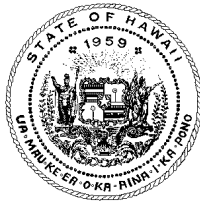


JOSH GREEN, M.D.  
GOVERNOR



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  
RELATING TO CORRECTIONS

By  
Tommy Johnson, Director

Senate Committee on Public Safety and Intergovernmental  
and Military Affairs  
Senator Glenn Wakai, Chair  
Senator Brandon J.C. Elefante, Vice Chair

Monday, February 6, 2023; 3:00 p.m.  
Conference Room 225 and Via Video Conference

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Bill (SB) 1470, which seeks to require the department of public safety to install cameras at the women's community correctional center (WCCC), require guards (Adult Correctional Officers (ACOs)) to wear functioning body cameras while on duty at the WCCC; and appropriate 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 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 by the end of February 2023, which will be informative on how the department proceeds with the RFP process.

With respect to the requirement for all ACOs to wear functioning body cameras while on duty at the WCCC, is it respectfully requested that this measure be amended to request the department complete a feasibility study regarding this issue, and that the study include all correctional facilities statewide.

The study would determine the applicability for the need for body cameras throughout the correctional facilities; the costs to procure the equipment; use, storage of data, training, etc. The study would also be instrumental in PSD's efforts to consult with the appropriate union representing Adult Correctional Officers.

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



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

TO: The Honorable Glen Wakai, Chair  
The Honorable Brandon J.C. Elefante, Vice Chair  
Senate Committee on Public Safety and Intergovernmental and Military Affairs

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 1470, Relating to Corrections  
Hearing: Monday, February 6, 2023; 3:00 p.m.  
State Capitol, Room 225

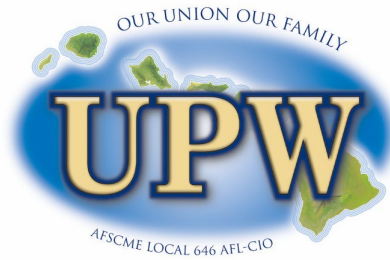
Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **supports** the intent of Senate Bill 1470 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](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.



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

**Committee on Public Safety and Intergovernmental and Military Affairs**

Senator Glenn Wakai, Chair  
Senator Brandon J.C. Elefante, Vice Chair

Monday, February 6, 2023, 3:00 PM  
Conference Room 224 & Videoconference

**Re: Testimony on SB1470 – RELATING TO CORRECTIONS**

Chair Wakai, Vice Chair Elefante, 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 SB1470, which requires the Department of Public Safety to install digital cameras in all guard control rooms at the Women’s Community Correctional Center and require all guards to wear body cameras while on duty. This measure also appropriates funds for such purposes.

UPW would like to note that requiring adult corrections officers to wear body-worn cameras, as is proposed by this measure, affects the condition of employment, because a violation of any body-worn camera 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. Developing a body-worn camera policy that is mutually agreed upon by the Union and the Department, procuring a body-worn camera system, and providing corrections personnel with proper training related to such system will likely take longer than the 6 months prescribed in this bill.

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

# COMMUNITY ALLIANCE ON PRISONS

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

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



## COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon Elefante, Vice Chair

Monday, February 6, 2023

Room 225

3:00 PM

### **STRONG SUPPORT w/ AMENDMENT FOR SB 1470 – CAMERAS & BODY CAMS**

Aloha Chair Wakai, Vice Chair Elefante, 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 4,074 Hawai`i individuals living behind bars<sup>1</sup> and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on any given day. We are always mindful that 964 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. This bill requires the department of public safety to install digital cameras in all guard control rooms at WCCC and require all guards to use body cameras while on duty.

We respectfully offer the following amendment to include working cameras and bodycams worn by staff on duty at all facilities where women are housed.

- Page 2, Line 6 after women’s community correctional center; , as well as all facilities housing Hawai`i’s imprisoned women.
- Page 3, Line 9 after “community correctional center as well as all facilities housing Hawai`i’s imprisoned women.

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<sup>1</sup> Department of Public Safety, Weekly Population Report, January 30, 2023.

[https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-23\\_George-King.pdf](https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-23_George-King.pdf)

Sexual assault at WCCC is not a new problem. The most recent case<sup>2</sup> 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 this year 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 more than 40% of the video cameras at the facility were not working at that time.*

*Christin Johnson, coordinator for the 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.”*

We worked with the family of a women 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.

Where was DPS’s designated PREA (Prison Rape Elimination Act) representative when this was going on? Why wasn’t the failure of working cameras highlighted in the PREA audits, signed by the department? If the department (downtown) didn’t know about the cameras not working, why didn’t they know? If they knew, why didn’t they take measures to fix or replace the cameras?

The need for working cameras and body cameras worn by ACOs while on duty cannot be overstated. One would think that 53 sex assaults at WCCC would be a clarion call for change. This would protect the women imprisoned at WCCC who are under the “care and custody” of the state and provide evidence when any allegations of sexual assault arise.

Community Alliance on Prisons urges the committee to pass this legislation onto the WAM Committee with a strong recommendation that they pass and adequately fund the repair and/or replacement of cameras as well as the purchase of bodycams for ACOs at all facilities housing Hawai`i’s imprisoned women.

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<sup>2</sup> 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/>



# Opportunity Youth Action Hawai'i

Committee: Senate Public Safety and Intergovernmental and Military Affairs  
Hearing Time: 3:00 p.m., February 6, 2023  
Location: State Capitol  
Re: SB 1470, Relating to Corrections

Aloha e Chair Wakai, Vice Chair Elefante and members of the Committee:

We are writing in **support** of SB 1470, Relating to Corrections.

This bill requires the Department of Public Safety to install digital cameras in all guard control rooms at the women's community correctional center and requires guards to wear body cameras while on duty. It also appropriates funds for the purposes of effectuating the requirements of this bill.

Providing a judicial avenue for emancipation at 16 years old is vital for the wellbeing of some children in certain circumstances. We note that data from the Friend's of the Children's Justice Center of O'ahu indicates that in 2021 (the latest report), the center tracked 2,060 instances of child abuse and neglect, which is up 19% from 2020. A process for emancipation is one of many tools that should be available to our state judiciary to address the specific needs of youth in appropriate instances.

Our collective, the Opportunity Youth Action Hawai'i (OYAH), works to support young people under age 25 who are disconnected from school and work, referred to as "opportunity youth." This developmental time period is extremely consequential to the individual growth and overall life chances of our children. Although this measure specifically pertains to the women's community correctional center, we also support the legislature's ongoing efforts to broadly address the needs of individuals who are incarcerated.

The Opportunity Youth Action Hawai'i hui 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 houselessness 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.**



**SB-1470**

Submitted on: 2/5/2023 1:03:36 PM

Testimony for PSM on 2/6/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Wakai, Vice Chair Elefante and Members of the Committee,

My name is Carolyn Eaton and I am a Hawaii resident, especially eager for transformation of our state's practices relating to Corrections and Rehabilitation. I support SB 1470, and won't concern you here with the appalling conditions which have allowed repeated rapes in the Women's Community Correctional Center. Let this be the Session, let this be the Committee first to commit, we, as a State, require installation and maintenance of functioning cameras in the guard control rooms, and that body cameras be worn by all on-duty guards.

Mahalo for your commitment early in the Session, and may it not waiver before this Bill becomes law.

**SB-1470**

Submitted on: 2/4/2023 10:10:35 PM

Testimony for PSM on 2/6/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

Aloha,

SB1470 requires the department of public safety to install digital cameras in all guard control rooms at the women's community correctional center and requires all guards to wear body cameras while on duty. SB1470 also appropriates the funds.

Security cameras are essential to protect the women incarcerated in our correctional institutions. Broken cameras are not acceptable. It is our duty to ensure the safety of those in the custody of the state.

Please pass SB1470. Mahalo for your consideration.

**SB-1470**

Submitted on: 2/5/2023 1:47:02 PM

Testimony for PSM on 2/6/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
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 Hawaii, 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 SB1470.

**SB-1470**

Submitted on: 2/6/2023 6:22:52 AM

Testimony for PSM on 2/6/2023 3:00:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
David Shizuma	Individual	Support	Written Testimony Only

Comments:

I am writing in support of SB1470

I am writing in full support of SB1470. As stated in section 1 of the bill, prisoners cannot legally give consent. This means that any form of sexual interaction between inmate and staff is without consent and therefore abuse and shall not be occurring. The installation of cameras and requiring of body cameras to be worn while on duty will deter sexual assaults and help protect the inmates. The inmates are humans and should be treated as such, protected from sexual abuse from those who have power over them (the correctional facility staff)

**SB-1470**

Submitted on: 2/6/2023 8:55:02 AM

Testimony for PSM on 2/6/2023 3:00:00 PM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

Strong support for SB1470.