

HOUSE COMMITTEE ON PUBLIC SAFETY
The Honorable Gregg Takayama, Chair
The Honorable Cedric Asuega Gates, Vice Chair

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

Hearing: Thursday, March 15, 2018, 10:30 a.m.

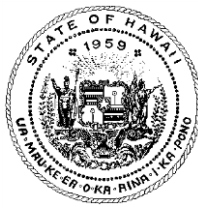
The Office of the Auditor has **no position** regarding S.B. No. 2047, S.D. 3, which requires us to conduct a performance audit of various offices and programs within the department of public safety. **However, we offer the following comments.**

Some portions of the work called for by the bill may be beyond our expertise. Specifically, the bill requires us to assess the department's ability to provide necessary mental health services to inmates and pre-trial detainees. We do not have the substantive knowledge about mental health issues and corresponding services to be able to evaluate the department's capacity to provide appropriate services. To audit that capacity, we may be required to retain a mental health consultant. Because of our uncertainty as to the scope of the services for which we may require professional assistance, including whether the mental health services differ by facility, we request that the legislature appropriate at least \$150,000 to retain an appropriate consultant.

The audit required by this bill is also extremely broad, requiring us to assess, among other things, "[c]ontracting and procurement policies and procedures"; "[t]he policies, practices, health services, and administration of Saguaro Correctional Center, Halawa Correctional Facility, Women's Community Correctional Facility, and Oahu Community Correctional Facility"; and "commissary accounts". Considering our on-going audits and the work likely to be requested through bills or resolutions from the current legislative session, we probably will be required to substantially narrow the scope of this audit, which may not provide the level or areas of review that may be helpful to the legislature. We strongly recommend that the legislature identify the specific facility, program, or function that it is interested in having us assess and amend the bill to identify that facility, program, or function.

We also recommend that the bill's requirement that we submit an "interim report" twenty days prior to the convening of the 2019 regular session be deleted. Consistent with our audit standards, we cannot provide an "interim" report beyond a general status update. 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.

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



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 SENATE BILL 2047, SENATE DRAFT 3
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

Thursday, March 15, 2018; 10:30 a.m.
State Capitol, Conference Room 312

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

The Department of Public Safety (PSD) **opposes** Senate Bill (SB) 2047, Senate Draft (SD) 3 and asks that it be deferred in lieu of other immediate prosecutorial and compliance oversight agency reviews.

If deferral is not the path chosen, PSD requests that section 1, lines 4 through 10 be deleted. The Department suggests and recommends that instead, specific concerns and/or objections to any particular procurement action taken by the Department be referred to the State Procurement Officer (SPO). The SPO is statutorily charged with reviewing and auditing procurement practices within government to ensure compliance with Chapter 103D, Hawai'i Revised Statutes, as well as, advocating for competition, fairness, and accountability in the procurement process. A focused referral would better serve to address specific allegations rather than a time-consuming, wide-ranging search for the proverbial "needle in a haystack".

Additionally, lines 4 through 7 on page 2 are unduly vague, and PSD respectfully recommends that it be reworded as follows:

Testimony on SB 2047, SD 3
House Committee on Public Safety
March 15, 2018
Page 2

- “(4) The administration of health care services, policies and practices of the Halawa Correctional Facility, Women’s Community Correctional Center and Oahu Community Correctional Center, and the compliance of the Saguaro Correctional Center with the PSD/CorCivic contract.”

Thank you for the opportunity to present this testimony.



COMMITTEE ON PUBLIC SAFETY

Representative Greg Takayama
Representative Cedric Asuega Gates, Vice Chair

DATE: Thursday, March 15, 2018
TIME: 10:30 AM
PLACE: Conference Room 312

Dear Honorable Committee Members,

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

We support this bill's goal to audit the department of public safety (PSD), which has an annual budget of about \$250 million while our state continues to suffer from repeat crimes committed by people released from PSD's institutions. This bill should be amended back to its original SD1 form that includes a more complete PSD audit.

It is a fiscal responsibility to audit state departments, which should be done as an effort to enhance agency and personnel performance as needed. PSD needs guidance.

PSD ignores its obligation to work on reducing the criminal behavior of people in its custody. For example, PSD barely supports reentry, which has been known for decades to reduce repeat crime. Instead, it has continued using segregation (isolation and solitary confinement) to punish people in its custody, and not used evidence-based practices known to reduce bad behavior.

Instead of working with people in its custody on reentry and promoting their criminal desistance, PSD aggressively supports building new prison and jail beds. This, coupled with PSD's continued use of segregation, indicates serious management problems and a lack of professional understanding of corrections.

PSD's management problems are endangering the safety of our community including those in its custody. It is also a waste of public resources to fund PSD's annual \$250 million budget by allowing these problems to continue without concentrated study and analysis, which an audit can accomplish.

Please pass and amend this measure back to its original SD1 form for a more complete PDS audit.

Hawai'i Friends of Restorative Justice is a 30+ year old non-profit dedicated to improving our justice system. We design, implement and measure pilot projects using applied learning in an effort to generate evidence-based knowledge of what works to increase civic behavior, help people desist from crime, and assist those harmed by crime and social injustice. 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. Others, nationally and internationally, frequently contact us for assistance with 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-SD-3

Submitted on: 3/13/2018 9:33:45 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

We continue to STRONGLY SUPPORT this bill. Mahalo.



COMMITTEE ON PUBLIC SAFETY
Rep. Gregg Takayama, Chair
Rep. Cedric Asuega Gates, Vice Chair
Thursday, March 15, 2018
10:30 AM in Conference Room 312

RE: Support SB 2047 SD3 Public Safety Performance Audit

Dear Chair Takayama, Vice Chair Gates and Committee Members:

Hawai'i Justice Coalition is a grassroots education and advocacy 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. We believe that 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 **SB 2047 SD3 with an amendment expanding the scope of the performance audit to include Internal Affairs, the Reentry Commission, and the Mainland Branch that oversees private prison contracts with Core Civic, formerly known as Corrections Corporation of America (CCA).**

Mahalo,

Carrie Ann Shirota, JD
Hawai'i Justice Coalition
cashirota808@gmail.com
www.hijustice.org

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 given 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 moni-

tors' work must be made public in its entirety, without the extensive redactions that obviate any ability to hold DPS and CCA accountable. 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.



Hawai'i

Committee: House Committee on Public Safety
Hearing Date/Time: Wednesday March 15, 2018, 10:30 a.m.
Place: Conference Room 312
Re: Testimony of the ACLU of Hawai'i in **Support** of S.B. 2047, S.D. 3,
Relating to Public Safety

Dear Chair Takayama, Vice Chair Gates, 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, which requires the legislative auditor to conduct a performance audit of certain policies, practices, and programs of the Department of Public Safety.

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 information the auditor will provide if this bill passes will help shine a light on these deficiencies and better enable us to solve the constitutional and practical problems they present. Additionally, a third-party review of DPS's policies will allow policymakers and the public to make more informed decisions about incarceration and rehabilitation.

The ACLU of Hawai'i supports S.B. 2047, S.D. 3, and asks that your committee pass this bill.

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.

American Civil Liberties Union of Hawai'i
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COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Cedric Gates, Vice Chair

Thursday, March 15, 2018

10:30 am

Room 312

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

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 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.

SB 2047 SD3 has weakened this audit. Therefore, Community Alliance on Prisons respectfully requests that the committee restore the SD1 version of this bill in order to have a meaningful look at what is going on at the department of public safety.

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.

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 the SD1 version of 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-3

Submitted on: 3/14/2018 10:19:27 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

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

LATE

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

Testimony by
Hawaii Government Employees Association

March 14, 2018

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

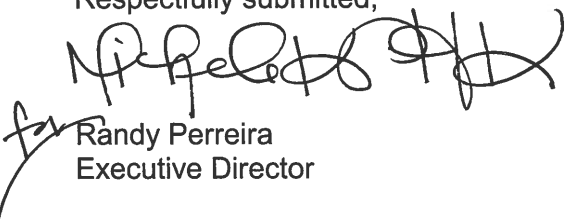
The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the general intent of S.B. 2047, S.D. 2 which requires the Auditor to conduct a performance audit of certain programs within the Department of Public Safety, however **we prefer and respectfully request that the Committee revert 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.

While we appreciate that there remains some carryover language from the original S.B. 2047 -- including an audit of contracting and procurement policies regarding the qualifications of contractors and vendors and the department's compliance to state and federal law – the scope of the current S.D. 3 deviates from its original intent of auditing the Office of the Director, the Civil Rights Compliance Office, the Personnel Management Office, the Fiscal Office, and the Health Care Services Division, as well as examining 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,


for Randy Perreira
Executive Director

Helping Hawai'i Live Well

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

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 2047 SD 3 RELATING TO PUBLIC SAFETY

Hearing: March 15, 2018, 10:30 am, CR 312

Thank you for hearing our testimony in support of **Senate Bill 2047 SD 3**, 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.

Thank you for considering my **testimony in support of SB 2047 SD 3**. Please contact me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

SB-2047-SD-3

Submitted on: 3/13/2018 9:16:45 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Support	Yes

Comments:

In STRONG SUPPORT.

SB-2047-SD-3

Submitted on: 3/13/2018 10:22:15 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Leanne Gillespie	Individual	Support	No

Comments:

I support the passing of this bill, albeit disappointed that it has been gutted of all matters relating to internal employee hiring, promotion and processes. The legislature is the only protection employees and the public have against corrupt state government. This bill had given me much hope. Employees are suffering greatly under leadership which bullies, manipulates and breaks the very rules that are suppose to protect us and to help those entrusted in our care. Most of the employees I work with are dedicated, hard workers. It has been said in the media that some of the individuals supporting the original version of this bill are disgruntled, therefore their opinions should be dismissed. In an environment that most definitely retaliates, please ask yourself, how did they get to such a place to feel that enough was enough? To risk everything and speak out? I support them. Recently, I have become one of them, but that doesn't mean there is not truth to my/our words. A victim of this dysfunctional and abusive system, and I will leave as soon as I can find suitable alternative employment. The Department needs transparency and mindfulness for all before it can even begin to accomplish its mission. Thank you for allowing me to submit testimony.

SB-2047-SD-3

Submitted on: 3/13/2018 1:29:32 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Andrea DeCosta	Individual	Support	No

Comments:

My name is Andrea DeCosta. I am a human rights advocate and I fully support SB2047.

Since reports of abuse and neglect at/by the DPS appear to suggest a level of dysfunction and maladministration of personnel by management - including the potential negligent hiring and retention - of state employees of the DPS, I would take it a step further and require a complete audit of the DPS, it's activities and employees.

Poor management that includes negligent hiring and retention could well account for a series of escaped prisoners, and this breach of public trust needs to be addressed to ensure that public safety is a priority in Hawai'i.

In my own experience as a survivor of child sexual assault, recent attempts to file legitimate civil rights abuse reports with various state and county agencies have been met with repeated acts of intimidation by the perpetrator - who also happens to be an investigator for the civil rights compliance division of the DPS.

The fact that someone who sexually assaulted me as a child and is trying to prevent me from reporting the assaults could still be found fit by the DPS to advocate for or investigate on behalf of incarcerated prisoners should be troubling to all residents of Hawai'i.

So, in addition to audits of vendors contracting with the DPS, I support a complete review of the DPS personnel management, to determine whether or not employees are being properly hired, managed and then retained only as long as the DPS is confident the employee is not a threat to public safety.

The Department of Public Safety needs to be held accountable for its actions, as well as any bad acts by their employees. Any audit which doesn't also include a full review of hiring/retention practices at DPS will be inadequate for the purposes of ensuring that the public trust is restored in the DPS.

SB-2047-SD-3

Submitted on: 3/13/2018 4:07:21 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

SB-2047-SD-3

Submitted on: 3/13/2018 10:26:29 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

Dear Chair Takayama, Vice Chair Gates, and Members of the PBS 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.

Please amend the bill to include all that was listed in SB2047 SD1.

Thank You,

joy w.

SB-2047-SD-3

Submitted on: 3/14/2018 7:43:16 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Support	No

Comments:

SB-2047-SD-3

Submitted on: 3/14/2018 8:34:08 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

Aloha PBS Chair Takayama and committee,

I am in strong support of SB2047 SD3.

The potential impact of this bill is so great in improving the working operations of the department, improving the standard of living for Hawaii's inmate population, and ensuring the fiduciary responsibility of the Department's use of taxpayer's dollars.

As a third party, the Auditor is able to examine and make recommendations that a department cannot self-recommend to itself. The Auditor is able to identify items that fall to the wayside and become considered "the culture of complacency," or letting bad things slide because it is "okay as long as no one knows."

The department may have policies and procedures, or offices to handle complaints in place. However, like any regulating agency, it is healthy and vital to periodically have an outside party like the Auditor examine if the **implementation** of the policies and procedures is proper.

Also at this time, I humbly ask at this time to have the following language from SD1 included in the bill. The bill at this time identifies Procurement/Purchasing, mental health of inmates, and the monetary aspects of inmates. The inclusion of the following language is very important in the need for the Auditor, as I have described above.

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;

I thank you for the opportunity to submit testimony.

SB-2047-SD-3

Submitted on: 3/14/2018 9:00:36 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

Aloha Chair Rep. Gregg Takayama, Vice Chair Rep. Cedric Asuega Gates and Committee Member Rep. Creagan, DeCoite, Ing, Say, Thielen;

I strongly supported SB2047 (SD3), however I request this committee to revert the language used in (SD1) that had originally passed the Senate Public Safety Committee, and welcome a thorough audit within the Department of Public Safety, and to include Hawaii Paroling Authority (HPA) "an attachment to Public Safety", now is long overdue.

The Director and his appointed Administrators of the Department along with the (HPA) Chairman and the Administrators, all has a sworn duty justice and public safety, on the behalf of our communities and taxpayers, as a HGEA Steward, I received multiple complaints and concerns by government employees; the members, inappropriately (mishandling) of their complaints, raise many concerns and violate employees civil rights, through the Department Civil Rights Compliance Office - (CRCO), and Internal Affairs (IA), to the integrity of employees job classification, min to no experience, "promotions", out of control spending, qualification of staffing within our Parole Offices and Correctional Facilities; including but not limited to the medical unit and contracts, conflict of interest, favoritism, positions held by unqualified employees and/or supervisors, abuse of position, use of non-legal names, and employees holding multiple positions with the department, Why I request this committee to revert the language used in (SD1). To include the Office of the Director, Internal Affairs, Civil Rights Compliance Office, Personnel and etc.

Fiscal responsibility, to Mental healthcare and medication/human rights....I really recommend an outside Independent Auditor, State Auditor may not be able to handle as written in the State Auditors testimony.

Mahalo KK

SB-2047-SD-3

Submitted on: 3/14/2018 10:26:36 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

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

I support SB2047, requiring an audit of aspects of the Department of Public Safety's operations. However, I am disturbed by the very defensive position taken by the Director in previous testimony, something I have not seen in response to legislative consideration of audits of other departments. In general, I believe it is the responsibility of the Legislature and Auditor to determine what areas to audit and how, not the department that is to be audited.

While I would prefer to see an audit of the entire DPS, as originally in SB2047, I appreciate the difficulties in meeting those requirements identified by the Auditor, **However, I encourage you to amend the bill to include an audit of the responses to any and all issues identified in the 2010 and 2013 audits**, since it is not clear that responses have been made to the legislature or made public.

Thank you for the opportunity to testify **in support of SB2047, with suggestions for an amendment.**

SB-2047-SD-3

Submitted on: 3/14/2018 10:29:05 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

LATE

SB-2047-SD-3

Submitted on: 3/14/2018 1:11:11 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Sue Haglund	Individual	Support	No

Comments:

I fully support this bill. This legislative bill allows an evaluative performance audit in certain units within the Department of Public Safety, which will shed light of transparency on how funds are being used and the accountability to those units if funds (taxpayer dollars) are not being used adequately.

I fully support this measure.

Many thanks,

Dr. Sue Haglund

LATE

SB-2047-SD-3

Submitted on: 3/14/2018 2:56:32 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

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

Comments:

I am in support of SB 2047 (SD3) however I am in STRONG SUPPORT of SB 2047 (SD1) and am humbly asking the committee to revert the bill back to its original language in SB 2047 (SD1). Thank you.

LATE

Nikos A. Leverenz
House Committee on Public Safety
15 March 2018 -- 10:30AM
SB 2047, SD 3 -- SUPPORT

Rep. Takayama, Rep. Asuega Gates, & Members of the Committee:

SB 2047 requires the state auditor to conduct a performance audit of certain offices and programs within the Department of Public Safety.

As noted by the National Conference of State Legislatures, "[legislative oversight is a fundamental check and balance](#)." Oversight of executive branch departments is essential to ensuring that they operate transparently and efficiently on behalf of the public interest. Routinely collected and reliable data is crucial in supporting this oversight function. In corrections policy, the [Interim Report of the HCR 85 Task Force](#) notes that Hawaii's current system "is not producing acceptable, cost-effective, and sustainable outcomes."

In 2010, [an audit focused on the Department's contracting for prison beds and services in Arizona](#) found numerous problems with the process, including not understanding "the necessity of providing detailed and accurate financial information to policymakers and the public" and not having "written policies or procedures for contract administration."

Many other states have an inspector general that is statutorily authorized to regularly evaluate the integrity and efficiency of corrections management, including staff selection, training, and discipline, contracting and procurement practices, inmate risk and needs assessments, and the delivery of appropriate medical and educational services.

There is a compelling, long standing need for objective, reliable, routinely collected data to guide policy making decisions within the Department of Safety and the Legislature. The lack of data is not the practice of most other states. To wit, according to a recent report by The Pew Charitable Trusts, Hawaii currently does not have adequate measures regarding the quality of health care provided in its correctional facilities, including a lack of data regarding post-release medication assisted treatment. Cost calculations on this front also do not include prisoners sent to facilities in Arizona. (Pew

Charitable Trusts, "[Prison Health Care Costs and Quality: How and why states strive for high-performing systems.](#)" 18 October 2017.)

Finally, it is usually the case that oversight and costs of juvenile correctional facilities are included in the larger correctional framework. Although the legislature has placed the management of the Hawaii Youth Correctional Facility (HYCF) within the Department of Human Services Office of Youth Services, recent reports indicate that its staffing and programming are not living up to the objectives of HB 2490 beyond population reduction. ("[At-risk youth the top priority.](#)" *Honolulu Star-Advertiser*, 06 Sept. 2017.) One hopes that this bill can be amended to include an evaluation of HYCF by the State Auditor.

Sincerely,
Nikos A. Leverenz

gates2 - Michael

From: E. Funakoshi <maukalani78@hotmail.com>
Sent: Wednesday, March 14, 2018 3:21 AM
To: pbstestimony
Subject: SB2047 - RELATING TO PUBLIC SAFETY, Hearing dt: 3/15/18

PUBLIC SAFETY COMMITTEE
Hearing Date: Thursday, March 15, 2018
Conference Room 312
SB2047 - RELATING TO PUBLIC SAFETY
STRONG SUPPORT

Aloha

Representatives Chair Gregg Takayama, Vice Chair Cedric Asuega Gates, and Committee Members:

I am e. ileina funakoshi writing in strong support of SB2047 and humbly asking for your support of this very important bill.

Presently, there is no accountability of how the funds allocated for the well being of our inmates in Saguaro, AZ, are being expended. Therefore, the contractor, CCA, disburses the funds according to their wishes. Oftentimes, to their advantage.

Are we being short changed by lack of staffing causing lack of oversight; overcharging; lack of basic needs, etc.?

The effectiveness of the audits of OHA, HTA, have shown the benefits of an audit. Without it, we cannot correct the problems which exist.

For the sake of our inmates' welfare, again, I humbly ask the committee to pass this all important bill.

Thank you for the opportunity to submit my testimony.

Respectfully submitted with Aloha,
e. ileina funakoshi

LATE

SB-2047-SD-3

Submitted on: 3/14/2018 10:10:42 PM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
edward abadie	Individual	Support	No

Comments: I'm giving my testimony in support of Sb 2047 in its original form sb2047 (SD1) I have one question for your consideration WHY would the director of public safety Nolan Espinda be so adamantly OPPOSED to an audit of his department if he were administering efficiently, legally, and without bias or intimidation... WHAT does he have to HIDE? His aggressive tone and attempt to intimidate supporters during his testimony to the senate, should be cause for concern I'd also refer to the testimony submitted by Andrea De Costa. She has alleged that she was a victim of child sexual abuse by an employee that is tasked with investigating complaints as an investigator with the civil rights compliance office (CRCO). These are the types of individuals that DPS has hired? And no less he is an investigator. I am humbly asking the committee to pass SB2047 (SD1) with the original language. I ask you HOW CAN YOU NOT! Thank you

LATE

SB-2047-SD-3

Submitted on: 3/15/2018 8:33:55 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
David Shaku	Individual	Support	No

Comments:

Slow, targeted, "focused" reviews just don't hold up to a serious audit. These agencies need to be held accountable to the standards they claim to maintain.

LATE

SB-2047-SD-3

Submitted on: 3/15/2018 8:59:36 AM

Testimony for PBS on 3/15/2018 10:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark R. Mitchell	Individual	Support	No

Comments:

TESTIMONY ON SENATE BILL 2047

RELATING TO PUBLIC SAFETY

by

Mark R. Mitchell, Director (Hawaii and the Pacific)

Institute on Violence and Trauma (IVAT)

House Committee on Public Safety

Rep. Gregg Takayama, Chair

Rep. Cedric Asuega Gates, Vice Chair

Thursday, March 15, 2018; 10:30 a.m.

State Capitol, Conference Room 312

I am writing to fully support Senate Bill 2047 requesting a Performance Audit of the Department of Public Safety. Given the scope of the audit, it is my recommendation that the audit be segmented with the initial phase focusing on compliance with standards on a facility by facility basis, beginning with some of the larger facilities like Halawa Correctional Facility and Women's Community Correctional Facility, then proceeding to

Oahu Correctional Facility and the remaining facilities. Since the effort is to identify any area's where there is a lack of compliance, once any facility has been identified, then deficiencies can be targeted for correction without waiting for the total audit to be completed.

Additionally, I would recommend that the audit go deep instead of broad, since I am aware that the Department has filled many of the vacant positions. However, many of these are 89-day hires, and filled with personnel that do not have the expertise to deliver the care and treatment required. Furthermore, I am aware that the department has changed its policies and practices to conform with what they are presently doing instead of holding to the standards developed to come into Department of Justice Compliance. Therefore, I would recommend that the auditors utilize the standards and criteria outlined by the Department of Justice and agreed to by the State to conduct the audit.

I would suggest that the auditor's office secure the assistance of a subject matter expert or advisor in many of the areas of compliance that are related to the delivery of services and not related to procurement.

Additionally, an audit of training is required. Not only what is being trained on, but also the credentials of people who are delivering the trainings. Many are not considered "subject matter experts".

Finally, I would also take a close look at compliance with Federal Prison Rape Elimination Act (PREA). I am aware that many inmates are not receiving the required counseling that meets "community standard of care" required by the statute.

Mahalo for your consideration.