



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

TO: The Honorable Kyle T. Yamashita, Chair
The Honorable Lisa Kitagawa, Vice Chair
House Committee on Finance

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1235 House Draft 2, Relating to Corrections
Hearing: Wednesday, March 1, 2023; 10:00 a.m.
State Capitol, Room 308

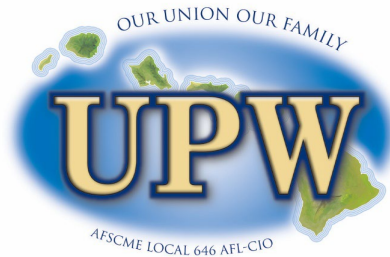
Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **supports** House Bill 1235, House Draft 2 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 Finance
Rep. Kyle T. Yamashita, Chair
Rep. Lisa Kitagawa, Vice Chair

Wednesday, March 1, 2023, 10:00 AM
Conference Room 308 & via Videoconference

Re: Testimony on HB1235, HD2 – RELATING TO CORRECTIONS

Chair Yamashita, Vice Chair Kitagawa, 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, HD2, which appropriates funds for purchasing digital cameras for all adult correctional officer control rooms at state correctional facilities and body cameras for adult correctional officers 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,

A handwritten signature in blue ink, appearing to read "Kalani Werner", is written over a light blue horizontal line.

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 FINANCE

Rep. Kyle Yamashita, Chair

Rep. Lisa Kitagawa, Vice Chair

Wednesday, March 1, 2023

Room 308

10:00 AM

STRONG SUPPORT FOR HB 1235 HD2 - CAMERAS & BODY CAMS

Aloha Chair Yamashita, Vice Chair Kitagawa 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 HB 1235 HD2. 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. The HD2

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, 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

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 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.*

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/>

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

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.

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 cameras at ALL FACILITIES IN HAWAII NEI.

Mahalo nui!

Opportunity Youth Action Hawai'i

February 27, 2023

Committee: House Finance
Time: 10:00 AM
Location: State Capitol
Re: HB 1235, HD2 Relating to Corrections

Aloha Chair Yamashita, Vice Chair Kitagawa, and members of the Committee:

We are writing in **support** of HB 1235, HD2 relating to health.

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 HB 1235, HD2.

www.oyahpolicy.com



House Committee on Finance

Hawai'i Alliance for Progressive Action (HAPA) Supports: HB1235 HD2

Wednesday, March 1, 2023 10 a.m. Conference Room 308

Aloha Chair Yamashita, Vice Chair Kitagawa and Members of the Committee,

HAPA supports HB1235 HD2 which appropriates funds for purchasing digital cameras for all adult correctional officer control rooms at state correctional facilities and body cameras for adult correctional officers to wear while on duty at state correctional facilities.

The recent 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 pleaded 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 HD2.

Mahalo for your consideration,

A handwritten signature in black ink, appearing to read 'Anne Frederick', written in a cursive style.

Anne Frederick
Executive Director

HB-1235-HD-2

Submitted on: 2/27/2023 1:08:13 PM

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

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

Comments:

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

HB-1235-HD-2

Submitted on: 2/27/2023 4:27:43 PM

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

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

Comments:

My name is Carla Allison and I **strongly support HB1235** and ask that you do the same. No one in the care and custody of our state should be subject to violence. We need to provide the tools, working digital cameras and body cameras, to ensure folks living in WCCC are treated with dignity and respect and are safe from harm. Additionally, we should recognize that a well funded, safe working environment at WCCC can help attract highly qualified, caring staff members. Please support HB1235. Thank you!

HB-1235-HD-2

Submitted on: 2/27/2023 7:38:20 PM

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

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

Comments:

No one under the care and custody of the state should be subject to this violence

HB-1235-HD-2

Submitted on: 2/27/2023 8:53:43 PM

Testimony for FIN on 3/1/2023 10:00:00 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 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 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 HD2.

HB-1235-HD-2

Submitted on: 2/27/2023 10:53:43 PM

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

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

Comments:

Aloha,

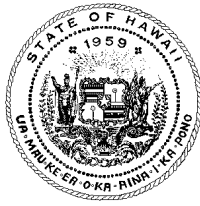
I am writing in strong support of HB1235 HD2 which requires the Department of Public Safety to install digital cameras in all ACO control rooms in state correctional facilities and requires all ACOs to wear body cameras while on duty at all state correctional facilities.

Installing cameras in ACO control rooms in all state correctional facilities and requiring ACOs to wear body cameras while on duty at state correctional facilities will help prevent sexual assaults as well as protect ACOs 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 HB1235 HD2. Mahalo.

Diana Bethel, Honolulu

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, HOUSE DRAFT 2
RELATING TO CORRECTIONS

By
Tommy Johnson, Director

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Wednesday, March 1, 2023; 10:00 a.m.
State Capitol, Conference 308 and Via Video Conference

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 1235, House Draft 2, which seeks to require PSD to install cameras at its correctional facilities statewide, requires adult correctional officers to wear functioning body cameras while on duty and appropriates funds for these purposes.

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 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/rooms may not be necessary if security camera systems actively video control station entryways to determine who enters and exits these sensitive security locations.

Testimony on HB 1235, HD2
House Committee on Finance
March 1, 2023
Page 2

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

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 language from the bill as was done with SB 1470, SD1. Requiring adult corrections officers to wear body cameras is a negotiable item which requires consultations with the United Public Workers (UPW) Union.

Thank you for the opportunity to provide testimony support of HB 1235, HD2.

March 1, 2023

To: Representative Kyle Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair and
Members of the Committee on Finance

From: Jeanne Y. Ohta

RE: HB1235 HD2 Relating to Corrections

POSITION: STRONG SUPPORT

Chair Yamashita, Vice Chair Kitagawa and members of the Committee, I am writing today in strong support of HB 1235 HD2 which requires the Department of Public Safety to install digital cameras in all adult correctional officer control rooms at state correctional facilities and purchase body cameras for use by adult correctional officers to wear while on duty.

It is the responsibility of the State of Hawaii to prevent sexual assaults and other abuse in our prisons. This bill is a good starting point. It is irresponsible for the Department of Public Safety to allow broken equipment to be the status quo in our facilities. This situation cannot and should not continue.

For the safety of individuals who have been assigned to the care and custody of the Department of Public Safety I respectfully request that the Committee pass this measure. Thank you for the opportunity to provide testimony in strong support of this measure.

HB-1235-HD-2

Submitted on: 2/28/2023 10:40:55 PM

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

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

Comments:

I support this bill.