

LATE

TESTIMONY ON SENATE BILL 2047
RELATING TO PUBLIC SAFETY

by

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

Institute on Violence and Trauma (IVAT)

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence K. Nishihara, Chair

Senator Glenn Wakai, Vice Chair

Tuesday, February 13, 2018; 2:05 p.m.

State Capitol, Conference Room 229

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. The second phase could be a procurement audit. 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 it's 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.

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.

I have read the Department of Public Safety testimony and reject the premise that all or most of these issues should be turned over to the AG's Office. The AG's office does not have the capacity or expertise to review most of the matters in question.

Mahalo for your consideration.

LATE

SB-2047

Submitted on: 2/12/2018 10:14:24 PM

Testimony for PSM on 2/13/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Testifying on behalf of Hawai'i Justice Coalition	Support	No

Comments:

Aloha,

On behalf of Hawai'i Justice Coalition, I am submitting testimony in support of SB 2047 that would require a performance audit within the department of public safety.

In light of the severe overcrowding in our jails and prisons, increase in custodial suicides and deaths, high overturn rate of mental health staff, and the ACLU's complaint filed with the Department of Justice, it behooves policy makers and the community to ensure transparency and accountability within the Department of Public Safety.

I would suggest, however, that the audit also encompass the Re-entry division/office and the Mainland Contracts Branch Division that "oversees" private prison contracts.

Please pass SB2047.

LATE



Life Foundation & The CHOW Project

677 Ala Moana Boulevard, Suite 226
Honolulu, HI 96813
(808) 521-2437 | (808) 853-3292



TESTIMONY IN SUPPORT OF SB 2047: RELATING TO PUBLIC SAFETY

TO: Senator Clarence Nishihara, Chair; Senator Glenn Wakai, Vice Chair; Senate Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Heather Lusk, Executive Director, CHOW Project

Hearing: Tuesday, February 13, 2018 2:05 PM Conference Room 229, State Capitol

Dear Chair Nishihara, Vice Chair Wakai, and members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

I thank you for this opportunity to testify in **strong support** of SB 2047 relating to public safety,

Due to an increase in sexual assault, suicide, and death, this bill calls for a long overdue audit of the following offices and programs within the department of public safety:

- (1) The 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.

The recent deaths of Ashley Gray, Jessica Fortson, Joey O'Malley, and Daisy Kasitati highlight a serious need. The department of public safety is funded with taxpayer money, yet information regarding the facilities we pay for and where are loved ones live is not available.

I appreciate the opportunity to provide testimony for SB 2407 a very important step in maintaining the integrity of the department.

Sincerely,

Heather Lusk

Executive Director
CHOW Project + Life Foundation

LATE

SB-2047

Submitted on: 2/12/2018 5:10:47 PM

Testimony for PSM on 2/13/2018 2:05:00 PM

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

Comments:

I am a former DPS employee, first working under Mr. G. Sumner. I am now a private business and in 2005 DPS recieved over \$40000 of services from me and never paid. When I pressed the matter they retaliated by awarding sole source contracts to friends and paying for services that were not supposed to be paid for using State funds. By doing this they prevented me from providing services and earning a living.

This is a common practice by PSD in the correctioons programs and the awards are made to unqualified individuals who have personal relationships with the PSD staff. The contract awardees are also able to influence the awarding of contrats to their friends.

PSD routinely overpays for services due to these relationships and this is why they also have difficulty getting qualified professionals.

LATE

SB-2047

Submitted on: 2/12/2018 10:26:51 PM

Testimony for PSM on 2/13/2018 2:05:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments:

LATE

Nikos A. Leverenz
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
13 February 2018 -- 2:05 P.M.
SB 2047 -- SUPPORT

Sen. Nishihara & Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

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

The National Conference of State Legislatures notes that "[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.

Additionally, 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 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.)

Sincerely,

LATE

Nikos A. Leverenz

SB-2047

Submitted on: 2/13/2018 6:46:30 AM

Testimony for PSM on 2/13/2018 2:05:00 PM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Patrick K. Kawai	Individual	Support	No

Comments:

I support SB2047. An audit is a good start to identify mismanagement practices, favoritism, and disparate treatment. Accountability of managers in all executive offices is required, that simply does not exist in Public Safety. The investigations and disciplinary process is subjective and used as a tool to target employees who question management practices and decisions. Thank you.

Senate Committee on Public Safety, Intergovernmental,
and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, February 13, 2018 @ 1405 hours
State Capitol, Conference Room 229

LATE

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

My name is Shelley Nobriga and I am **opposed to SB2047 and suggest that this measure be deferred** until the Chair conducts an “in camera” type of review of all the investigations completed related to the “stories” being told in the Hawaii News Now interview aired on February 5, 2018.

It appears that Senator Rhoads’ justification for introducing this measure is based on complaints and PSD’s last performance audit occurring in 2010. I would like to point out that there is a Legislative Auditor Report currently pending.

It should also be noted that two of the individuals are employed by the Hawaii Paroling Authority (HPA) and not the Department of Public Safety (PSD). Is there a similar measure for HPA?

The specific subject matter of this measure is clearly related to one individual, who has filed numerous complaints and all have been investigated/reviewed by various external State entities. I have been a victim of one of the individual’s false complaints and the investigation was conducted by the Department of Human Resources, Equal Employment Opportunity Office. I have attached the result letter from the investigation for your review.

Instead of deviating from the established process for internal complaints and investigations, it is suggested that an “in camera” review be conduct of the completed investigations related to these individuals versus wasting \$100,000 of tax payer money.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
INTERIM DIRECTOR

RANDY BALDEMOR
DEPUTY DIRECTOR

**STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM**

PHONE: 808-587-1162; FAX: 808-587-1122
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

LATE

March 31, 2015

Confidential

Ms. Shelley Nobriga
Department of Public Safety
919 Ala Moana Boulevard, 1st Floor
Honolulu, HI 96814

Re: *Complaint of discrimination*


Dear Ms. Nobriga:

This is to inform you that the investigation of the complaint filed by Joy Windham alleging that you engaged in discrimination based on her religion and marital status has been completed. There was insufficient evidence to substantiate her allegations.

Ms. Windham has been informed that she has a right to file a complaint with the Hawaii Civil Rights Commission and/or the Equal Employment Opportunity Commission. She has also been informed that complaints related to contracts or other conduct that she believes is unethical can be made with the State Ethics Commission, the State Procurement Office or the Attorney General's Office, Investigations Division.

Thank you for your cooperation in this matter.

Sincerely,


Anne Marie Puglisi
EEO Program Manager

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, February 13, 2018, 2:05 PM
State Capitol, Conference Room 229

LATE

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

My name is Alan Asato and I am opposed to SB2047 and suggest that this measure be deferred until the Chair reviews all completed investigations relating to the complaints that served as the basis for the Hawaii News Now interview that aired on February 5, 2018.

It is clear to me that Senator Rhoad's measure is largely based on the complaints of one individual, who has already been shown by completed investigations to play loosely with facts and the truth to achieve a certain outcome by any means. I know this because I have been a victim of these false complaints.

I am aware this individual's history of making false complaints have ensnared others. I am aware of Investigations by the Department of Human Resources Development and Equal Employment Opportunity Office that have already dealt with these complaints definitively.

I implore the Chair to consider reviewing all completed investigations before taking any further action; certainly before spending \$100,000 of our tax dollars needlessly.

Thank you for the opportunity to provide testimony.