

# **SB 811**

## **RELATING TO THE HAWAII STATE HOSPITAL.**

Requires the department of public safety to provide security at the Hawaii state hospital. Requires a report to the legislature on strategies and plans to address the needs for appropriate security and the needs of the increasing and aging forensic population at the Hawaii state hospital.



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

**Senate Committees on Health, Public Safety, Government Operations and Military Affairs**

**S.B. 811, HAWAII STATE HOSPITAL**

**Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Acting Director of Health**

**Tuesday, February 8, 2011; 2:45 p.m.; Room 224**

1 **Department's Position:** The Department of Health (DOH) supports this bill with amendments.

2 **Purpose and Justification:** This proposal mandates the Department of Public Safety (PSD) as  
3 responsible for security at Hawaii State Hospital (HSH), as of September 1, 2011, and requires that  
4 DOH collaborates with PSD on a report about long term security plan for HSH.

5 Historically, PSD staff has been present at HSH. From 1989 to 2009, personnel from PSD  
6 Sheriffs Division fulfilled this role. Prior to 1989, PSD's Adult Corrections Officers provided security  
7 services. The DOH would welcome renewed assistance from PSD in providing a meaningful security  
8 presence at the HSH campus. This is consistent with the desire to responsibly address security and  
9 public safety needs, both within the Hospital and for our communities.

10 The establishment of a process around an interdepartmental team to implement security planning  
11 for the patient population with shared operational responsibility for security at HSH is urged. Some  
12 dialogue has already begun around this effort and we anticipate this interdepartmental planning activity  
13 to continue, should this legislation pass. Further, this measure is scheduled for continued internal  
14 discussion between the PSD and DOH later this week.

1 We respectfully request the addition of the following text as an amendment on Page 4, Line 16 to

2 read:

3 3) Specific action steps which PSD and DOH will implement no later than January 1, 2013 to  
4 establish a joint team on operational security at HSH.

5 Thank you for the opportunity to testify on this bill.

**NEL ABERCROMBIE**  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**JODIE F. MAESAKA-HIRATA**  
INTERIM DIRECTOR

**Martha Torney**  
Deputy Director  
Administration

Deputy Director  
Corrections

**KEITH KAMITA**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 811  
RELATING TO THE HAWAII STATE HOSPITAL**

By

**Jodie Maesaka-Hirata, Interim Director  
Department of Public Safety**

**Senate Committee on Public Safety, Government Operations, and Military Affairs  
Senator Will Espero, Chair  
Senator Michelle Kidani, Vice-Chair**

**Senate Committee on Health  
Senator Josh Green, M.D., Chair  
Senator Clarence Nishihara, Vice-Chair**

**Tuesday, February 8, 2011; 2:45 PM  
State Capitol, Conference Room 224**

**Chairs Espero and Green, Vice Chairs Kidani and Nishihara, and Members of the  
Committees:**

The Department of Public Safety (PSD) strongly opposes Senate Bill 811, which requires PSD to provide security for the State's secure psychiatric rehabilitation facility located in Kaneohe beginning September 1, 2011. There is no definition as to "security" in this measure, so it is not clear if the intent is to provide perimeter security as it was in the past, or if the intent is to provide security within the facility, which would clearly beyond the scope of PSD's authority.

Aside from the ambiguity of "security" within the measure, another main issue with the assignment of PSD staff to the State Hospital is the issue of cross department supervision. If this bill were to pass, either Security Officers or Deputy Sheriffs would be given orders as to their assigned duties from DOH staff, which as previously stated, could include more than simple grounds security if these staff were assigned duties on the wards. In the event there was an incident or a personnel action, there would be a serious conflict with the chain of command for these positions. No Sheriff's Division staff has any mental health training or experience that would qualify them to provide security within the State Hospital. Furthermore, there is no existing training within PSD that would qualify a staff member to work on the wards in the State Hospital.

Further, it should be noted that when PSD had Security Officer positions that were assigned to the State Hospital, their duties and responsibilities did not include any security functions within the hospital itself, instead they were stationed at the gate entrance and were responsible for the security of the entrance and perimeter. The Security Officers were not authorized nor were they allowed to enter the hospital wards and/or treatment areas. Unfortunately there appears to be a misconception and/or misunderstanding that the presence of PSD staff would somehow reduce and/or prevent assaults on staff within the hospital. PSD believes that this perception is inaccurate since no PSD positions within the Sheriff's Division have mental health training to deal with patients. It is possible that some DOH staff may have developed a false sense of security regarding the presence of Security Officers at the State Hospital.

PSD strongly urges this committee to amend this measure to create security positions within DOH for the State Hospital. These positions could be appropriately trained by DOH pursuant to their policies and procedures, and there would be no issues regarding appropriate supervision if a personnel issue arises. In addition, these positions could be placed in the wards as well as on the perimeter.

In conclusion, while PSD understands the Legislature's concerns with security at the State Hospital, PSD would not be the appropriate agency to perform security functions within the State Hospital. For the foregoing reasons, PSD strongly opposes Senate Bill 811, and respectfully requests this measure be either amended to place the security officers under the Hawaii State Hospital or in alternative, to be held.

Thank you for this opportunity to testify on this measure.



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

**RANDY PERREIRA**  
*Executive Director*  
Tel: 808 543.0011  
Fax: 808.528.0922

**NORA A. NOMURA**  
*Deputy Executive Director*  
Tel: 808 543.0003  
Fax: 808.528.0922

**DEREK M. MIZUNO**  
*Deputy Executive Director*  
Tel: 808.543.0055  
Fax: 808.523.6879

The Senate  
The Twenty-Sixth Legislature, State of Hawaii  
Committee on Public Safety, Government Operations, and Military Affairs  
Committee on Health

Testimony by  
Hawaii Government Employees Association

February 8, 2011

S.B. 811 – RELATING TO THE  
HAWAII STATE HOSPITAL

The Hawaii Government Employees Association, AFSCME Local 125, AFL-CIO strongly supports the purpose and intent of S.B. 811. The purpose of this measure requires the Department of Public Safety (PSD) to provide security at the Hawaii State Hospital; and also requires a report from the Department of Health (DOH), with collaboration from PSD, to the legislature on its plan for strategies and plans to address the needs for appropriate security and the needs of the increasing and aging forensic population at the Hawaii State Hospital (HSH).

The safety issues have been a long-standing problem. Currently, the private security which is contracted through the DOH has limitations specified in their contract on what services they are able to provide should a situation of safety arise. The intent of S.B. 811 is to clarify the duties of the PSD to include security at the HSH. Section 26-14.6, Hawaii Revised Statutes, which states in part, "Effective January 1, 1993, the functions and authority heretofore exercised by the director of health and the department of health relating to uniformed security employees and security contracts at various state hospitals throughout the State shall be transferred to the department of public safety." PSD's mission statement explicitly states, "The mission of the Department of Public Safety is to provide for the safety of the public and state facilities through law enforcement and correctional management."

The HGEA represents nearly 300 employees at the HSH who are within five (5) bargaining units. They include positions such as Blue Collar Supervisors, White Collar Employees, White Collar Supervisors, Registered Professional Nurses and Professional and Scientific Employees. S.B. 811 with an effective date of September 1, 2011, would help to address the security and safety concerns of the employees and patients of the Hawaii State Hospital.

The State Senate  
Committee on Public Safety, Government Operations, and Military Affairs  
Committee on Health  
Re: S.B. 811 – Relating to the Hawaii State Hospital  
February 8, 2011  
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Requiring the agencies to report to the legislature the plan, strategies, and timetable for ensuring the provision of appropriate levels of long-term security at the HSH; and the short and long-term strategies and plans to address the increasing and aging forensic population at the HSH, would press them to be accountable to the employees, patients and the community at large.

Thank you for allowing us to provide testimony in strong support of S.B. 811.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Nora A. Nomura", written in a cursive style.

Nora A. Nomura  
Deputy Executive Director