

# **SB 198**

## **RELATING TO CRIME REDUCTION**

Creates a permanent weed and seed strategy within the department of labor and industrial relations, office of community service. Appropriates funds subject to federal funding.

PSM/JDL, WAM

DAVID Y. IGE  
GOVERNOR

ELAINE N. YOUNG  
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**STATE OF HAWAII  
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February 9, 2015

To: The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair, and  
Members of the Senate Committee on Judiciary and Labor

The Honorable Will Espero  
The Honorable Rosalyn H. Baker  
Members of the Senate Committee on Public Safety, Intergovernmental and  
Military Affairs

Date: Thursday, February 12, 2015  
Time: 9:10 a.m.  
Place: Conference Room 016, State Capitol

From: Elaine N. Young, Acting Director  
Department of Labor and Industrial Relations (DLIR)

**Re: S.B. No. 198 Relating to Crime Reduction**

**I. OVERVIEW OF PROPOSED LEGISLATION**

SB198 creates a Weed and Seed program in the Office of Community Services (OCS), which is administratively attached to the DLIR and creates a Weed and Seed Advisory Committee selected by the Executive Director of OCS. The appropriation is blanked out and conditioned on obtaining federal funds.

The department supports the intent of the measure, but prefers OCS administering a Grant-In-Aid for the Weed and Seed program, as long as the proposal's passage does not displace the funding priorities of the administration.

**II. CURRENT LAW**

Recently, the Office of Community Services has administered the Weed and Seed Program as a Grant-in-Aid pursuant to chapter 42F. A permanent program does not exist.

**III. COMMENTS ON THE SENATE BILL**

The DLIR has serious concerns with the measure as currently drafted. The reduction of crime and drug use and the prevention of crime are outside the mission of the DLIR. OCS has administered a chapter 42F Grant-in-Aid for the Weed and Seed Program for a number of years and the department supports amending the measure to a GIA.

OCS is not a direct service agency and it was never intended to take on such a role. OCS's mission, under HRS Chapter 371K, is to contract out for non-profit and other agencies to provide such services and provide administrative support, planning, and administrative oversight over the service providers for these programs. In addition to the advisory committee and annual report, this bill as drafted may task OCS with providing direct services, which would require staff and resources.

The department defers to the Department of Human Resources Development in regards to the potential roadblocks identified by OCS regarding program expenses associated with personnel issues.

A similar measure (Act 264) passed the 2012 Legislature and appropriated \$336,000, which passed through OCS as a Grant-In-Aid.

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February 11, 2015

To: The Honorable Gilbert S.C. Keith-Agaran, Chair  
The Honorable Maile S.L. Shimabukuro, Vice Chair, and  
Members of the Senate Committee on Judiciary and Labor

The Honorable Will Espero  
The Honorable Rosalyn H. Baker  
Members of the Senate Committee on Public Safety, Intergovernmental and  
Military Affairs

Date: Thursday, February 12, 2015  
Time: 9:10 a.m.  
Place: Conference Room 016, State Capitol

From: Denise M. Pierson, Acting Executive Director  
Office of Community Services (OCS)

**Re: S.B. No. 198 Relating to Weed and Seed Program**

**I. OVERVIEW OF PROPOSED LEGISLATION**

SB198 would expand the mission of the Office of Community Services (OCS), by adding a permanent statutory mandate to operate a Weed and Seed program, subject to availability of Federal and/or State funding. SB198 would amend HRS Chapter 371K to require OCS to operate a Weed and Seed program with whatever Federal and/or State funding is available. The bill would establish a Weed and Seed Advisory Committee to be selected by the OCS Executive Director.

OCS supports the intent of the measure, but prefers administering a Grant-In-Aid for the Weed and Seed program, as long as the proposal's passage does not displace the funding priorities of the administration.

**II. CURRENT LAW**

In several recent years, the Legislature has made Chapter 42F grants-in-aid to the Honolulu YMCA to operate a State funded Weed and Seed program in various neighborhoods in Honolulu, and it has designated OCS as the expending agency.

However, currently, there is no permanent Weed and Seed program in Hawaii. At present, a Weed and Seed program is being operated by Honolulu YMCA through the City and County of Honolulu.

### **III. COMMENTS ON THE SENATE BILL**

OCS is administratively attached to the Department of Labor and Industrial Relations (DLIR). OCS's focus, pursuant to its statutory mandate in HRS Chapter 371K, is to assist economically disadvantaged people, including immigrants and refugees, to obtain employment and access to other social services and thereby achieve a level of self-sufficiency that will help them minimize or eliminate long-term dependency on services.

Our first concern relates to the OCS mandate and mission, as set out in HRS Chapter 371K. Weed and Seed is, fundamentally, outside the scope of what OCS is designed to do. OCS respectfully submits that it would be inappropriate for OCS to be assigned, on a permanent basis, with responsibility for Weed and Seed.

As SB198 notes, "The four key elements of the weed and seed strategy are: 1) Law enforcement; 2) Community policing; (3) Prevention, intervention, and treatment programs; and (4) Neighborhood restoration." SB198 then states, "The weed and seed strategy works with local law enforcement to weed out violent crime, gang activity, and drug use and trafficking in targeted areas. The strategy then works to seed the revitalization of the targeted areas by restoring the neighborhood through social and economic revitalization."

None of the four key strategies of Weed and Seed is a good "fit" with what OCS does. As the bill acknowledges, Weed and Seed is fundamentally a law-enforcement and anti-crime program. Weed and Seed programs may well result in major crime-reduction in certain communities, depending on how they are administered.

Our second concern relates to administrative capacity. As noted above, OCS has administered a Chapter 42F Grant-in-Aid for the Weed and Seed Program at various times in recent years, just as it has administered a number of other Grants-in-Aid under Chapter 42F. Most of those Chapter 42F grants assigned to OCS involve building capacity for non-profit organizations that provide community services that are employment related. (While some of those grants are for services that are outside our express statutory mandate under HRS Chapter 371K, that number has been reduced recently.)

Weed and Seed as a Chapter 42F grant is relatively manageable because OCS's role in administering Chapter 42F grants is substantially more limited than our responsibilities for our regular programs. With Chapter 42F grants, we are a pass-through agency that has certain oversight responsibilities for grants that have already been selected and shaped by the Legislature. For this reason, these grants do not involve the full level of responsibility and staff resources that our regular programs require.

OCS is not a direct service agency. It administers all of its programs through

contracts with non-profit organizations. Through HRS Chapter 103F procurement process for health and human services, OCS issues Requests for Proposals (RFPs), evaluates proposals that are submitted in response to the RFPs, and contracts with service providers for services in conformity with those RFPs. OCS then provides administrative support and oversight.

As we see it, SB198 as currently drafted might require OCS to provide direct services. This would require OCS to hire additional staff with law-enforcement backgrounds, and it would require other resources that OCS does not have.

One further set of considerations relates to funding. The bill provides for an appropriation, but no sum is indicated. It is also unclear whether OCS would be required to use the entire appropriation for the program activities themselves, or whether some portion might be allocated for administrative costs – especially important if the program were to be extended to one or more Neighbor Islands, which has not happened in recent memory.

Another concern is that some program expenses in the past were for police officers, on overtime, that assist and train persons in the activities of community policing. We would like an opportunity to confer with the State of Hawaii Organization of Police Officers, the Counties, and the Department of Human Resources Development in order to ensure there are no particular roadblocks to funding such activities with State funds.

All of us at OCS have been grateful to the Legislature for the confidence it has repeatedly expressed in the work that OCS does. We endeavor to be worthy of that confidence and are pleased to take on added responsibilities that the Legislature might assign to us within the scope of our mission and mandate. We thank the sponsors of SB198 for expressing this confidence.

**SB198**

Submitted on: 2/10/2015

Testimony for PSM/JDL on Feb 12, 2015 09:10AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kenny Wusstig	Individual	Support	No