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**TESTIMONY ON SENATE BILL 1537
RELATING TO HAWAII STATE AND CONTRACTED
CORRECTIONAL FACILITIES.**

by

**Nolan P. Espinda, Director
Department of Public Safety**

**Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair**

**Committee on Higher Education
Senator Donna Mercado Kim
Senator Michelle N Kidani**

**Tuesday, February 12, 2019; 2:45 p.m.
State Capitol, Conference Room 229**

Chairs Nishihara and Kim, Vice Chairs Wakai and Kidani, and Members of the Committees:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 1537 and offers the following comments.

PSD welcomes the additional appropriation towards our ongoing partnership with the University of Hawaii at Manoa, which has helped to support the Department's efforts in implementing evidence-based practices. According to the National Institute of Corrections:

“an evidence-based approach involves an ongoing, critical review of research literature to determine what information is credible, and what policies and practices would be most effective given the best available evidence. It also involves rigorous quality assurance and evaluation to ensure that evidence-based practices are replicated with fidelity, and that new practices are evaluated to determine their effectiveness.”

The research and data collection partnership with UH Manoa has been valuable in bringing PSD closer to its goal of fully implementing evidence-based practices.

However, as the project is at a turning point, the Department is taking time to review and develop strategies for the next phase of research. PSD would, therefore, request that the Committees amend the measure to delete the references to “social science research institute” in sections 1 and 2, so that the Department would have the flexibility to evaluate and identify the appropriate school/program at the University of Hawaii at Manoa to conduct the next research phase according to the new strategies.

The Department notes further that other State executive departments, such as, the Department of Land and Natural Resources, Department of Health, Department of Transportation, and others might benefit from this form of contracted collaboration with the University and may welcome being included in this or another enabling measure.

Thank you for the opportunity to present this testimony.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Public Safety, Intergovernmental, and Military Affairs
and
Higher Education

Tuesday, February 12, 2019 at 2:45 pm

By

Denise Eby Konan, PhD
Dean, College of Social Sciences

And

Michael Bruno, PhD
Interim Vice Chancellor for Academic Affairs
University of Hawai'i at Mānoa

SB 1537 – RELATING TO THE DEPARTMENT OF PUBLIC SAFETY

Chairs Nishihara and Kim, Vice Chair Wakai and Kidani, and members of the committees:

My name is Denise Konan, Dean of the College of Social Sciences representing the University of Hawai'i at Mānoa. Thank you for this opportunity to testify **in support** of SB 1537. I would also, respectfully, offer suggestions for your consideration on how the intent and purposes of this measure may be more broadly and more sustainably realized by modifying the implementing mechanism.

Our College encompasses the academic disciplines of economics, political science, communications, urban and regional planning, public administration, geography & environment, psychology, sociology, and anthropology. We advance interdisciplinary knowledge in women's and ethnic studies, and peace. We are designing new programs in public policy, and criminology and criminal justice, with a hope to launch new degree programs in the near future.

Our College hosts research that is responsive to Hawai'i's issues, including the work of the University of Hawai'i Economic Research Organization led by Professor Carl Bonham, and the Ecohydrology Lab led by Professor Tom Giambelluca. Both efforts are leveraging private sponsors and competitive grants to deliver data that our communities use to make critical decisions on construction, affordable housing, tourism, economics, rainfall, and climate change.

Our faculty are top tier, national leaders in their fields, including, for example, two professors in political science who were recognized just last week as the among the 25 most cited theorists in their field by The Political Science 400. The President of the American Criminology Association is Professor Meda Chesney Lind (Department of Women's Studies), and Professor Chris Yano (Department of Anthropology) is the President Elect of the Association for Asian Studies.

We have approximately 150 faculty who provide instruction and offer over 800 courses per year to thousands of UH students. We have approximately 1,600 undergraduates who have declared majors in the several College disciplines, and in academic year 2018, we awarded over 600 undergraduate degrees. The College has approximately 450 graduate students currently pursuing advanced degrees and engaged in research. In academic year 2018, we graduated approximately 100 students with advanced degrees, 34 with Doctorates.

I share these numbers to explain why I am completely aligned with the purpose and intent of SB 1537. We, too, believe that evidence-based research and data collection are vital to devising, formulating, and evaluating policies, programs, and procedures used by our sister agencies in the executive branch of the State.

As I survey the reservoir of talent, skills, and energy available at the University -- and as I am mindful that one of the core "missions" of a public university is to be of service to its hosting communities -- I support the legislative mandate to devote a portion of those University resources to address the issues facing our executive branch departments. There is a benefit for our students as well: Working on real-world projects complements in-class instruction.

Might I suggest that other state executive agencies, in addition to the department of public safety, would want the opportunity to tap into research resources at the College. The Department of Health, the Department of Transportation, and the Department of Land and Natural Resources come to mind immediately.

I envision any of the several executive departments "tasking" the relevant unit of the College with specific projects, as the need arises. I see the agencies and the unit of the College jointly brainstorming and devising a scope of work, a time frame, and an appropriate budget. I see the University and the executive branch creating an overarching framework of understanding and common terms and conditions within which these various task orders can be issued from time to time. A common provision might be, for example, how data and information shared during the course of the project are handled once the project ends.

To allow for this collaboration, I would suggest the possibility of centralizing the coordination at an institute or center administered by the College of Social Sciences. We would need funding and position counts to sustain a core staff at this institute. The bulk of the funding for specific research project can either come from the requesting department itself, or from appropriations directly to the University.

I would be happy to work with you and your staffs to explore these implementing mechanisms. Again, thank you for this opportunity to testify in support of the intent and purposes of this measure.

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILIARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

COMMITTEE ON HIGHER EDUCATION

Sen. Donna Mercado Kim, Chair

Sen. Michelle Kidani, Vice Chair

Tuesday, February 12, 2019

2:45 pm

Room 229

CONCERNS ABOUT SB 1537 - PSD -UH SSRI RESEARCH

Aloha Chairs Nishihara and Kim, Vice Chairs Wakai and Kidani and Members of the Committees!

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 families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 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.

SB 1537 appropriates funds to the department of public safety to contract with the social science research institute of the University of Hawaii at Manoa for evidence-based research and to collect data on behalf of the department of public safety.

Community Alliance on Prisons strongly supports research, however, over the last 4 years over \$4 million of PUBLIC money was spent on a contract with a UH, a PUBLIC institution to evaluate the department of public safety programs. To date, NO ONE - neither the legislator nor the community - has been given access to the reports. WHY?

When the person who leads the research team was asked why this is so, the response was that the secrecy was at the request of the department of public safety. WOW! What else does this legislature need to know about the deep problems and buried secrets at the department of public safety?

Why would we continue this secret contract? It would be more democratic if the legislature contracted with an entity that respected democracy so that the documents would be available to the public.

At the very least, a report summarizing UH's more than 4 years of evaluations of PSD programs MUST be shared with the legislature and placed on the legislature's or UH's website for public information. And the full body of this multi-million dollar invest MUST be available to the public and government agencies upon request.

THE CONDITIONS THAT MUST BE IN ANY CONTRACT

- The scope of work must be made public;
- The research team must collaborate with the community and seek out formerly incarcerated persons to gain first-hand knowledge of how the program(s) work;
- There must be a requirement for periodic reports on the progress and findings of the research team

When an official with the department of public safety blatantly lied to me saying that the work of the UH research team was publicly available, Community Alliance on Prisons started researching other outside entities that could do the research.

Actually, there is a reputable entity that knows Hawai'i's correctional system and can do this work. They have done similar work in other states and it would cost half as much in less time.

Community Alliance on Prisons has always been a proponent of involving our PUBLIC university in PUBLIC policy, which makes this testimony so difficult. We are profoundly disappointed that UH has been complicit in hiding important research and data from the PUBLIC who has paid for it.

Community Alliance on Prisons implores the committee to check out other research options that are available, more democratic, much more collaborative, and less expensive before signing on with UH. NO MORE SECRET DEALS WITH PUBLIC MONEY!

"Nothing so diminishes democracy as secrecy."

Ramsey Clark

SB-1537

Submitted on: 2/11/2019 12:21:29 PM

Testimony for PSM on 2/12/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Christine Weger	Individual	Oppose	No

Comments:

I firmly believe that the Department of Public Safety should contract for research and evaluation of its programs. There is much room for improvement in its operation and evidence-based decisions require accurate data.

However, as a local attorney I followed the meetings, progress and now the final report of the HCR85 Task Force and was dismayed to learn that reports from previous contracts for study by UH were not made available when requested, even though the Task Force was formed by the Legislature and even though its members sat in official positions charged with implementing the criminal justice system, i.e. the judiciary, the parole and probation folks, etc.

What in the world is going on here? For what possible reason would you allow funding for research and reports that are not available to your own members and commissions??? A truly open and evidence-based system does not look like this. Increasingly, I must wonder what objectives are served by such measures.

Please make all necessary efforts to assure a more open, logical and democratic process in the Legislature. Amending this bill to make the research results freely available would be a step in the right direction.

SB-1537

Submitted on: 2/2/2019 9:01:31 AM

Testimony for PSM on 2/12/2019 2:45:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alan Urasaki	Individual	Support	No

Comments:

SB-1537

Submitted on: 2/12/2019 7:53:12 AM

Testimony for PSM on 2/12/2019 2:45:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk	Individual	Comments	No

Comments:

CONCERNS ABOUT SB1537

While I support the collection of data on DPS operations, I cannot support this bill if the money is to go to DPS. I recommend that funding for the study go to UH directly, or to the Lt. Governor to oversee, to make certain that the contract is let in a timely manner, that data collection is timely, and that the report from the University will go to the legislature and the public without any editing or redactions by DPS.

Unfortunately, DPS has developed a reputation for secrecy, and reportedly assessments and data developed under contract with the University previously are not available to either the public or the legislature due to the contracts DPS designed.

We cannot afford to continue to fund DPS to contract for the collection of data (that it should already be collecting) only to have it held in secret. I greatly fear that any provisions put into this bill to set requirements for DPS will be ignored or undermined, as has been the case with several past requirements set by the legislature. It is important that some other entity be in charge, with the requirement that DPS cooperate fully and promptly with any requests for information or access to facilities and files.

I urge you to amend this bill.