



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

TO: The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 1470, Senate Draft 1, Relating to Corrections
Hearing: Wednesday, March 1, 2023; 10:10 a.m.
State Capitol, Room 211

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

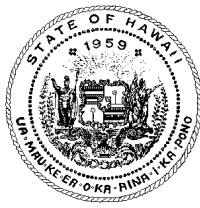
The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **supports** the intent of Senate Bill 1470, Senate Draft 1, relating to Cameras and Body Cameras at the Women's Community Correctional Center with the recommendation that it extends to *all* correctional facilities that house 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.

Senate Bill 1470 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 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 SENATE BILL 1470, SENATE DRAFT 1
RELATING TO CORRECTIONS

By
Tommy Johnson, Director

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 1, 2023; 10:10 a.m.
Conference Room 211 and Via Video Conference

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill (SB) 1470, Senate Draft 1 (SD 1), which seeks to require the department of public safety to install digital security cameras in all guard control rooms in any correctional center that houses women, not just the Women's Community Correctional Center (WCCC).

Presently, the department has already contracted consultant services 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, the Request for Proposal (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 consultant's report shortly, which will be informative on how the department proceeds with the RFP process. PSD respectfully requests this measure be amended to allow the department the flexibility to determine the best location of new systems to include the relocation of current security camera systems. Placement of security cameras inside of control stations may not be necessary if security camera systems actively video control station entryways to determine who

Testimony on SB 1470, SD 1
Senate Committee on Ways and Means
March 1, 2023
Page 2

enters and exits these sensitive security locations. Also, it should be noted, not all control stations are enclosed as many of those located at WCCC, OCCC, and other facilities are open workstations.

Thank you for the opportunity to provide testimony in support of SB 1470, SD 1.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON FINANCE

Rep. Donovan Dela Cruz, Chair

Rep. Gil Keith-Agaran, Vice Chair

Wednesday, March 1, 2023

Room 211

10:10 AM

STRONG SUPPORT FOR SB 1470 SD1 - CAMERAS & BODY CAMS

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran 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 4,028 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 917 (41% of the male imprisoned population²) 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 SB 1470 SD1. The SD1 added language that requires the Department of Public Safety to install digital cameras in all guard control rooms in any correctional center that houses women, not just the Women's Community Correctional Center; deleted language that would have required the Department of Public Safety to require guards to wear functioning body cameras while on duty at WCCC; and amended section 1 to reflect its amended purpose.

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

Sexual assault at WCCC is not a new problem. The most recent case³ alleged that "there were 53 rapes at the prison" that we know of. According to a federal court

¹ Department of Public Safety, Weekly Population Report, February 13, 2023.

https://dps.hawaii.gov/wp-content/uploads/2023/02/Pop-Reports-Weekly-2023-02-13_George-King.pdf

² Why are 41% of Hawai'i's male prison population sent thousands of miles from home when the following prisons in Hawai'i have room? Here are the capacity rates of the following prisons: Halawa is at 74.3%; Halawa Special Needs Facility is at 63.6%; Kulani is at 39.5%; Waiawa is at 59% of operational capacity. SEE FN1

³ 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/>

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 Oversight 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.”

The highlights of a report released last month by the Bureau of Justice Statistics looked at substantiated incidents of sexual assault from 2016-2018⁴:

This report describes substantiated incidents of inmate sexual victimization by another inmate or by staff. It presents data on the incidents of sexual victimization, such as location and time of day. It also provides characteristics of the victims and perpetrators of the victimization. The report details services provided to the victim and consequences for the perpetrator. In part, it fulfills BJS’s mandates under the Prison Rape Elimination Act of 2003 (PREA; P.L. 108–79).

Highlights

During 2016–18:

- Half of both inmate-on-inmate and staff-on-inmate sexual victimization incidents occurred in an area not under video surveillance.*
- There were 2,886 victims of inmate-on-inmate sexual victimization and 2,496 victims of staff-on-inmate sexual victimization in adult correctional facilities.*
- About 25% of victims of inmate-on-inmate nonconsensual sexual acts and 43% of victims of abusive sexual contact were female.*
- The victim was given a medical examination in 61% of inmate-on-inmate nonconsensual sexual act incidents and in 36% of abusive sexual contact incidents.*

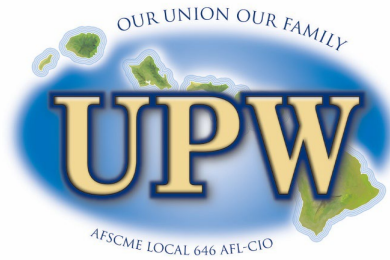
Community Alliance on Prisons has worked with the family of a woman who died under very suspicious circumstances while she was in lockdown at WCCC. There were a plethora of conflicting stories about the death of Ashley Gray that emerged from WCCC. The cameras were either not working or turned away from 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.

⁴ Substantiated Incidents of Sexual Victimization Reported by Adult Correctional Authorities, 2016–2018, by [Emily D. Buehler, PhD, BJS Statistician](#), January 2023, [PREA Publications](#)

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 with enough funding to assist the department in contracting for **WORKING CAMERAS AT ALL FACILITIES IN HAWAII NEI.**

Mahalo nui!



**THE SENATE
KA 'AHA KENEKOA
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2023**

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, March 1, 2023, 10:10 AM
Conference Room 211 & Videoconference

Re: Testimony in Support of SB1470, SD1 – RELATING TO CORRECTIONS

Chair Dela Cruz, Vice Chair Keith-Agaran, 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 supports SB1470, SD1, which requires the Department of Public Safety (“PSD”) to install digital cameras in all guard control rooms in any correctional center housing women. This measure also appropriates funds for such purposes.

UPW would like to note that the previous version of this bill required Adult Corrections Officers (“ACOs”) to wear body-worn cameras. This provision was problematic as it did not specifically address the need for PSD to negotiate a body-worn camera policy with UPW as is required pursuant to 89-3, Hawaii Revised Statutes, and the collective bargaining agreement. We firmly believe that the elimination of this requirement from the previous draft better addresses the greater intent of the bill: replacing inoperable and outdated cameras to improve security camera coverage within correctional facilities and ensuring the safety of inmates.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner".

Kalani Werner
State Director

Opportunity Youth Action

LATE

March 1, 2023

Committee: Senate Ways and Means
Time: 10:10 AM
Location: State Capitol
Re: SB 1470 Relating to Corrections

Aloha e Chair Dela Cruz, Vice Chair Keith Agaran and members of the Committee:

We are writing in **support** of SB 1470 relating to corrections.

This bill will appropriate funds for the use of digital cameras in control rooms within correctional facilities and for correctional officers on duty.

The use of digital cameras and body cameras can play a significant role in preventing sexual assault and other forms of misconduct within correctional facilities. Cameras provide an additional layer of transparency and accountability while also providing another form of deterrence from wrongdoing.

Opportunity Youth Action Hawai'i is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth homelessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please Support SB 1470.

www.oyahpolicy.com

SB-1470-SD-1

Submitted on: 2/27/2023 1:18:01 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Kristine Crawford	Individual	Support	Written Testimony Only

Comments:

Please pass this bill requiring and funding body cameras and cameras in the guard control rooms. It will help prevent abuse of all kinds.

SB-1470-SD-1

Submitted on: 2/27/2023 4:02:12 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison and I strongly support SB1470. Thank you!

SB-1470-SD-1

Submitted on: 2/27/2023 7:37:38 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Evern Williams	Individual	Support	Written Testimony Only

Comments:

Please pass this bill!

SB-1470-SD-1

Submitted on: 2/27/2023 8:58:49 PM

Testimony for WAM on 3/1/2023 10:10:00 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 Hawai‘i*, 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 all state correctional 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 SB1470 SD1, and consider expanding the proposal to cover all state correctional facilities, as provided in HB1235 HD2.

SB-1470-SD-1

Submitted on: 2/27/2023 11:02:09 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in strong support of SB1470 SD1 which requires the Department of Public Safety to install digital cameras in all guard control rooms in state correctional facilities.

Installing cameras in guard control rooms in all state correctional facilities will help prevent sexual assaults as well as protect guards against false claims of sexual assault. It will also demonstrate to concerned parties, including the Kailua Neighborhood Board, that the Department of Public Safety (and the Legislature) is serious about protecting incarcerated people against sexual assault.

Please pass SB1470 SD1. Mahalo.

Diana Bethel, Honolulu

LATE

SB-1470-SD-1

Submitted on: 2/28/2023 10:41:27 PM

Testimony for WAM on 3/1/2023 10:10:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Reyes Oda	Individual	Support	Written Testimony Only

Comments:

I support this bill.