

SB 207

Measure Title:

RELATING TO CORRECTIONAL FACILITIES

Report Title:

Inmate and Correctional Facility Employee Death; Reporting Requirements

Description:

Requires the department of public safety to report to the legislature any inmate or correctional facility employee death within 24 hours.

LINDA LINGLE
GOVERNOR



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

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Law Enforcement

No. _

TESTIMONY ON SENATE BILL 207
RELATING TO CORRECTIONAL FACILITIES

by
Clayton A. Frank, Director
Department of Public Safety

Senate Committee on Public Safety and Military Affairs
Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair

Tuesday, February 3, 2009; 1:15PM
State Capitol, Conference Room 229

Senator Espero, Senator Bunda, and Members of the Committee:

The Department of Public Safety (PSD) opposes Senate Bill 207. The measure seeks to require the PSD to report any inmate correctional facility employee death to the Governor, the President of the Senate, Speaker of the House of Representatives, and the Legislature within 24 hours.

The PSD appreciates the legislature's interest in these types of unfortunate events, but we believe this measure is unnecessary. At present, PSD already has in place well established policies and procedures regarding the internal reporting and investigation of incidents in our facilities and those that may occur on the mainland. PSD already notifies the Governor's Office of all serious incidents involving staff, inmates, or visitors to our facilities and those that house inmates from Hawaii on the mainland.

It should also be noted that all serious incidents including deaths are immediately reported to the appropriate authorities, including the police departments and medical examiners, and investigations are completed.

Thank you for the opportunity to provide testimony on this matter.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

STRONG SUPPORT

SB 207 - PSD to Report Deaths within 24 Hours

Sent to: PSMTestimony@capitol.hawaii.gov

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

Community Alliance on Prisons strongly supports SB 207.

All too often the community hears rumors of a death in one of the facilities holding Hawai'i individuals, but it is virtually impossible to get information from the Department. This causes undue and unnecessary worry and concern for families whose loved ones are incarcerated.

Community Alliance on Prisons supports accountability and transparency and urges the committee to pass this measure.

Mahalo for allowing us to testify in strong support of SB 207.



Via E-mail: PSMTestimony@Capitol.hawaii.gov
Committee: Committee on Public Safety and Military Affairs
Hearing Date/Time: Tuesday, February 3, 2009, 1:15 p.m.
Place: Room 229
Re: Testimony of the ACLU of Hawaii in Support of SB 207, Relating to Correctional Facilities

Dear Chair Espero and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong support of SB 207, which seeks to require the Department of Public Safety (“DPS”) to report to the Legislature any inmate or correctional facility employee death within 24 hours.

The ACLU of Hawaii receives hundreds of requests for assistance from Hawaii inmates each year, and conducts numerous investigations into prison officials’ actions. It is imperative that the Legislature is immediately notified about the numerous injuries and deaths so that our lawmakers can consider ways to prevent them in the future. We have particular concerns about the private prisons on the mainland, because – given the distance – we cannot know whether an inmate’s death was due to the denial of medical care, assault, or natural causes. Furthermore, because private prisons are not yet subject to Hawaii’s open records laws, requests for information are frequently denied (on the basis that these policies and procedures are “proprietary”). These private prisons – and the entire Department of Public Safety – are in dire need of the layer of accountability and transparency that this bill will add.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Daniel M. Gluck
Senior Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
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the
**Drug Policy
Forum**

February 3, 2009

To: Senator Will Espero, Chair
Senator Robert Bunda, Vice Chair
And Member of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

RE: SB 207 Relating to Correctional Facilities
Hearing: February 3, 2009, 1:15 p.m., Room 229

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawaii. Thank you for this opportunity to testify in support of SB 207 which requires the Department of Public Safety to report to the legislature any inmate or correctional facility death within 24 hours.

Since the Department of Public Safety is responsible for the well-being of more than 6,000 incarcerated people, an incident as compelling as the death of an inmate or than of an employee warrant immediate reporting. This immediate notification would help stem rumors and help inform anxious family members; and provide a communication link between what happens in a correctional facility and policy makers.

The department should strive for transparency in its operations and forthrightness in its dealings with family members of those incarcerated and with the general public. This requirement is a good start.

Please pass SB207. Thank you for the opportunity to testify.

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SB 207 Death Reporting Requirements 2-3-09 CAS.txt
COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday, February 3, 2009
Room 229 at 1:15pm

SUPPORT: SB 207 Relating to Correctional Facilities
Inmate and Correctional Facility Employee Deaths
Reporting Requirements

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of SB 207. I am an attorney on the island of Maui and have previously worked as a Public Defender, Civil Rights Enforcement Attorney, and staff member of a reentry program on Maui. I am also an active member of Community Alliance on Prisons. These experiences have shaped my advocacy efforts to promote accountability and transparency within our correctional system.

The Department of Public Safety has a duty to ensure that conditions of confinement meet federal and state constitutional standards and statutory laws for the incarcerated. Similarly, PSD has a duty to ensure that employees' rights under federal and state laws are respected. The death of an inmate or employee within state and private correctional facilities where Hawai'i prisoners are housed is of concern to the community and should be made known to the public - particularly in cases where PSD and private facilities have failed to meet their constitutional and statutory responsibilities. This bill is another step in ensuring accountability and transparency within correctional facilities.

Mahalo for this opportunity to submit testimony in support of SB 207.

Sincerely,

Carrie Ann Shirota, Esq.
Kahului, Hawai'i
(808) 269-3858

**Hepatitis Prevention, Education, Treatment & Support Network of
Hawai'i**

Prisoner Reintegration and Family Reunification Program

1286 Queen Emma Street
Honolulu, Hawaii 96813

www.idlinks.com

Andy Botts, Director

poidogpub@hawaiiantel.net

808-942-4276

February 3, 2009

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair

Senator Robert Bunda, Vice-chair

Tuesday, February 3, 2009

1:15 p.m.

Conference room 229

SB 207

Relating to Correctional facilities

SUPPORT

I support this bill, and any other issue relating to accountability within the corrections system.

Thank you for the opportunity to testify in this matter, it is of great importance to consider.

Andy Botts, Director
Prisoner reintegration program

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

SB 207 – PSD to Report Deaths within 24 Hours

SUPPORT

Sent to: PSMTestimony@capitol.hawaii.gov

My name is Diana Bethel and I am writing to voice my strong support of SB 207. The death of a prisoner is a serious occurrence that should not be covered up or downplayed by the Department of Public Safety. The public and especially prisoner's families deserve to know immediately when there has been a death of a Hawaii inmate or other inmate in a prison housing Hawaii inmates. The Department of Public Safety has a duty to provide this information in a timely manner.

Please do not let these kinds of tragic events be glossed over behind a veil of indifference or secrecy. SB 207 promotes transparency and accountability.

Thank you for considering this important legislation.

Sincerely,

Diana Bethel

1441 Victoria St.

Honolulu, Hawaii 96822

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday February 3 2009
1:15 PM
Room 229
SB207
Strong support

Hello Chair Espero, Vice Chair Bunda and members of the Committee

My name is Cathy Tilley and I am a member of the Community Alliance on Prisons and I have a son who is an inmate at Saguaro Correctional Facility in Arizona.

I strongly support SB207 requiring the department of public safety to report to the legislature any inmate or correctional facility employee death within 24 hours. It is so important for the legislature to be aware of any deaths and be able to investigate or taken any steps necessary to insure all steps taken and all aid rendered was done in a timely and appropriate manner and that there was no negligence was involved and no cover is happening. It is about transparency in what is happening in our prisons and in prisons where Hawaii inmates are housed.

Sincerely,
Cathy Tilley
621 Pauku St
Kailua, HI 96734
808 2616274

aquino3-Linda

From: Jyoti Mau [light@jyotimau.com]
Sent: Monday, February 02, 2009 12:37 PM
To: PBStestimony
Subject: SB207

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

SB207

SUPPORT

Dear Legislators,

Thank you for addressing this important issue relating to correctional facilities and their transparency. The department of public safety must always be held accountable, and especially with regards to their reporting of deaths of any inmate or correctional facility employee to the legislature within 24 hours. This should have been made mandatory many years ago, especially with the unexpected deaths of many of Hawaii inmates in Mainland prisons. For instance, it was reported that Sarah Ah Mau died in December of 2005 after she was denied medical care for months. Why was she denied medical care? And who is to be held accountable? The fact that prisons and jails are funded through public money make them accountable and responsible to the public to disclose what is going on. Transparency is crucial to improving the foundation and structure of correctional centers. People have the right to know so that positive changes can be made. In August of 2008, Hawaii inmate James Kendricks died on a basketball court in Saguaro, with reports from our men that the staff did nothing... these incidents can not keep happening. The coconut wireless can not be the strongest form of communication in these matters! Information, that has the power to diminish these types of occurrences, needs to be shared so that such disgraceful things do not continue.

Thank you for your time and Happy New Year,

Jyoti Mau

1/31/09

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Buda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

Bill #207, Relating to Correctional Facilities

SUPPORT

When our incarcerated individuals are held accountable for their actions and punished accordingly. Yet, the State of Hawaii does not have CCA be accountable for what goes on inside the prisons they manage for us. People have died not only because of poor medical treatment, but to a point of smuggling a gun and killing herself. What kind of security and medical attention are the incarcerated individuals from Hawaii receiving? The only way we will know is by passage of this bill so there will be more accountability and transparency within our prison system.

Thank you for your consideration.

With warm regards,

Elaine Funakoshi

455-9136