

JAN 21 2022

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the corrections
2 division of the department of public safety oversees eight
3 correctional facilities in the State: the Halawa correctional
4 facility, Hawaii community correctional center, Kauai community
5 correctional center, Kulani correctional facility, Maui
6 community correctional center, Oahu community correctional
7 center, Waiawa correctional facility, and women's community
8 correctional center.

9 The legislature recognizes that correctional facilities
10 throughout the State face issues of overcrowding and
11 understaffing, creating threats to the safety and well-being of
12 the adult corrections officers working in these correctional
13 facilities. The legislature notes that adult corrections
14 officers have been the subject of numerous attacks by inmates in
15 the State's correctional facilities. In 2017, three adult
16 corrections officers were attacked by inmates at the Oahu
17 community correctional center. In 2018, an adult corrections



1 officer received head and facial injuries after being attacked
2 by an inmate at the Maui community correctional center. In
3 2020, two adult corrections officers were allegedly attacked by
4 inmates at the Hawaii community correctional center over a
5 social distancing dispute. In 2021, an adult corrections office
6 was assaulted by a Maui community correctional center inmate.
7 The legislature further finds that, despite these incidents, the
8 most recent studies and reviews of the security staffing needs
9 of each correctional facility were in 1992 and 1996 pursuant to
10 Act 300, Session Laws of Hawaii 1992, and Act 287 Session Laws
11 of Hawaii 1996, respectively. Further, while the office of the
12 auditor collected data on correctional facility staffing in 2015
13 for the purpose of an audit, the office did not complete the
14 audit due to a change in office leadership.

15 Accordingly, the purpose of this Act is to require the
16 auditor to conduct a management audit of the corrections
17 division of the department of public safety.

18 SECTION 2. (a) The auditor shall conduct a management
19 audit of the corrections division of the department of public
20 safety to:

21 (1) Evaluate the corrections division's:



- 1 (A) Recruitment and retention rates; and
- 2 (B) Hiring policies and practices;
- 3 (2) Determine whether:
 - 4 (A) The State's correctional facilities are
 - 5 sufficiently staffed;
 - 6 (B) Any staffing issues at the State's correctional
 - 7 facilities may be adequately addressed by the
 - 8 hiring of individuals on an emergency basis;
 - 9 (C) The State's correctional facilities comply with
 - 10 the Family and Medical Leave Act of 1993 and
 - 11 national best practices regarding safety
 - 12 regulations for on-duty adult corrections
 - 13 officers, including whether adult corrections
 - 14 officers are equipped with sufficient safety
 - 15 devices and provided with appropriate training;
 - 16 (D) The corrections division's recruitment and
 - 17 retention policies meet national best practices;
 - 18 (E) The managers of the State's correctional
 - 19 facilities consider the reasons for adult
 - 20 corrections officers' departures; and



1 (F) The department of public safety has enacted any
2 process to curtail abuse by adult corrections
3 officers of temporary disability insurance and
4 workers compensation benefits.

5 (3) Review:

6 (A) The department of public safety's policies and
7 practices of staffing essential and non-essential
8 posts, including any negotiated policies and
9 practices, and whether these classifications
10 provide the highest level of safety for the
11 inmates and adult corrections officers;

12 (B) The compliance and usage of negotiated vacation
13 leave, sick leave, shortage pay, and temporary
14 hazard pay and whether the usage rates are
15 consistent with other correctional facilities in
16 other divisions within the State;

17 (C) Adult corrections officer scheduling and post
18 assignments and whether the scheduling and post
19 assignments follow the department of public
20 safety's policies and procedures and meet
21 national best practices; and



1 (D) The department of public safety's practice of
2 temporarily assigning Oahu community correctional
3 facility adult corrections officers to the Halawa
4 correctional facility and determine the impact of
5 this practice on Oahu community correctional
6 facility's staffing issues; and

7 (4) Analyze any other topics that the auditor deems
8 appropriate.

9 (b) The auditor shall submit a report of its findings and
10 recommendations, including any proposed legislation, to the
11 legislature no later than twenty days prior to the convening of
12 the regular session of 2023.

13 SECTION 3. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$ or so
15 much thereof as may be necessary for fiscal year 2022-2023 for
16 the auditor to conduct a management audit of the corrections
17 division of the department of public safety.

18 The sum appropriated shall be expended by the auditor for
19 the purposes of this Act.



S.B. NO. 2452

1 SECTION 4. This Act shall take effect on July 1, 2022.

2

INTRODUCED BY: Kurt Fuelle



S.B. NO. 2452

Report Title:

Auditor; PSD; Corrections Division; Management Audit;
Appropriation

Description:

Requires the Auditor to conduct a management audit of the
Corrections Division of the Department of Public Safety.
Appropriates moneys.

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