public distrust. Ideally, an external system of oversight should be established to independently investigate violent incidents and PSD procedures. Although such a system is not provided for here, OHA nonetheless supports this measure’s reporting requirement as a critical first step towards helping the public and the Legislature better understand potential systemic shortcomings, that may continue to make our criminal justice system unsafe for our pa’ahao. Such increased transparency will also help to remediate public trust and strengthen public safety.

OHA notes that this measure would also provide that Hawai’i inmates would remain under Hawai’i jurisdiction, even when they are held in out of state facilities. On complex matters of jurisdiction and the feasibility and implication of such a designation, we defer to the Attorney General.

Mahalo for the opportunity to testify on this measure.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, February 1, 2018

10:00 am

Room 312



HB 1993 - COMMENTS

Aloha Chair Takayama, Vice Chair Gates and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the approximately 5,500 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 1993 requires that any inmate transferred to any out-of-state correctional institution be subject to the continuing jurisdiction of Hawaii and authorizes the removal of the inmate from the correctional institution; requires the Director of Public Safety to submit an annual public report with information related to Hawaii inmates, including statistics and Department procedures on inmate deaths and serious or violent incidents involving inmates.

Community Alliance on Prisons finds this bill confusing and we believe that this bill may violate Article 3, Section 14 of the Hawai`i Constitution that states: *Each law shall embrace but one subject.*

We appreciate the request for information on deaths in custody. When people die in the care and custody of the state that is a very serious thing. We would be happy to work with the author of the bill to strengthen the request for information on deaths in custody and would recommend that it be its own bill.

At this time, Community Alliance on Prisons cannot support the bill as it is currently written.

Mahalo for this opportunity to testify.

"Information is the currency of democracy."

Thomas Jefferson

LATE

HB-1993

Submitted on: 2/1/2018 5:32:57 AM

Testimony for PBS on 2/1/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omanapono Political Action Committee (HPAC)	Support	Yes

Comments:

We SUPPORT this bill with an amendment that mandates that Hawaii has full jurisdiction over out-of-state prisoners during all times from transfer out-of-state, while they are out-of-state and upon their return to the state.