

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

The Honorable Clarence K. Nishihara, Chair
The Honorable Lynn DeCoite, Vice Chair

S.B. NO. 2452, RELATING TO PUBLIC SAFETY

Hearing: Tuesday, February 1, 2022, 1:00 p.m.

The Office of the Auditor appreciates the opportunity to testify on S.B. No. 2452, requesting the auditor conduct a management audit of the corrections division of the Department of Public Safety, and offers the following comments.

The bill requires us to conduct a management audit of the corrections division of the Department of Public Safety. Specifically, the bill directs that the audit shall include, among other things:

1. Evaluating the corrections division's recruitment and retention rates;
2. Evaluating the correction division's hiring policies and practices;
3. Determining whether the State's correctional facilities are sufficiently staffed;
4. Determining whether any staffing issues at the State's correctional facilities may be adequately addressed by the hiring of individuals on an emergency basis;
5. Determining whether the State's correctional facilities comply with the Family and Medical Leave Act of 1993 and national best practices regarding safety regulations for on-duty adult corrections officers, including whether adult corrections officers are equipped with sufficient safety devices and provided with appropriate training;
6. Determining whether the corrections division's recruitment and retention policies meet national best practices;
7. Determining whether the managers of the State's correctional facilities consider the reason for adult corrections officers' departures;
8. Determining whether the department of public safety has enacted any process to curtail abuse by adult corrections officers of temporary disability insurance and workers compensation benefits;
9. Reviewing the department of public safety's policies and practices of staffing essential and non-essential posts, including any negotiated policies and practices, and whether these classifications provide the highest level of safety for the inmates and adult corrections officers;
10. Reviewing the compliance and usage of negotiated vacation leave, sick leave, shortage pay, and temporary hazard pay and whether the usage rates are consistent with other correctional facilities in other divisions within the State;
11. Reviewing adult corrections officer scheduling and post assignments and whether the scheduling and post assignments follow the department of public safety's policies and procedures and meet national best practices;

12. Reviewing the department of public safety's practice of temporarily assigning O'ahu community correctional facility adult corrections officers to the Hālawā correctional facility and determine the impact of this practice on O'ahu community correctional facility's staffing issues; and
13. Analyzing any other topics that the auditor deems appropriate.

For the committee's information, we are finalizing a self-initiated audit of the Department of Public Safety. The objectives of that audit are to assess (1) how the department determines the appropriate staffing of security positions at each of its correctional facilities, and (2) whether the department's current employee data collection system is capable of compiling information necessary to calculate an accurate shift relief factor. The shift relief factor is an essential tool to calculate the number of full-time Adult Correction Officers needed to keep a facility's security posts staffed. The shift relief factor is calculated using Adult Correction Officers' actual leave hours – including vacation leave, sick leave, and family leave – as well as the number of hours officers are unable to work their assigned posts because of other temporary work assignments. The department is using a shift relief factor developed in 1970.

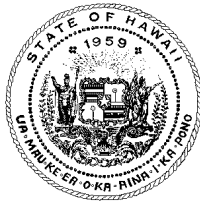
The scope of the ongoing audit, however, is much narrower than the audit proposed by the bill. In other words, it does not address many of the areas identified in the measure.

While the additional audit work proposed by the bill will provide meaningful insight into those areas, we are concerned about the very broad scope of the audit and, given the complexity of the subject matter, our ability to complete the audit (including procuring a consultant) in the time requested considering our staffing resources.

We request that the committee significantly narrow the scope of the requested audit.

Thank you for considering our testimony related to S.B. No. 2452.

DAVID Y. IGE
GOVERNOR



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TESTIMONY ON SENATE BILL 2452
RELATING TO PUBLIC SAFETY.

by

Max N. Otani, Director

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022; 1:00 p.m.

VIA VIDEO CONFERENCE

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

The Department of Public Safety (PSD) offers comments on Senate Bill (SB) 2452, which requires the Auditor to conduct a management audit of the Corrections Division and appropriates moneys.

We defer to the Legislature on the appropriateness of a management audit but would like to offer the following information for consideration. First, as provided in the measure, the office of the auditor collected data starting in 2015 for the purpose of an audit relating to staffing of correctional institutions. PSD provided substantial data to the auditor's team regarding staffing issues from 2015 through 2019 and information relating to recent years. The audit was extensive. It is our understanding that the report will be completed soon.

Second, the Department of Human Resources and Development issued a Report to the 2020 Legislature, as required by Act 57, Session Laws of Hawaii 2019, which reported that the Adult Corrections Officer (ACO) class has the highest retirement

numbers in state service by 2022. Retirement is the primary reason for PSD's high turn-over rate, which impacts recruitment.

Third, corrections workforce shortage is a national issue. The vacancy rates for correctional officer in many states are higher than Hawaii's. The PSD administration understands that ACOs are the backbone of corrections and has prioritized addressing recruitment and staffing issues. The Department has undergone several statewide recruitment and advertising campaigns, expanded recruitment classes to include day and evening classes, and is currently furthering the streamlining of the recruitment process, including adding temporary staff to expedite the hiring process. As a result of these initiatives, PSD has recently doubled the recruitment of ACO recruits.

It should be noted that recruiting for a correctional officer position takes longer than a regular civil service position as the recruitment process requires an applicant to complete many phases that generally take four to six months. PSD has utilized emergency hires to assist with understaffing and has offered temporary employment to ACO recruit applicants while the recruitment process is ongoing.

Finally, PSD can expedite its hiring process if it has sufficient recruitment and training staff. We are once again asking the Legislature to appropriate funds for deleted human resources positions and to fund two additional training instructional staff.

Thank you for the opportunity to present this testimony.