



HOUSE COMMITTEE ON FINANCE
The Honorable Sylvia Luke, Chair
The Honorable Ty J.K. Cullen, Vice Chair

S.B. NO. 2047, S.D. 3, H.D. 1, RELATING TO PUBLIC SAFETY

Hearing: Tuesday, April 3, 2018, 1:30 p.m.

The Office of the Auditor has **no position** regarding S.B. No. 2047, S.D. 3, H.D. 1, which requires us to conduct a performance audit of the Oahu Community Correctional Center, the Halawa Community Correctional Center, and the Women's Community Correctional Center. **However, we offer the following comments.**

Our office acknowledges and appreciates the amendments to this bill that have addressed some of the comments raised in our past testimony. However, our office is concerned that simultaneous audits of the Oahu Community Correctional Center, the Halawa Community Correctional Center, and the Women's Community Correctional Center may not be feasible given our on-going audits and the work likely to be requested through bills or resolutions from the current legislative session. We suggest that the Legislature consider extending the report deadline by one year, to be provided no later than 20 days prior to the convening of the Regular Session of 2020.

Thank you for considering our testimony on S.B. No. 2047, S.D. 3, H.D. 1.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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NOLAN P. ESPINDA
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Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 2047, SENATE DRAFT 3, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY

by

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Finance
Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Tuesday, April 3, 2018; 1:30 p.m.
State Capitol, Conference Room 308

Chair Luke, Vice Chair Cullen, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 2047,
Senate Draft (SD) 3, House Draft (HD) 1.

Thank you for the opportunity to present this testimony.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Ty Cullen, Vice Chair

Tuesday, April 3, 2018

1:30 pm

Room 308

STRONG SUPPORT for SB 2047 SD1 VERSIOIN - AUDIT OF DEPT. OF PUBLIC SAFETY

Aloha Chair Luke, Vice Chair Cullen, 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 all the people who have died in our facilities including, JESSICA FORTSON, JOEY O'MALLEY, DAISY KASITATI, ASHLEY GREY. and 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.

Community Alliance on Prisons supports the SD1 version of this important bill. We have been working on justice issues for two decades and the department is currently at a low point. There have been more deaths, suicides, and cover-ups in the last several years than we can remember. **Something is very wrong** and the community does not understand why the legislature allows this to continue.

One of the things that the community has always asked for is that the same level of accountability be applied to the department that the state demands from people in their "care and custody". We fail to understand why a department that incurs incredible liability to taxpayers is allowed to continue to be unaccountable. The department stands on its testimony in public hearings (and doesn't even say if it supports or opposes the measure) and is rarely questioned at hearings. Why is this?

Transparency, access, and accountability are vital to a vibrant democracy. It is insulting to taxpayers when we testify on bills without knowing the position of the department beforehand and then at the hearing the department does not, and generally is not, asked to speak.

This audit will hopefully shed some independent light on this department that is responsible for the lives, safety, and health of the people in their "care and custody" as well as for those who work in their facilities.

Community Alliance on Prisons urges the committee to support this important audit that we hope will provide the information that legislators need in order to develop thoughtful and sound public policies that serve the public interest. Mahalo for hearing this bill and for the opportunity to testify.

A nation that is afraid to let its people judge the truth and falsehood in an open market is a nation that is afraid of its people. John F. Kennedy



Hawai'i

Committee: House Committee on Finance
Hearing Date/Time: Wednesday April 3, 2018, 1:30 p.m.
Place: Conference Room 308
Re: Testimony of the ACLU of Hawai'i in **Support** of S.B. 2047, S.D. 3 H.D. 1, Relating to Public Safety

Dear Chair Luke, Vice Chair Cullen, and Committee Members:

The American Civil Liberties Union of Hawai'i ("**ACLU of Hawai'i**") writes in **support** of S.B. 2047, S.D. 3 H.D. 1, which requires the state auditor to conduct a performance audit of the mental health services to inmates and pre-trial detainees at the Oahu Community Correctional Center, the Halawa Correctional Facility, and the Women Community Correctional Center.

In 2017, the ACLU of Hawai'i filed a complaint with the Department of Justice relating to the inhumane treatment of both prisoners and pre-trial detainees in Hawai'i's jails and prisons. All of the issues raised in the complaint stem from the crisis of overcrowding we have in our correctional facilities, which we believe in some cases rises to the level of cruel and unusual punishment of inmates and the denial of substantive due process rights to pre-trial detainees.

The complaint filed with the DOJ also details how mental health services are woefully lacking and mentally ill inmates often find it impossible to get the care that they need. In addition to raising concerns about OCCC and Halawa Correctional Facility, the complaint also describes deficiencies at the Hawai'i and Maui Community Correctional Centers:

HCCC in particular has been described by corrections officers as "bursting at the seams with mentally ill inmates."¹ The module at HCCC to which mentally ill inmates are assigned was designed to safely house 44 inmates; as of November 2015, the facility was housing over double that number (100 inmates) – of which 60 were deemed to have "serious mental illnesses."² HCCC Warden Peter Cabrerros described that the mentally ill "live in conditions that have been described as 'unimaginable' [and] 'very crowded'" and that "[t]hese inmates struggle to maintain their personal hygiene on a daily basis."³ Warden Cabrerros lamented that the facility was not "properly equipped" to deal with the large numbers of mentally ill individuals and remarked that it is a "struggle for security staff and health care staff to manage [them]."⁴ . . .

G.F. is an inmate at MCCC who reports that "[t]here is no real psychiatric staff [at MCCC] and necessary medications are almost impossible to acquire in any reasonable amount of time"; as a result, mentally ill individuals at MCCC are "[left to] fend for

¹ Nancy Cook Lauer, *County Seeks Alternatives to Jailing Mentally Ill*, Hawaii Tribune-Herald (Nov. 5, 2015), available at <http://hawaiitribune-herald.com/news/local-news/county-seeks-alternatives-jailing-mentally-ill>.

² *Id.*

³ *Id.*

⁴ *Id.*

themselves in an already volatile situation with three other cell-mates that really don't care about his or her predicament.”⁵

Consequently, we respectfully request that the performance audit of mental health services be extended to HCCC and MCCC by making the following proposed amendment to Section 1 of the bill:

The performance audit shall examine the following: . . .

(2) At Halawa correctional facility, **Hawai'i community correctional center, the Maui community correctional center,** and the women's community correctional center, whether mental health programs are meeting ~~national~~ **the** correctional mental health standards established by **both the department of public safety and** the National Commission on Correctional Health Care (NCCHC), particularly in areas of suicide prevention and seclusion.

The information the auditor will provide under this bill will help shine a light on important deficiencies in mental health treatment and better enable Hawai'i to address the constitutional and practical problems they present without the need for costly litigation or federal oversight. Additionally, a third-party review of DPS's mental health services will allow policymakers and the public to make more informed decisions about incarceration and rehabilitation in Hawai'i.

The ACLU of Hawai'i supports S.B. 2047, S.D. 3 H.D. 1, and asks that your committee pass this bill with the suggested amendments:

Thank you for the opportunity to testify.

Sincerely,



Mateo Caballero
Legal Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for 50 years.

⁵ Complaint of G.F. (received by ACLU of Hawai'i July 25, 2016).

SB-2047-HD-1

Submitted on: 3/31/2018 7:09:33 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	pearl city neighborhood #21	Support	No

Comments:

There are many questions in the operation of the Department of Public Safety by staff, inmates, relatives/friends of inmates. Questions as to oversight of overall care of the inmates, expenditure of state funds by the contractor, programs' assignments and effectiveness. Why are the mentally ill mixed with the general population?

These concerns may not be included as part of the audit but they still exist.

Information gathered by interviewing parents/friends and former inmates.

Mahalo for the opportunity to submit my comments.

e. ileina funakoshi



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

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

Testimony by
Hawaii Government Employees Association

April 3, 2018

S.B. 2047, S.D. 3, H.D. 1 – RELATING TO PUBLIC SAFETY

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO **prefers and respectfully requests that the Committee revert S.B. 2047, S.D. 3, H.D. 1 back to the original intent of the measure** as contained in the original S.B. 2047 or the S.D. 1 version of S.B. 2047 by refocusing the measure to audit specific offices within PSD and examine the hiring, staffing, supervisory policies and practices, and the handling of internal complaints.

The current H.D. 1 of S.B. 2047 strays far from the original S.B. 2047 which requested an audit of contracting and procurement policies regarding the qualifications of contractors and vendors and the department's compliance to state and federal law, an audit of the Office of the Director, the Civil Rights Compliance Office, the Personnel Management Office, the Fiscal Office, and the Health Care Services Division, and an examination of the actual and perceived conflicts of interest, favoritism, and employee morale.

The public, including the public servants who work for the Department of Public Safety, rely upon the Legislature to utilize the State's resources to advance the public good. An independent performance audit is oftentimes the only mechanism to assess effectiveness, ensure that best practices are uniformly followed, and shed light on internal deficiencies and the misappropriation of funds and resources. Given that the Department's mission statement is to provide services with professionalism, integrity and fairness, we find it necessary for the public and its employees to have the utmost confidence and trust in the Department.

Thank you for the opportunity to testify in support of S.B. 2047, with the request to revert back to the original or S.D. 1 version of the measure.

Respectfully submitted,

Randy Perreira
Executive Director



House Committee on Finance
Chair Sylvia Luke, Vice Chair Ty Cullen

04/03/2018 1:30 PM Room 308
SB2047 SD3 HD1 – Relating to Public Safety

TESTIMONY / SUPPORT with Comments
Corie Tanida, Executive Director, Common Cause Hawaii

Dear Chair Luke, Vice Chair Cullen, and members of the committee:

Common Cause Hawaii supports with comments SB2047 SD3 HD1 which would require an audit of the Department of Public Safety's mental health services for inmates and pre-trial detainees.

Such an audit is badly needed, since reports in the past year have raised questions in the public about the adequacy of these programs. Increased transparency regarding mental health services in jails and prisons will increase public understanding of these activities.

However, we are disappointed that a bill that originally required an extensive audit of DPS has been pared down at each step so that it now requires a performance audit of only one program. The public deserves more transparency in the operation of a major function of state government.

Thank you for the opportunity to testify in support of **SB2047 SD3 HD1 with comments**.

SB-2047-HD-1

Submitted on: 4/2/2018 1:01:33 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:

To the Honorable Sylvia Luke, Chair; the Honorable Ty J.K. Cullen, Vice-Chair, and Members of the Committee on Finance:

Good afternoon, my name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2047 SD3 HD1**, relating to Auditor; Performance Audit; DPS; and an Appropriation.

The OCC Legislative Priorities Committee is in favor of **SB2047 SD3 HD1** and support its passage.

SB2047 SD3 HD1 is in alignment with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires the Auditor to conduct a performance audit of the Department of Public Safety's mental health services to inmates and pre-trial detainees, and appropriates funds.

The DPH Platform states that "[w]e support restorative justice that repairs the harm caused by criminal behaviors and reintegrates the offenders as contributing members of society. Likewise we support opportunities for those who have been incarcerated to effect a smooth transition back into the community and make available health, educational, and other assistance programs needed to allow them to become productive and respected members of the community. We want the practice of private for-profit detention centers and prisons prohibited." (Platform of the DPH, P. 5, Lines 273-278 (2016)).

We also support the establishment of adequate mental health and statewide drug rehabilitation programs set up in conjunction with policing policies aimed at enabling all that seek assistance to obtain whatever support assistance is needed to allow them to remain free of drug dependence. (Platform of the DPH, P. 7, Lines 382-384 (2016)).

Given that **SB2047 SD3 HD1** requires the Auditor to conduct a performance audit of the Department of Public Safety's mental health services to inmates and pre-trial detainees, and appropriates funds, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Tel.: (808) 258-8889

Helping Hawai'i Live Well

To: Representative Sylvia Luke, Chair, Representative Ty Cullen, Vice Chair, Members, House Committee on Finance

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 2047 SD3 HD1 RELATING TO PUBLIC SAFETY

Hearing: April 3, 2018, 1:30 pm, CR 308

Thank you for hearing our testimony in support of **Senate Bill 2047 SD3 HD1**, which requires the legislative auditor to conduct a performance audit of certain policies, practices, and programs of the Department of Public Safety.

Mental Health America of Hawaii is a 501(c)3 organization founded in Hawai'i 76 years ago, that serves the community by promoting mental health through advocacy, education and service. Unfortunately, many of those incarcerated in Hawaii or under the jurisdiction of Hawaii suffer from mental illness and we are concerned about their treatment in our jails and prisons. We are particularly concerned that inmates receive appropriate mental health treatment and that risk of suicide is handled appropriately.

I attended the Senate Committee on Public Safety's recent informational briefing on suicide in Hawaii's prison system and was alarmed to hear that in describing their suicide prevention training, the Department did not mention any of the elements contained in the evidence-based suicide prevention trainings that are widely used in the mental health community. They did not mention mental health or mental illness at all. We know there is a high occurrence of suicides and suicide attempts in our corrections facilities and believe this warrants further investigation.

Visitation is also important for the mental health of those incarcerated and we are concerned about the frequent cancellations of visitation hours and lack of opportunity for families to maintain the bonds of relationship that will help people transition back to the community successfully. Incarceration of parents is an adverse childhood experience (ACE), affecting the long-term health of children. The impact of visitation is not only on those incarcerated but also their families. An audit will help to bring light to current challenges within the Department of Public Safety in operating for the best interest of the community and in fulfilling their responsibilities to taxpayers.

Thank you for considering my **testimony in support of SB 2047 SD3 HD1**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



COMMITTEE ON FINANCE

Representative Sylvia Luke, Chari
Representative Ty J.K. Cullen, Vice Chair

DATE: Thursday, April 2, 2018
TIME: 1:30 AM
PLACE: Conference Room 308

Dear Honorable Committee Members,

SB 2047 SD3 HD1: Strong support with amendments – Relating to Public Safety

The department of public safety (PSD) needs a global audit. PSD's budget increased from \$250 million in the recent past to now over \$300 million. Despite PSD's increased funding, it continues to release people from prison without the basic skills and support needed to live law-abiding lives.

PSD ignores its responsibility to work on "correctional" outcomes for people in its custody. Instead of using its budget to support reentry, e.g., ensuring people leave jail/prison with legal identification, have a place to sleep, employment, reconciled family relationships, ability to pay any outstanding restitution, etc., PSD works to increase jail/prison beds. PSD needs to work on reducing its incarcerated population. Rather than blaming the courts for the numbers in its custody, PSD should be working on releasing people from jail/prison with identification, a place to go, job training, substance abuse treatment, etc., and not subjecting them to damaging practices (isolation & segregation), which are likely to increase recidivism.

Most people in PSD's custody today were in its custody multiple times in the past. With better management, PSD resources currently used to expand its prison and jail populations, and discipline that harms people, could be used for effective reentry to reduce recidivism. PSD could institute *reentry*, *work training programs*, and provide *identification* with its current budget.

Is PSD truly unaware that people need reentry support and they are harmed by isolation, and will return to the community more damaged and unlikely to be law abiding? There is a serious disconnect in the obligations of PSD and the work it does. An audit is absolutely necessary.

This bill should be amended back to its original SD1 form that includes more global PSD audit.

Hawai'i Friends of Restorative Justice is a 30+ year old non-profit dedicated to improving our justice system. We have worked with imprisoned people since 2004. Numerous articles about our work including assisting imprisoned people reenter the community have been published and disseminated. We are frequently contacted by others nationally and internationally for assistance with evidence based reentry programs and policies.

Mahalo for your public service. Please contact me at (808) 218-3712 and lorenn@hawaiiifriends.org for any questions about our testimony and our work.

Aloha, Lorenn Walker, JD, MPH, Director

Board of Directors:

Rich Turbin, Esq., President • Roger Epstein, Esq., Vice President • Madonna Castro Perez, Secretary,
Lisa Jensen, Treasurer, • Daphne Ho'okano • Kellen Kashiwa, OD, • Ian Crabbe
P.O. Box 3654 • Honolulu • Hawai'i • 96811

www.hawaiiifriends.org

SB-2047-HD-1

Submitted on: 4/1/2018 12:25:55 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

This audit is long overdue. Sexual assaults, suicides and other horrific incidents are on the rise and the recent deaths of inmates highlight the need.

SB-2047-HD-1

Submitted on: 4/1/2018 10:51:30 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Support	No

Comments:

- The department is funded with taxpayer money, yet information about what is going on in the facilities we pay for and in which our loved ones live and work is not publicly available
- The recent deaths of Ashley Gray, Jessica Fortson, Joey O`Malley, and Daisy Kasitati highlight the many problems in this department
- ACLU of Hawai'i filed a complaint with the Department of Justice alleging civil rights violations due to persistent and severe overcrowding and underfunding in seven out of the nine jails and prisons run by the Hawaii.
- Jails and prisons in Hawaii have severe understaffing of medical and mental health services
- Sex assaults, suicides, and deaths have been increasing

SB-2047-HD-1

Submitted on: 4/2/2018 8:43:05 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Support	No

Comments:

I am in strong support of SB2047 that would require an audit of the Department of Public Safety mental health division. All State departments should be audited regularly, and DPS has not been audited for about 10 years. Ideally, the audit should be much more comprehensive than mental health, however, that is one of the most pressing areas of concern at present.

Many questions have arisen about the handling of inmates, due to suicides, other deaths, lack of appropriate mental health treatment (coloring books?!!!), and excessive solitary confinement, Since we taxpayers pay for DPS, it needs to be responsible to the public, yet most of what it does is hidden. An audit is an opportunity to identify problems and make recommendations on their solutions--to the public, the legislature, and DPS itself.

I urge you to pass SB2047

SB-2047-HD-1

Submitted on: 4/2/2018 11:37:59 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Peter Gellatly	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Cullen and members of the committee,

As a former member of the Corrections Population Management Commission and the Hawaii Penal Code Review Committee, I am writing to thank you for scheduling this hearing – and to offer my strong support to a prior version of this bill, SD1.

Oversight of Hawaii’s Public Safety Department is historically and sadly adversarial. Where imprisonment of our fellow citizens is concerned, we all should be working for the same outcome – safer, saner communities, in and out of prison alike, where respect and common sense prevail. Unfortunately, a “them v. us” environment has been in existence since I first became involved with this matter, and until we become one team, independent audits are necessary.

In a world where we still keep human beings in cages, we the cagers have a special responsibility to act with honor and compassion. If there are doubts about our practices and principles in doing so ... and there are ... we must act in good faith to right our wrongs.

Thank you very much.

aloha, Peter Gellatly

SB-2047-HD-1

Submitted on: 4/2/2018 11:54:31 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Keiron Pratt	Individual	Support	No

Comments:

My name is Keiron Pratt and I am sending this email to humbly ask that SB 2047 (SD3) be passed and reverted back to its original language in SB 2047 (SD1). The audit NEEDS to include the office of the director. Thank you for your time and allowing me to submit testimony.

SB-2047-HD-1

Submitted on: 4/2/2018 11:58:01 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shelley	Individual	Support	No

Comments:

Aloha Chair Representative Luke and Finance Committee,

Please accept my testimony in **support** of SB 2047, SD3 HD1, requesting an audit of the State of Hawaii Department of Public Safety.

This bill would hold the Department to its fiduciary responsibility to taxpayer's dollars by having a party outside the Department examine its operations. Regular audits are integral to ensuring that the Department are "implementing" its policies and procedures in accordance to the rules in place.

The Auditor is the only tool we have to identify and bring attention to items that fall to the wayside, because it is easy to become "the culture of complacency," or letting bad things slide because it is "okay as long as no one knows." Problems that have become systemic as we have seen the results of the Hawaii Tourism Authority (HTA) or OHA audit.

It must be brought to the committee's attention that this bill in its original form has been drastically gutted in regards to the scope of audit.

The original scope of the audit was unanimously passed and even augmented as SD1 when it left the Senate's Public Safety, Intergovernmental, and Military Affairs committee (PSM). However, the scope was changed when references to many of the Department's internal offices were removed at the Senate Ways and Means committee as SD2. Currently, as HD 1, the focus has drastically shifted from a performance audit of the department's internal operations to mental health care of the inmates.

All references to the Director's office, fiscal spending, procurement and contracting practices, staff's screening and qualifications, cost of incarceration per inmate, favoritism/nepotism practices, and the financial impact of costly lawsuits have been deleted.

I humbly ask at this time to have the following language from SD1 included in the bill, to bring the bill's performance audit focus back to the Department's management, and not just the inmate's mental health, because the practices need to be audited/examined from the top.

Language from SD1:

SECTION 1. (a) The auditor shall conduct a performance audit of the following offices and programs within the department of public safety:

- 1. (1) office of the director;*
- (2) The civil rights compliance office;*
- (3) The personnel management office;*
- (4) The fiscal office; and*
- (5) The health care services division's mental health services.*

(b) The audit shall include but not be limited to a review of the following:

- 1. (1) staffing, and supervisory policies and practices, including:*
 - (A) Whether applicants and employees are adequately screened and qualified;*
 - (B) Actual and perceived conflicts of interest and favoritism among and between employees and supervisors, including conflicts due to familial and personal relationships; and*
 - (C) Employee morale;*
 - 1. Handling and disposition of internal complaints made and lawsuits filed by current or former employees;*

Thank you for the opportunity to submit testimony.

SB-2047-HD-1

Submitted on: 4/2/2018 1:05:56 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
kelli keawe	Individual	Support	No

Comments:

I'm a strong supporter to SB2047 (HD1), and kindly ask you to revert the **bill** back to its original version (SD1), for many reasons, as I am a government employee and the union steward many members/and employees share their concerns, issues and complaints; consistently before being ignored; by and within the Department of Public Safety and the attached Hawaii Paroling Authority.

I myself had experience, the number of issues within the department. Which lead the Director of Public Safety, Hawaii Paroling Authority Administrators to intimidate staff, due to lack of evidence, and is to moot; it's not important, then and now influence, block or stop the audit from passing, the Director should support and not fear an audit! Now, you have to tell yourself why and why is Public Safety afraid, there are many employees who care about the department, and the purpose taxpayers should feel we are doing the peoples work.

We have the support from different organizations, government employees and the public to support the audit; which is long overdue. This is why we requesting the bill to revert back to its original version (SD1) I humbly ask you to please schedule a hearing to this bill to be heard.

Kelli Keawe

SB-2047-HD-1

Submitted on: 4/2/2018 9:37:26 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jw	Individual	Support	No

Comments:

Hello to Chair Luke, Vice Chair Cullen, and Members of the FIN Committee:

I support SB2047 SD3. However, the Department of Public Safety should be audited as was listed in SB2047 SD1 that was unanimously passed by the Senate PSM Committee.

I am an employee at the Department of Public Safety. And I am a taxpaying citizen.

The cost of the audit will be outweighed by the potential to save an inmate's life, the potential savings of taxpayers' dollars related to questionable MOUs or contracts, liabilities and tors related to unqualified personnel, abuses of power, public corruption, etc.

Please don't hesitate to contact me about any one of the concerns listed in SB2047 SD1. Thanks for your assistance. Joy W.

LATE

SB-2047-HD-1

Submitted on: 4/2/2018 3:39:25 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Bergquist	Drug Policy Forum of Hawaii	Support	No

Comments:

LATE



COMMITTEE ON FINACE
Rep. Sylvia Luke, Chair
Rep. Ty J.K. Cullen, Vice Chair
Tuesday, April 3, 2018 at 1:30 P.M.
Conference Room 308

RE: SUPPORT SB 2047, SD3, HD1 Relating to Public Safety

Dear Chair Luke, Vice Chair Cullen and Members of the Committee:

Hawai'i Justice Coalition is a coalition comprised of organizations and individuals united in our work to reduce the number of people incarcerated in Hawai'i's jails and prisons. We seek to shift the state's spending priorities away from mass criminalization and incarceration towards rehabilitation, education, restorative justice, health and human services. Comprehensive criminal justice reform makes fiscal sense, and builds safe and healthy communities.

The Legislature has the ability to serve as a check against the powers of the Executive Branch, and has the responsibility of ensuring that public funds are expended according to legislative intent. **We support a performance audit of the Department of Public Safety for the following reasons:**

- Sex assaults, suicides, and deaths have been increasing in Hawai'i's jails and prisons, and private-for-profit facilities that we contract with (CCA/Core Civic).
- The recent deaths of Ashley Gray, Jessica Fortson, Joey O'Malley, and Daisy Kasitati highlight the many problems in this department.
- The ACLU of Hawai'i filed a complaint with the U.S. Department of Justice requesting a Federal investigation and intervention to force the State of Hawai'i to address unconstitutional conditions and overcrowding in its jails and prisons. Specifically, the

ACLU asserts that Hawai'i prisons and jails do not meet minimum standards and violate the 8th and 14th Amendments to the U.S. Constitution which prohibit "cruel and unusual punishment." Despite this pending complaint, the Department of Public Safety has not implemented comprehensive criminal justice reform policies to alleviate severe overcrowding.

- The last audit was conducted in 2010. A new audit, particularly in light of allegations made by internal Public Safety employees about nepotism and favoritism would promote the elimination of waste and inefficiency in government.
- The department is funded with taxpayer money, yet the Legislators and community have limited access to information about what is going on. For example, the Legislature held an informational briefing on suicide deaths. At that hearing, the Department of Public Safety promised to redact confidential information and submit to the legislature by the end of that week. It's my understanding that the Legislature is still waiting for those documents. Rui Kaneya, the former Civil Beat journalist, who covered justice related stories, also faced stonewalling from PSD officials about accessing records. (See attached Civil Beat editorial).

In closing, taxpayers deserve to review the information provided by a performance audit of the Department of Public Safety. The audit it would assess the performance, management, and effectiveness of the Department of Public Safety and provide information to the Department, Legislature and community to improve operations, facilitate decision-making, and increase public accountability.

Please pass this measure with **amendments expanding the scope of the performance audit to include Personal, Internal Affairs, the Reentry Commission and the contract with CoreCivic and allocate additional funds for this purpose.**

Mahalo,

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HRDC director quoted on private prisons and lack of transparency

Civil Beat, Sept. 8, 2016. <http://www.civilbeat.org/2016/09/the-secrecy-su...>

The Secrecy Surrounding Hawaii Prisons Has Got To Stop

There's too much public money at stake — not to mention prisoner safety — when it comes to the operation of our prison system. ABOUT 13 HOURS AGO · By [The Civil Beat Editorial Board](#)

With each new story about Hawaii's management of its prison system and oversight of its relationship with private mainland prisons, we have new and growing concerns over how little we know about these facilities — and how much we're prevented from knowing by the State of Hawaii.

In recent weeks, Civil Beat's Rui Kaneya has uncovered, among other things, [the involvement of a questionable subcontractor](#) on the planning and design work for a new Oahu Community Correctional Center. Louis Berger of New Jersey has a history of shady dealings that in recent years have resulted in fines totaling more than \$90 million over allegations of fraud and bribery. Architects Hawaii, which brought on Berger, won't comment on the subcontractor, which stands to earn at least \$1.3 million on this job. Kaneya also reported in late August on the [shocking level of secrecy allowed in legal settlements](#) involving the Corrections Corporation of America, the mainland prison company whose private facilities hold about 1,400 Hawaii prisoners in Arizona at any giv-

en time. The state agreed to an indemnity clause in its deal with CCA that neatly removes the legislative oversight brought to bear on legal settlements involving Hawaii prisons and other state offices under the guise that CCA is liable for all litigation costs and attorney fees.

That sort of secrecy and lack of oversight has unfortunately become a recurring theme for a wing of state government that gets far less attention and scrutiny than it should.

Even in the best of circumstances, voters and taxpayers typically don't care much about prisons and prisoners. When both are conveniently thousands of miles away, the phrase "out of sight, out of mind" is sadly operative and we certainly see that dynamic at play in the CCA relationship.

For years, state lawmakers have deferred any meaningful efforts to muster the political will let alone the money to replace the decrepit, 100-year-old OCCC or make any meaningful advances on efforts to community programs or alternatives that would keep people out of prison.

And when things go bad for any of those inmates in Arizona, it can be difficult if not impossible to find out what's gone wrong and what's being done to correct any problems.

Both CCA and the state Department of Public Safety refuse to release any data related to lawsuits filed by Hawaii prisoners and their families and CCA employees — even though that information is already shared between the contractor and DPS — with the company calling it "proprietary and confidential."

Confidentiality clauses seem to be the rule rather than the exception with CCA cases. Plaintiff's attorneys can balk at the secrecy requirements, but as one told Kaneya, "agreeing to confidentiality helps move the cases forward."

That sort of secrecy gives CCA little incentive to change any practices that may have led to the complaint or lawsuit and gives taxpayers no information on how its state government is addressing incarceration issues on its behalf. That latter point is a particularly big problem, according to Paul Wright, director of the Florida-based [Human Rights Defense Center](#), which has challenged CCA's confidentiality provisions in Texas, Tennessee and other jurisdictions in recent years.

“The thing to remember is that every penny these private prison companies get is taxpayer money,” Wright said. “They have no private customers. Every penny is from taxpayers somewhere. And I think the public has the right to know how it's costing us.”

All of this, of course, is unfolding in an environment in which the U.S. Justice Department recently decided to end its use of private prisons for federal inmates. Now, the Department of Homeland Security is [evaluating whether it should follow suit](#) with its immigration detention centers, with a report expected by the end of November.

As we said last month, the Justice Department's action alone should compel the State of Hawaii to examine whether there is an opening for Hawaii to bring new accountability to its relationship with CCA, given the issues raised by Justice — uncertainty around cost savings and inferior levels of safety, security, services, programs and resources.

With new information emerging, however, DPS and Gov. David Ige must move beyond simply re-examining its contract with CCA.

First, DPS must bring on independent monitors at the prisons where Hawaii inmates are incarcerated in Arizona. Those monitors' work must be made public in its entirety, without the extensive redactions that obviate any ability to hold DPS and CCA ac-

countable. Civil Beat has currently been given records for only one “sample month” of that work rather than what we requested — the totality of monthly monitor records that span two years. Unacceptable.

Second, state lawmakers must be ready with draft legislation in January that limits confidentiality in the DPS-CCA relationship and that allows more to be known regarding both the services CCA is providing Hawaii taxpayers and any problems Hawaii inmates are encountering in CCA custody.

Lastly, the state Department of the Attorney General must look into the design contract for replacement of the OCCC. Specifically, the AG must look at whether there are any issues that would prevent Louis Berger from participating in the OCCC design project, given its troubling track record in other government jobs. DPS must also make details of its OCCC design project publicly available, including information on subcontractors, their pay and their performance. Contractors who don’t want to be held accountable for their work should look elsewhere for business. We’re sure that there are others who can provide the services that Louis Berger has agreed to perform while meeting a level of accountability that taxpayers have every right to expect.

LATE

SB-2047-HD-1

Submitted on: 4/2/2018 8:26:20 PM

Testimony for FIN on 4/3/2018 1:30:00 PM

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

Comments:

SB-2047-HD-1

Submitted on: 4/3/2018 7:57:11 AM

Testimony for FIN on 4/3/2018 1:30:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

To the House Of Representatives Committee On Finance-

I am submitting testimony in strong SUPPORT of SB2047 SD3 HD1 - Relating to Public Safety

Please pass this important bill as the last Department Of Public Safety audit of this nature was in 2010. Taxpayer money is used to fund this department and the ACLU of Hawaii has filed a complaint to the Department Of Justice regarding this department. It is the responsibility of our government and its lawmakers to know what is going on in the Department Of Public Safety so this audit is necessary.

Thank you-

Raelyn Reyno Yeomans