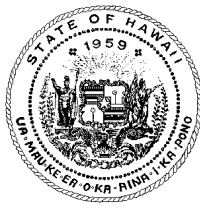


JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William F. Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1235, HD1
RELATING TO CORRECTIONS

By
Tommy Johnson, Director

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Friday, February 10, 2023; 2:00 p.m.
State Capitol, Conference 325 and Via Video Conference

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

The Department of Public Safety (PSD) supports House Bill (HB) 1235, HD1, which seeks to require PSD to install cameras at its correctional facilities statewide, requires guards (Adult Correctional Officers (ACOs)) to wear functioning body cameras while on duty and appropriates funds for these purposes.

Presently, PSD has already allocated \$1.2 million in federal funds to review its existing surveillance security systems at all correctional facilities statewide and to purchase and install new systems. In addition, PSD will increase the amount of federal funds dedicated to this project if needed.

We anticipate receiving the consultant's report by the end of February 2023, which will be informative on how the department proceeds with the RFP process.

With respect to the requirement for all ACOs to wear functioning body cameras while on duty, is it respectfully requested that this measure be amended to delete this from the bill and adopt language in SB 1470, SD1. The department is open to a feasibility study regarding this issue, and that the study include all correctional facilities statewide.

Testimony on HB 1235, HD1
House Judiciary and Hawaiian Affairs
February 10, 2023
Page 2

The study would determine the applicability of the need for body cameras throughout the correctional facilities, the costs to procure the equipment, use, storage of data, and training.

Thank you for the opportunity to provide testimony in support of HB 1235, HD1.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

TO: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1235 HD1, Relating to Corrections
Hearing: Friday, February 10, 2023; 2:00 p.m.
State Capitol, Room 325

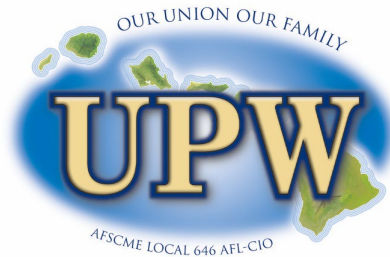
Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **supports** House Bill 1235 HD1 relating to Cameras and Body Cameras for all control rooms at state correctional facilities and body cameras for officers to wear while on duty at all state correctional facilities.

This bill not only has the potential to prevent misconduct by staff or inmates, prevent negligent or abusive treatment of inmates, and prevent criminal activity, but it will further protect women from potential sexual exploitation and sexual assault. This bill allows the Department of Public Safety and the Commission to thoroughly investigate any type of abuse allegation by initially reviewing the camera footage that currently does not exist. As of now, only 30% of the Women's Community Correctional Center has camera coverage, and although the Commission appreciates the Department of Public Safety for prioritizing camera coverage at WCCC, the lack of coverage is unacceptable. Having blind spots in 70% of WCCC completely prevents thorough investigations of any allegation. Additionally, there are no cameras whatsoever at Waiawa Correctional Facility, which is unheard of in corrections.

House Bill 1235 will allow the Commission to carry out its established duties more effectively by ensuring the Department prioritizes, and has the funding for, vital camera coverage. The Commission appreciates the expansion to all correctional facilities as abuse of power can happen in any facility. For these reasons, we support this bill.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.



**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023**

Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Friday, February 10, 2023, 2:00 PM
Conference Room 325 & via Videoconference

Re: Testimony on HB1235 HD1 – RELATING TO CORRECTIONS

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

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW provides **comments** on HB1235 HD1, which appropriates funds for purchasing digital cameras for all guard control rooms at State correctional facilities and body cameras for guards to wear while on duty at State correctional facilities.

UPW would like to note that while the current draft of this bill no longer requires Adult Corrections Officers (“ACOs”) to wear body-worn cameras (“BWCs”), providing funding for the procurement of BWCs, as is proposed by this measure, will ultimately result in the implementation of such a requirement. Requiring ACOs to wear BWCs affects the condition of employment, because a violation of any BWCs policy established by the Department could result in disciplinary action or dismissal. UPW asserts that the Department must negotiate with UPW, and any body-worn camera policy that is developed must be mutually agreed upon pursuant to 89-3, Hawaii Revised Statutes, and the collective bargaining agreement. As such, an appropriation for the procurement for BWCs, associated maintenance, and related training may be premature.

Thank you for the opportunity to provide testimony on this measure.

Sincerely,

Kalani Werner
State Director

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

Friday, February 10, 2023

Room 325

2:00 PM

STRONG SUPPORT FOR HB 1235 HD1 - CAMERAS & BODY CAMS

Aloha Chair Tarnas, Vice Chair Takayama 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 4,074 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on any given day. We are always mindful that 964 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 appreciates this opportunity to testify in strong support for HB 1235. The HD1 deleted language that would have limited the requirement for the Department of Public Safety to only install digital cameras in all guard control rooms at the Women's Community Correctional Center and to only require all guards to wear functioning body cameras while on duty at the Women's Community Correctional Center; changed the appropriation to an unspecified amount; and specified that the appropriation is for purchasing digital cameras for all guard control rooms at state correctional facilities and body cameras for guards to wear while on duty at all state correctional facilities.

We respectfully offer an amendment to include **working** cameras in the control and bodycams worn by staff on duty at all facilities.

¹ Department of Public Safety, Weekly Population Report, January 30, 2023.

https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-23_George-King.pdf

Sexual assault at WCCC is not a new problem. The most recent case² alleged that “*there were 53 rapes at the prison “that we know of. According to a federal court filing, about two dozen of those sex assaults occurred in the control stations in 2015 and 2016. The former and current WCCC inmates were assaulted by guards, and their lawyer alleged the warden failed to protect them.*

This is the second time that the issue of video cameras at WCCC has surfaced publicly. A walk-through of the prison by staff of the Hawaii Correctional System Oversight Commission in August revealed that 30% - 40% of the video cameras at the facility were not working at that time.

Christin Johnson, coordinator for the commission, called that lack of functioning cameras “a huge, huge red flag,” because it makes it more difficult to investigate fights, allegations of sexual misconduct, smuggling of contraband, and other problems.”

We worked with the family of a women who died under very suspicious circumstances while she was in lockdown at WCCC. There were a plethora of conflicting stories about the death of Ashley Gray that emerged from WCCC. The cameras were either not working or turned away from the lockdown unit. Since Ms. Gray kept a journal while she was incarcerated, her family wanted her property, however, they were never able to retrieve her journal or her other personal property from the facility. I wish I could say this was a rare instance, sadly it is not.

The need for **working** cameras and body cameras worn by ACOs while on duty cannot be overstated. This would protect imprisoned persons who are under the “care and custody” of the state, protects DPS staff from false allegations, and provides evidence when any allegations of sexual assault arise.

Community Alliance on Prisons urges the committee to pass this legislation onto the Judiciary and Hawaiian Affairs Committee with a strong recommendation that they pass this important bill.

² Sexual Assault Victims At Oahu Women’s Prison Seek More Than \$8M In Damages, By Kevin Dayton, November 14, 2022. <https://www.civilbeat.org/2022/11/sexual-assault-victims-at-oahu-womens-prison-seek-more-than-8m-in-damages/>



February 8, 2023

Representative Richard Tarnas,
Chair House Committee on Judiciary and Hawaiian Affairs

Re: H.B. No. 1235, H.D. 1 Relating to Corrections

**Hearing: Friday, February 10, 2023, in Conference Room 325 &
Videoconference**

Dear Chair Tarnas and Members of the Committee on Judiciary and Hawaiian Affairs:

Hawaii Women Lawyers supports the intent of **H.B. 1235**, which proposes to require the installation of cameras in all guard control rooms and mandatory use of functioning body cameras by guards on duty at the Women's Community Correctional Center (WCCC). H.B. 1235 also appropriates necessary funds to facilitate accomplishing these requirements.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

The proposed bill recognizes the significant importance of protecting the health and safety of all staff and incarcerated women at WCCC by requiring the Department of Public Safety to install digital cameras in all guard control rooms and requiring all guards to wear functioning body cameras while on duty at WCCC; these much needed measures have the potential to significantly prevent and deter misconduct by staff or inmates, specifically including reducing the potential sexual exploitation and sexual assault of incarcerated women.

For the above reasons, Hawaii Women Lawyers supports **H.B. 1235** and respectfully request that the Committee pass this measure. Thank you for the opportunity to testify in support of this measure.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair

DATE: Friday, February 10, 2023 TIME: 2:00 PM

PLACE: VIA VIDEOCONFERENCE

Conference Room 325 State Capitol

STRONG SUPPORT OF HB1235 RELATING TO CORRECTIONS

Women's Prison Project strongly supports HB1235. The lack of security cameras in the control rooms, as well as the failure to repair nonfunctioning cameras throughout the facility, leave inmates at the Women's Community Correctional Center (WCCC) vulnerable to sexual assault, a flagrant abuse of power by Adult Corrections Officers (ACOs).

It defies reason that this degree of abuse of women has been allowed to continue for so long without installing adequate cameras to monitor the women's safety. As we have seen in a recent well publicized lawsuit, which documented 53 sexual assault incidents at WCCC over a 3-year period, it is imperative to provide a higher level of protection for Hawaii's incarcerated women.

This ongoing abuse of women in the custody of the State of Hawaii must stop. Mounted cameras and body cameras will increase accountability for the actions of Adult Corrections Officers who abuse female inmates and will act as a deterrent for sexual assault. Women's Prison Project urges the Legislature to enact this bill into law.

The majority of incarcerated women have already experienced significant trauma, including rape, domestic violence, and childhood abuse, often sexual, prior to entering WCCC.

Our laws mandate that these women be protected from abuse while in prison. They are easy targets in an environment where they have so little power or control in their lives. It is the responsibility of the State of Hawaii and the Department of Public Safety to ensure that they are treated humanely. Please pass HB1235.

Thank you for the opportunity to share this testimony in strong support of HB1235.

Linda Rich
On Behalf of Women's Prison Project

HB-1235-HD-1

Submitted on: 2/8/2023 8:46:45 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

A civil lawsuit in federal court alleged that a group of women at the women’s community correctional center were sexually assaulted at least 53 times from 2013 to 2016. A similar case, Smith v. State of Hawaii, resulted in a \$100,000 settlement, with \$50,000 coming from the State and another \$50,000 coming from the guard who pled guilty.

These lawsuits pointed specifically to the lack of cameras in the correctional center’s control rooms, where a majority of the sexual assault allegedly occurred. According to court documents, in some cases, staff offered food, makeup, crystal meth, and special privileges to inmates in return for compliance with sexual demands, and punishments for noncompliance. Any sexual contact between an inmate and staff is a felony under existing law because prisoners cannot legally give consent.

Additional cameras in control rooms and body cameras for all guards would help deter sexual assaults and limit contraband, thereby building a defense against future lawsuits and protecting inmates from rogue guards. Please support HB1235 HD1.

HB-1235-HD-1

Submitted on: 2/9/2023 12:30:32 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Strongly support

HB-1235-HD-1

Submitted on: 2/9/2023 2:26:07 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tadia Rice	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON JUDICIARY; HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair

I am in **STRONG SUPPORT OF HB1235 RELATING TO CORRECTIONS**. My support is due to the lack of security cameras in the control rooms at the Women’s Community Correctional Center and also because of the failure to repair nonfunctioning cameras throughout the facility. This causes inmates at the Women’s Community Correctional Center to be vulnerable to sexual assault, a flagrant abuse of power by Adult Corrections Officers. This degree of abuse of women has been allowed to continue for far so long because of the lack of cameras to monitor the women’s safety. It is known that at least 53 sexual assault incidents have occurred at the Women’s Community Correctional Center over a 3-year period. Hawaii’s incarcerated women deserve a higher level of protection for Hawaii’s incarcerated women. Please stop this ongoing abuse of our women who are held in the custody of the State. Cameras that mounted on buildings as well as body cameras on safety personnel will increase accountability for the actions of those who abuse female inmates. These cameras will also act as a deterrent for sexual assault. I urge the Legislature to enact this bill into law now. Too many incarcerated women have already experienced significant trauma, including rape, domestic violence, and childhood abuse prior to entering prison. To cause further trauma and suffering is inhumane. State laws are already in place that mandate protection for women against abuse while in prison. Yet, these women remain easy targets in an environment where they are powerless to control their lives. The State of Hawaii and the Department of Public Safety must ensure that women in prison are treated humanely. Please pass HB1235. Mahalo!

HB-1235-HD-1

Submitted on: 2/9/2023 5:39:18 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of HB1235.

me ke aloha 'āina,
Nanea Lo, Mō'ili'ili

HB-1235-HD-1

Submitted on: 2/9/2023 10:41:59 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

HB-1235-HD-1

Submitted on: 2/9/2023 11:12:58 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Valerie Wayne	Individual	Support	Written Testimony Only

Comments:

It is a disgrace to our state that we are not adequately protecting residents of the Women's Prison and that a lawsuit has had to be filed concerning 53 instances of sexual assault. HB1235 will improve this situation substantially, and I support it strongly. We need cameras in control rooms (where sexual assault has continued to occur), and we need functioning cameras throughout the buildings. We have the money for these upgrades, along with funding for body cameras and more mounted cameras. The physical and psychological abuse of incarcerated women in our state has to stop. This bill will help immensely.

HB-1235-HD-1

Submitted on: 2/9/2023 12:33:57 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cassandra Chee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama and Committee,

I am writing in SUPPORT of HB 1235 relating to corrections. The amount of sexual assaults that have occurred already at WCCC is unacceptable. There should be no tolerance for sexual abuse of any kind. Please pass this bill as one step to prevent any further harm from occurring.

Mahalo,

Cassandra Chee
Chinatown

HB-1235-HD-1

Submitted on: 2/9/2023 12:53:16 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Nelson	Individual	Support	Written Testimony Only

Comments:

I have heard and read about the abuse, rape and threatening that occurred at WCCC and I was aghast. These women are serving their sentences and trying to heal themselves from abuse, substance use in their lives, attempting to learn and heal. To then be abused by the correctional officers that are supposed to help them is unconscionable.

This must not be allowed to continue. Mounted cameras and body cameras will increase accountability for the actions of Adult Corrections Officers and will act as a deterrent for sexual assault. As our laws mandate, these women deserve to be protected from abuse while in prison. They have little control while there and so many issues to deal with, they need support, not more abuse. Please pass HB1235.

Thank you for your time and consideration.

Elizabeth Nelson

Kaneohe

HB-1235-HD-1

Submitted on: 2/9/2023 2:50:35 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
elizabeth rice grossman	Individual	Support	Written Testimony Only

Comments:

Elizabeth Rice Grossman

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair Rep. Gregg Takayama, Vice Chair

9 February 2023

I strongly support HB1235.

Security cameras in control rooms are vital to the well-being of inmates at the Women's Community Correctional Center. The pending lawsuit documenting 53 sexual assaults at WCC over a three-year period is, frankly, staggering. Feeling safe under any circumstances is

necessary and providing cameras and repairing those that don't work will go a long way in allowing women inmates to realize a degree of safety and protection.

I urge you to support HB1125,

Sincerely,

Elizabeth Rice Grossman

Should you require additional information, please contact me at 808 388-3978, or via email at elizabethricegrossman@gmail.com.

406 Dune Circle. Kailua. HI. 96734