



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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

by

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, February 28, 2018; 11:00 a.m.
State Capitol, Conference Room 211

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 2047, Senate Draft (SD) 1 and asks that it be deferred in lieu of other immediate prosecutorial and compliance oversight agency reviews.

The allegations raised by the originators of this bill are serious in nature and deserving of criminal and administrative review immediately, rather than via the long timeline associated with the enactment of a statute, the eventual implementation of an audit, to be followed, thereafter, by the publication of the audit findings.

The bill's originators allege criminal behavior. Such criminal behavior should be immediately reported to the Office of the Attorney General (AG) and the Federal Bureau of Investigation (FBI).

The bill's originators allege Civil Rights Compliance violations. Such violations should be immediately reported to the AG for criminal investigation and the State Civil Rights Compliance Office for administrative investigation.

The bill's originators allege personnel management violations. Such violations should be immediately reported to the AG for criminal investigation

and to the Department of Human Resources Development (DHRD) for administrative investigation.

The bill's originators allege fiscal and procurement violations. Such violations should be immediately reported to the AG for criminal investigation and to the Department of Accounting and General Services (DAGS), as well as, the State Procurement Officer (SPO) for administrative investigation.

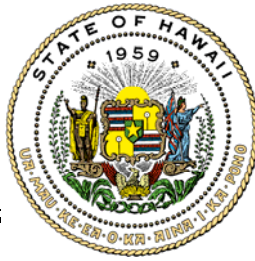
The bill's originators allege gross ethical violations. Such violations should be turned over to the AG for criminal investigation and to the State Ethics Commission for administrative investigation.

Overwhelmingly and as meticulously documented in PSD's 2018 annual Report to the Legislature, required by Act 144, Session laws of Hawai'i 2007, mental health services to inmates have been dramatically improved since programmatic failures in the provision of these services were identified in April/May of 2017.

The Department does not and would not object to or resist the State Auditor being tasked with the kind of overall or targeted audit in which Executive departments regularly participate. Noting the testimony of the Auditor's Office on SB 2047 to the Senate Committee on Public Safety, Intergovernmental, and Military Affairs on February 13, 2018, PSD respectfully requests that if the Committee on Ways and Means determines that an audit shall be conducted, that the Committee focus the scope of the requested audit to topics that are conducive to auditing. As previously mentioned in this testimony, many allegations raised by the originators of this bill fall under the jurisdiction of other offices or agencies.

It is for these reasons and others that PSD respectfully asks that this bill be deferred and that the underlying serious allegations be immediately assigned to appropriate law enforcement and compliance oversight agencies responsible for investigations of such allegations.

Thank you for the opportunity to present this testimony.



SENATE COMMITTEE ON WAYS AND MEANS
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair

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

Hearing: Wednesday, February 28, 2018, 11:00 a.m.

The Office of the Auditor has **no position** regarding S.B. No. 2047, S.D. 1, which requires us to conduct a performance audit of various offices and programs within the department of public safety. **However, we offer the following comments.**

Some portions of the work called for by the bill may be beyond our expertise and require us to procure a consultant to assist us in performing the audit. We note and appreciate that the bill does include an appropriation, which can be used to retain an appropriate consultant.

The bill would also require us to submit an “interim report” twenty days prior to the convening of the 2019 regular session. Our office would be unable to do an “interim” report beyond a general status update. Our audit process is such that we do not discuss preliminary findings or the draft report with anyone other than the agency being audited. We do so to afford the auditee the opportunity to provide additional facts, explanations, or clarifications so that we can confirm or revise our assessment(s). Audit standards prevent us from otherwise disclosing any findings until our work is complete and all findings and recommendations have been thoroughly verified and made final.

We also request that the committee significantly narrow the scope of the requested audit, both the offices to be audited as well as the programs and activities to be assessed. Although the bill requires a final audit report before the 2020 regular session, given our resources and the other work we need to do on an ongoing basis, it will be difficult to provide a meaningful report on all of the issues contained in the bill.

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

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COMMITTEE ON WAYS AND MEANS

Sen. Donovan Dela Cruz, Chair

Sen. Gil Keith-Agaran, Vice Chair

Wednesday, February 28, 2018

11:00 am

Room 211

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

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran 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 families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as 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.

SB 2047 SD1 requires the Auditor to conduct a performance audit of certain offices and programs within the Department of Public Safety. Appropriates funds. (SD1)

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 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 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 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 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*

SB-2047-SD-1

Submitted on: 2/21/2018 7:57:32 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

We STRONGLY SUPPORT this bill. Mahalo.

SB-2047-SD-1

Submitted on: 2/22/2018 10:41:35 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ka'imi Nicholson	Testifying for Aloha Light Team	Support	No

Comments:

This is part of necessary oversight, especially given the recent prevalence of suicides among of incarcerated persons. This is our responsibility. Thank you!

SB-2047-SD-1

Submitted on: 2/24/2018 11:56:14 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

SB-2047-SD-1

Submitted on: 2/24/2018 9:35:18 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lucia You	Individual	Support	No

Comments:

SB-2047-SD-1

Submitted on: 2/24/2018 1:34:25 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

Support

SB-2047-SD-1

Submitted on: 2/25/2018 6:48:59 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
chelsea pang	Individual	Support	No

Comments:

SB-2047-SD-1

Submitted on: 2/23/2018 4:46:16 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi	Individual	Support	No

Comments:

My heartfelt mahalo for considering this SB2047 SD1 among your heavy schedule.

Many families and their loved ones will be waiting for the outcome of the audit.

SB-2047-SD-1

Submitted on: 2/22/2018 10:38:46 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

I am submitting testimony in SUPPORT of SB2047 SD1 to WAM. Timely and regular audits are necessary of government departments. It is important when people's lives and health and wellness are at stake and huge sums of taxpayer funds are being spent.

Thank you-

Raelyn Reyno Yeomans

SB-2047-SD-1

Submitted on: 2/26/2018 12:02:35 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keiron Pratt	Individual	Support	Yes

Comments:

My name is Keiron Pratt and I am in strong support of SB 2047. I have seen (including my own) complaints that are submitted to the department come back unfounded due to a lack of investigation and the cases being squashed, There is favortism shown to certain employees from the top leaders of this department. It is long overdue for an audit of this department. Thank you for taking the time to listen and I look forward to this audit being conducted so that employees feel safe to file thier complaints without fear of retaliation.

Keiron Pratt

SB-2047-SD-1

Submitted on: 2/26/2018 7:20:25 PM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

Aloha to Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the WAM Committee,

I support SB2047 SD1. I am an employee at the Department of Public Safety. And I am a taxpaying citizen. In order for the audit to be conducted on my Department as listed in SB2047 SD1, there needs to be adequate funding. Please fund the bill as requested.

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 contracts or MOUs, liabilities and torts 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.

SB-2047-SD-1

Submitted on: 2/27/2018 9:23:55 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

SB-2047-SD-1

Submitted on: 2/27/2018 9:39:34 AM

Testimony for WAM on 2/28/2018 11:00:00 AM

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

Comments:

Aloha Chair Dela Cruz and WAM committee,

Thank you for the opportunity to submit testimony in **strong support** of SB2047 SD1. As a Hawaii citizen witnessing inmate deaths, overcrowding, lawsuits, and paying millions to private institutions on the mainland to maintain Hawaii inmates, this bill and audit would be beneficial to the taxpayers of Hawaii. The State auditor as an outside party examining the internals of the Department would help to identify and bring to attention issues that need to be examined. The funding needed to conduct this audit will be funds well spent.