



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

TO: The Honorable Mark J. Hashem, Chair
The Honorable Cory M. Chun, Vice Chair
House Committee on Corrections, Military and Veterans

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1235, Relating to Corrections
Hearing: Friday, February 3, 2023; 9:00 a.m.
State Capitol, Room 430

Chair Hashem, Vice Chair Chun, and Members of the Committee:

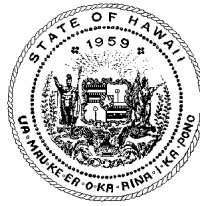
The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **supports** the intent of House Bill 1235 relating to Cameras and Body Cameras at the Women's Community Correctional Center with the recommendation that it extends to *all* correctional facilities that house women. Although the Women's Community Correctional Center (WCCC) houses the vast majority of incarcerated women, women are also housed at the Hawaii Community Correctional Center (HCCC), Kauai Community Correctional Center (KCCC), and Maui Community Correctional Center (MCCC).

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.

House Bill 1235 will allow the Commission to more effectively carry out its established duties by ensuring the Department prioritizes, and has the funding for, vital camera coverage. 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.

JOSH B. 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 Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1235
RELATING TO CORRECTOINS

By
Tommy Johnson, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark J. Hashem, Chair
Cory M. Chun, Vice Chair

Friday, February 3, 2023; 9:00 a.m.
Via Video Conference

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 1235, which seeks to require the department of public safety to install cameras at the women's community correctional center (WCCC), require guards (Adult Correctional Officers) to wear functioning body cameras while on duty at the WCCC; and appropriates funds for these purposes.

Presently, the department has already contracted consultant services with Bowers and Kubota in the amount of \$1.2 million in federal funds to review our surveillance security systems at all correctional facilities statewide. The funding includes the consultant services, RFP process, and the purchase and installation of new systems as needed. In addition, the department will increase the amount of federal funds dedicated to this project if needed.

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

Testimony on HB 1235
House Committee on Judiciary and Hawaiian Affairs
February 3, 2023
Page 2

With respect to the requirement for all ACO's to wear functioning body cameras while on duty the WCCC, is it respectfully requested that this measure be amended to request the department complete a feasibility study regarding this issue, and that the study include all correctional facilities statewide.

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

Thank you for the opportunity to provide testimony on HB 1235.

LATE

HB-1235

Submitted on: 2/3/2023 12:52:03 AM

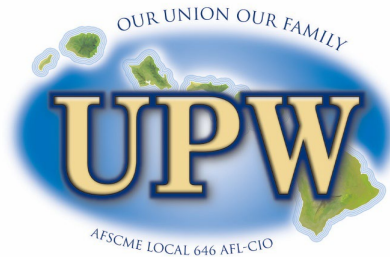
Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bill Hicks	Kailua Neighborhood Board	Support	Written Testimony Only

Comments:

The Kailua Neighborhood Board SUPPORTS HB1235. On February 2, 2023 the Kailua NB unanimously approved the following resolution:

The Kailua Neighborhood Board supports SB1470 and HB1235 that would require the Department of Public Safety to install digital cameras in all guard control rooms at the Kailua Women's Community Correctional Center and require all guards to wear body cameras while on duty.



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

Committee on Corrections, Military & Veterans

Rep. Mark J. Hashem, Chair

Rep. Cory M. Chun, Vice Chair

Friday, February 3, 2023, 9:00 AM
Conference Room 430 & via Videoconference

Re: Testimony on HB1235 – RELATING TO CORRECTIONS

Chair Hashem, Vice Chair Chun, 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, which requires the Department of Public Safety to install digital cameras in all guard control rooms at the Women’s Community Correctional Center (WCCC) and require all guards to wear body cameras while on duty. This measure also appropriates funds for such purposes.

UPW would like to note that requiring adult corrections officers to wear body-worn cameras, as is proposed by this measure, affects the condition of employment, because a violation of any body-worn camera 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, this may require more time than prescribed in the bill.

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 CORRECTIONS, MILITARY, & VETERANS

Rep. Mark J. Hashem, Chair

Rep. Cory M. Chun, Vice Chair

Friday, February 3, 2023

Room 430

9:00 AM

STRONG SUPPORT FOR HB 1235 - CAMERAS & BODY CAMS

Aloha Chair Hashem, Vice Chair Chun 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. This bill requires the department of public safety to install digital cameras in all guard control rooms at WCCC and require all guards to use body cameras while on duty. We respectfully offer an amendment to include working cameras and bodycams worn by staff on duty at all facilities where women are housed.

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*

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

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/>

This is the second time this year 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 more than 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 the women imprisoned at WCCC who are under the "care and custody" of the state and provide 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.

LATE

HB-1235

Submitted on: 2/2/2023 2:36:50 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Anuheia St. Laurent	Anuheia St.Laurent-Marriage and Family Therapy LLC	Support	Written Testimony Only

Comments:

Aloha, As a Marriage and Family Therapist Intern who's worked in the mental health field for over 12 years, several of which were at a dual diagnosis residential treatment facility where many of our clients were also in and out of jail, I strongly support this bill. The correctional system will never work, will never help individuals stop/reduce criminal activity if they are allowing vulnerable members of the community to be further traumatized in our correctional centers. There must be accountability for those who are working at these facilities so they do not abuse their power by physically, mentally, emotionally, and sexually abusing and/or neglecting inmates.

STATE OF HAWAII
CORRECTIONS, MILITARY, & VETERANS

HONOLULU, HI

January 31, 2023

To: The Honorable Chair Mark J. Hashem
The Honorable Vice Chair Cory M. Chun
Members of the Committee
Committee on Corrections, Military, & Veterans (CMV)

From: Tishalynn Reed
H.B. NO. 1235 RELATING TO CORRECTIONS
Hearing: Conference Room 430 & Via Videoconference on Friday, February 03, 2023

My name is Tishalynn Reed, and I respectfully submit the following testimony in strong support of **H.B. NO. 1235**, Relating to Corrections. I am a family member of a corrections officer falsely accused of misconduct. I am also a family member of a survivor who had multiple sexual transgressions committed against her while incarcerated. As stated in H.B. NO 1235, a group of incarcerated women was allegedly assaulted 53 times in a span of three years (p.1). This is unacceptable! If H.B. NO.1235 is passed, this bill can give “sufficient coverage to ensure the health and safety of all staff and inmates,” as stated in H.B. NO 1235 (p.2). It also provides families like mine peace of mind and could reduce our stress of worry while our loved ones are working in the prisons and incarcerated. So, I see this bill as a win for all parties. This is why I strongly support H.B. NO 1235 for the safety of the detained and the staff.

Sincerely,

Tishalynn Reed

HB-1235

Submitted on: 2/1/2023 12:11:47 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support

HB-1235

Submitted on: 2/1/2023 7:56:08 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
pahnelopi mckenzie	Individual	Support	Written Testimony Only

Comments:

I am in full support of this bill. The normalization of violence and assault to Women must be stopped. Thank you to those of you who work to protect the vulnerable and end further trauma.

HB-1235

Submitted on: 2/1/2023 10:29:25 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Linda Rich	Individual	Support	Written Testimony Only

Comments:

COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

Rep. Mark J. Hashem Chair

Rep. Cory M. Chun, Vice Chair

Friday, February 3, 2023 9:00 am

Via videoconference, Conference Room 430 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 system, leave inmates at 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 over a 3 year period, it is imperative to provide a higher level of protection for the Hawaii’s incarcerated women. This 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 Public Safety Department to see that they are treated humanely. Please pass HB1235.

Thank you for the opportunity to share testimony.

Linda Rich

On Behalf of Women's Prison Project

HB-1235

Submitted on: 2/1/2023 11:46:45 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Nicole Elizabeth Ka'iulani Struempf	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Chair and committee members,

My name is Nicole Elizabeth Ka'iulani Struempf and stand in strong support for HB1235.

There is a shortage of access to prenatal and postnatal care for birthing families in our rural communities. I am asking that you broaden access to maternity care by allowing all Certified Professional Midwives to obtain a midwifery license. Likewise, please continue to allow the oldest community of birth attendants to remain legal by extending the sunset date for the traditional birth attendant.

Please support HB1235

Mahalo

HB-1235

Submitted on: 2/2/2023 12:50:09 AM

Testimony for CMV on 2/3/2023 9:00:00 AM

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.

LATE

HB-1235

Submitted on: 2/2/2023 9:03:24 AM

Testimony for CMV on 2/3/2023 9:00:00 AM

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.

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.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili

LATE

HB-1235

Submitted on: 2/2/2023 2:43:51 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	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.

LATE

HB-1235

Submitted on: 2/2/2023 7:18:03 PM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Susana Roman	Individual	Support	Written Testimony Only

Comments:

Susana Román

Regarding HB 1235

02/02/2023

Aloha,

My name is Susana Román, I am a Special Education (SpEd) Teacher at Kailua Intermediate School. I am writing in support of HB 1235.

I am incredulous that digital cameras are not already commonplace in all correctional centers. Not only as a safety measure to protect the guards from allegations of rape and/or violence. But also for the safety and surveillance of the inmates. I find it hard to believe that in this day and age of instant connectivity this is even being debated. I agree the state should require the department of public safety:

“...to install digital cameras in all guard control rooms at the women’s community correctional center and require all guards to wear body cameras while on duty.”

LATE

HB-1235

Submitted on: 2/3/2023 1:39:48 AM

Testimony for CMV on 2/3/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Emmy Nation	Individual	Support	Written Testimony Only

Comments:

How is this even still an issue? Are we living in an episode of Orange is the New Black? Please appropriate the funds. Just look at what the State is doling out in civil suit settlements and buy the cameras with those saved future funds. Sexual assault is such a huge social problem and there is no easy answer, except in this case where we can monitor what is happening within these prison walls. The felony of sexual assault should never be allowed to be perpetrated by those put in charge to protect others as officers of the law.