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# MANAGEMENT AUDIT OF THE DEPARTMENT OF CORRECTIONS OF THE STATE OF HAWAII

A REPORT TO THE GOVERNOR AND THE LEGISLATURE OF THE STATE OF HAWAII

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SUBMITTED BY THE LEGISLATIVE AUDITOR OF THE STATE OF HAWAII

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**MANAGEMENT AUDIT OF THE  
DEPARTMENT OF CORRECTIONS  
OF THE STATE OF HAWAII**

**Conducted by**

**David A. Ward and Norman A. Carlson  
University of Minnesota**

**A Report to the Governor and the Legislature of the State of Hawaii**

**Submitted by the**

**Legislative Auditor of the State of Hawaii  
Honolulu, Hawaii**

**Report No. 89-16  
February 1989**

## FOREWORD

Correctional systems everywhere have, over the decades, encountered divergent public expectations and frequent failures in fulfilling those divergent expectations. Problems are endemic to corrections, and Hawaii's efforts in this field are no exception. Such problems led to a 1985 lawsuit in federal court which produced a consent decree under which the State of Hawaii agreed to institute a lengthy set of specific changes in its correctional program and facilities. Then in 1987, the Legislature established the corrections system as a separate new department in the hopes of enhancing both its effectiveness and accountability.

Concerned about progress in implementing the consent decree and in making the transition to departmental status, the Legislature during its 1988 session requested the Legislative Auditor (via Senate Concurrent Resolution No. 57), to conduct an audit of the Department of Corrections, with the expressed intent of the audit to be used to assist the department.

To perform the audit, we chose to enlist the professional experience of specialists in this field. After reviewing available experts nationwide and conferring with persons in and out of Hawaii who are knowledgeable about corrections, we were able to secure the services of two consultants with outstanding credentials--Norman A. Carlson and Dr. David A. Ward.

Before recently joining the University of Minnesota, Norman Carlson served 30 years with the Federal Bureau of Prisons, including 17 years as head of that agency. He has received wide recognition as an outstanding public administrator as well as an authority on corrections. Dr. Ward chaired the Department of Sociology at the University of Minnesota for the past five years and has authored numerous books and articles in the field of corrections. As an internationally recognized expert on corrections, he has served as a consultant to several foreign countries, the Federal Bureau of Prisons, and other correctional agencies. In addition, he had already gained a first-hand acquaintance with corrections in Hawaii while a visiting professor of sociology at the University of Hawaii.

In contracting with these consultants, it was agreed that the resulting report would be entirely theirs. Although we assisted in obtaining data and documentarary materials which they wanted and provided them with logistical support, we did not in any way attempt to control what they might study, whom they might interview, or what they might conclude in their final report.

Many ingredients go into the making of an effective correctional system. One crucial element is that aspect of management known as leadership. Leadership, however, is an art and is not readily amenable to precise, measurable evaluation. Yet, it is quite central to all else. To a great

extent, effective leadership involves two-way communication, both with agency staff and with external interests. The success of such communications rests heavily upon how all participants perceive and trust each other.

In this light, the consultants felt it was important to comprehend how the leadership of the Department of Corrections was perceived by the departmental staff. To do otherwise would be to risk missing significant problems that lay at the heart of the department's communication and management processes. To this end, they conducted a mail-in survey of a 25 percent sample of the department's rank and file employees. They also conducted extensive and intensive interviews with middle and upper management employees in the department and with other persons in the community who are knowledgeable about corrections in Hawaii. The results of this aspect of their examination are set forth in Part II of the report. We emphasize that Part II is a report on the perceptions of the employees of the department and is not a report on findings documented by the audit.

As indicated in Part II, the consultants found that staff perceptions were greatly colored by numerous allegations and rumors that were running rampant throughout the department, including among many top-level personnel. The consultants did not have the time, resources, or assignment to investigate all these allegations and rumors so as to determine their validity or accuracy. However, whether true or not, the consultants concluded that the widespread concern and attention given to these allegations and rumors by staff at all levels strongly indicate a major problem in departmental leadership.

As to what specific changes should be made to the corrections system, the consultants have made numerous observations and recommendations in Part III on specific operational matters directed towards bringing about improvements in the Department of Corrections.

We join with the consultants in expressing our sincere appreciation for the cooperation and assistance so fully extended by the Director of the Department of Corrections, by everyone else contacted in that department, and by various staff members in the Department of Personnel Services, in the State Judiciary, and in the several interested and affected private agencies. Such unstinting cooperation indicates a widespread and genuine desire to see Hawaii's correctional system fulfill its potential.

Newton Sue  
Acting Legislative Auditor  
State of Hawaii

February 1989

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## INTRODUCTION

We would like to emphasize at the beginning of this report that the Director of the Department of Corrections (DOC) and his staff were very cooperative and helpful in this audit. The Director impressed us with his sincere desire to improve the operations of the DOC and discussed with us efforts he is making to find solutions to some important problems facing the department. We also very much appreciated his prompt agreement to our request for a survey of DOC employees. Divisional administrators, office and other unit heads, branch administrators, and all other staff we asked to meet--or who asked to meet with us--were helpful, cooperative, and generally very candid in their assessment of the past history, present situation, and future prospects of the DOC.

We were also impressed by the high level of interest expressed by the state officials and members of the Legislature with whom we met. We received excellent support from the staff of the Office of the Legislative Auditor which rounded up dozens of relevant documents, reports, and statistics, conducted a number of interviews with headquarters staff and officials at other agencies, supervised the administration of the survey of DOC employees, and tabulated the responses to the survey questionnaire.

### **Organization of the Report**

Part I of this report is a review of various studies produced by other groups and consultants who have been asked by governors and legislative committees to examine correctional policy and practice in Hawaii. The number of these reports and the consistent negative direction of so many of their findings should make the point that the Corrections Division of the Department of Social Services and Housing, now the separate Department of Corrections, has been posing problems for state government for almost two decades. The fact that the Legislature, in requesting this audit, has felt the need for yet another inquiry into the management of DOC is evidence that even with a new administration and separate departmental status, change for the better is not occurring rapidly enough. The fact that the DOC's problems have been apparent for so long and that the solutions offered by so many committees, task forces, and consultants before us have not been implemented underlies the sense of despair and hopelessness that became so evident in the course of this study.

In Part II we present an array of data developed for this audit. First, the results of a survey administered to a randomly selected sample of DOC employees are presented. We compare the overall responses of the DOC staff to the overall responses of staff of the Federal Bureau of Prisons. The responses of staff at various DOC facilities are then compared to each other. Finally, the DOC responses are compared by sex and by the job classifications of the DOC respondents. Survey data are useful when a time-limited study needs information from a representative sample of a larger organization. An anonymous survey form also allows sensitive issues to be explored without risk of exposure to employees. The limitations of a survey are that only a certain number of questions on specified topics can be asked and that the answers to questions are necessarily structured. Problems of interpreting and understanding findings can also occur. For example, in the responses of the DOC employees, they indicated that they liked their work while at the same time reporting that they disliked many elements of their jobs. While we required forced-choice responses to our questions, we did invite respondents to spell out other concerns they might have on blank sheets at the end of each form. Over half of the sample exercised this option and some of their remarks, verbatim, are included in the pages ahead.

The most time-consuming aspect of our inquiry involved the interviews held with middle and upper management staff at every correctional facility in the State and at the DOC headquarters in the Gold Bond Building in Honolulu. To protect the identities of interviewees whose titles alone would identify them, we have obscured such identifying information and lumped responses together to make a point. Because the numbers of branch administrators, intake service center directors, and other organizational unit heads are small compared to the numbers of rank and file staff, we were able to interview most persons in these positions, some more than once--and in considerable depth. We believe that the survey of a representative sample of all DOC staff and these interviews provide a firm basis for our findings and recommendations. Those whose views are not represented in this study are the 2,100 inmates awaiting trial or serving time in Hawaii's jails and prisons; limits on the time and resources available for this audit did not allow us to survey or interview the inmates for their views on the management of the department. What we do cite in this report with respect to the latter are: (1) the conclusions of the U.S. District Court monitors in regard to living conditions for inmates at the Oahu Community Correctional Center and the Women's Community Correctional Center, (2) the number of complaints sent by inmates to the Ombudsman's Office, and (3) our own observations of the extent to which the basic housing and program needs of inmates are, or are not, being met.

In Part III we offer various findings and recommendations based upon the reports of our predecessors and upon the survey and interview data developed for this project. We first set out

a model of what a good department of corrections might look like--its structure and its basic operating procedures. This composite model is comprised of elements from the better mainland departments of corrections and can be said to represent commonly accepted correctional practice. We assess the performance of the DOC in the light of this model and question whether the current administration is aware that Hawaii's policies and procedures do not measure up to the standards we describe.

In the Conclusion, after having previously presented evidence that: (1) the DOC continues to be beset by problems, (2) the morale of DOC staff at all levels is perilously low, and (3) the current administration does not appear to have solutions, or even a plan for solutions, to the long standing problems facing the DOC, we confront the question of what the State of Hawaii has going for it if the Governor, the affected legislative committees, and others who influence the direction of correctional policy and practice agree that people problems must be resolved along with policy, process, and organizational problems. On this last point our conclusions are quite optimistic--Hawaii's Department of Corrections can not only adapt practices from the best mainland departments for its own purposes and bring itself rapidly up to speed, but it can go further and provide leadership in a number of areas of correctional policy that should interest departments on the mainland and help to make its operations a matter of pride rather than a nagging problem for state government.

## Part I

### FROM THE MASTER PLAN TO DEPARTMENTAL STATUS: A REVIEW OF REPORTS ON HAWAII'S CORRECTIONAL SYSTEM

#### The Correctional Master Plan

In the late 1960s and early 1970s, the State of Hawaii launched an ambitious effort to establish a correctional system that not only would represent the latest theories and concepts in crime control but also would serve as a model for the nation. In concert with recommendations from the National Council on Crime and Delinquency (NCCD) and the National Clearinghouse for Criminal Justice Planning and Architecture at the University of Illinois, the Governor and Legislature authorized the establishment of a Master Plan for State Correctional Facilities. The Master Plan was based upon the assertion that the task of a "corrections" department (rather than a prison system) was to "develop the best possible treatment programs designed to reduce recidivism and to rehabilitate offenders to productive and responsible citizenship." (Governor John Burns, February 11, 1972)

Other central assumptions of the plan were: that "community based programs are preferable to institutional treatment whenever this is feasible without detriment to the safety of the public;" that "individualization of treatment and differentiated handling of the great variety of offenders [are] vital to a substantial reduction of crime;" and that the law enforcement, judicial, and corrections functions need to be linked and coordinated to create a true criminal justice system. (Burns, *ibid.*)

The Master Plan was based upon the so-called medical model of corrections which saw each offender as being propelled into criminal conduct by a variety of social and psychological forces. According to this model, these forces could be identified by mental health professionals (social workers and psychologists) and remedial experts (teachers and vocational instructors). Once the root causes of the offending behavior were identified, a treatment program to correct these deficiencies would be established. The experts would assess the inmate's progress and make judgments as to when rehabilitation had occurred, at which point release from prison or community programs could be considered.

Since the time to diagnose and treat the problems of offenders with differing personality and social background defects would vary from case to case, indeterminate sentences were asserted

to be more appropriate than fixed sentences where release depended upon serving a specific number of months or years rather than upon the judgments of treatment experts. The Master Plan called for the screening, diagnosis, classification, planning, coordination, and assessment of an offender's journey through Hawaii's criminal justice system to be the responsibility of Intake Service Centers to be located on Oahu, Hawaii, Kauai and Maui.

The Intake Service Center concept is unique in American criminal justice in its attempt to coordinate aspects of the criminal justice process which lie beyond the scope of responsibility of corrections departments; it also represents a prime example of the commitment in the Master Plan to rehabilitation as the primary goal of Hawaii's criminal justice system. Associated with the notion of the Intake Service Center as the engine that would drive the correctional treatment process was the establishment on each island of a community correctional center. The mission of these centers was "to provide a carefully derived combination of control with a range of treatment programs for differentiated types of offenders, but [they would] also serve an important function in the area of crime prevention by educating the public and actively involving it in the offender rehabilitation and resocialization process." (Correctional Master Plan Summary, p. 36).

The community correctional centers were intended to house and provide programs for the following groups of offenders:

1. Long-term pre-trial detainees.
2. Sentenced misdemeanants
3. Low and medium security sentenced felony offenders
4. Conditional releasees

The Master Plan further envisioned the activation of a group of halfway houses to serve as a "selective resource for correctional treatment between probation and incarceration." They would provide "such programs as work release, probation, and youth group homes." (*Ibid.*, p. 37) Personnel from the existing Adult Parole Supervising Program would work with the staff of the Intake Service Centers to provide post-release supervision, placement in residential treatment facilities, other services, and counseling for parolees.

The Master Plan adopted in 1972 also called for a high security facility where the objective would be "to provide a carefully controlled physical environment and program based on the model of the therapeutic community, and with the specific goal of control and treatment of the serious predatory offender and habitual recidivist...The overall goal of the program is to furnish a physical and social environment aimed at the social rehabilitation of the individual client. A key feature of the program is to offer a safe, therapeutic milieu...Care is [to be] taken to provide [the client] with insight into the causes of his difficulties, to make him responsible for his own socialization program, and to prepare him for his eventual return to society." (*Ibid.*, p. 38)

The physical plan implications from the Master Plan included the following:

1. The existing Hawaii State Prison located on Dillingham Boulevard in urban Honolulu was declared "totally obsolete" and was to be replaced by a new community correctional center which would also be the site for the State's largest Intake Service Center. A modular design was proposed to provide separation for different types of offenders (such as separating pre-trial detainees from sentenced misdemeanants and felons and segregating "clients" according to their participation in various counseling, educational, and vocational programs).

2. The new neighbor island community correctional centers planned for Maui, Hawaii, and Kauai were intended to provide the full range of services for their client populations. For cases of especially problematic offenders, treatment professionals from Oahu would assist local staff. The neighbor island facilities would, however, have to be designed to house, process and/or program several populations not intended for community correctional centers--namely, female and juvenile offenders. Facilities to house some minimum security offenders were already in place on Maui (the Olinda Honor Camp) and on Hawaii (the Kulani Honor Camp). Each neighbor island community correctional center was to be a miniature version of the model to be established at Oahu Community Correctional Center (OCCC).

In retrospect, the Master Plan was based upon a widely held theory about the causes of criminal and delinquent behavior and their "correction." The plan, therefore, displays a logical consistency between the theory and its translation into programs, staff, and physical plants. The plan relied upon the expertise of the National Council on Crime and Delinquency and the National Clearinghouse for Criminal Justice Planning and Architecture. The State thus took on the responsibility for developing a model correctional system, hoping it would produce lowered recidivism rates and serve as a model for the mainland states--two legitimate and commendable goals. The problem, as this report will demonstrate, is that the mainland consultants who drafted and encouraged the adoption of the Master Plan were not representative of major divergent trends in mainland penal policy; those who developed the Master Plan were firmly committed to the medical model whose basic tenets and assumptions had been under serious assault in a number of the major departments of corrections since the late 1960s.

### **The Demise of the Medical Model in American Penology**

In the Spring, 1974, issue of *The Public Interest*, sociologist Robert Martinson put into print the conclusion that many researchers and a growing number of correctional administrators had already reached--that is, the hope that criminals could be rehabilitated through participation in psychologically based treatment programs in the nation's jails and prisons had not been realized.

Martinson had been asked by a New York State Governor's Special Committee on Criminal Offenders, charged with converting New York's prisons from serving only custodial purposes to providing rehabilitation services, to report to the Committee the state of knowledge on the effectiveness of correctional treatment in America. Martinson undertook the task of reviewing every report on correctional treatment interventions published in the English language over the period 1945 through 1967. Eliminating studies that did not report an evaluation of a treatment technique, that did not utilize an independent measure of the outcome said to be the results of intervention, and that failed to use a control group by which treated and untreated subjects could be compared, Martinson was left with 231 articles and monographs. While Martinson evaluated these reports in terms of a variety of measures of offender improvement--including adjustment to prison life, vocational and educational achievement, personality and attitude change, and general adjustment to the outside community--his article in *The Public Interest* (and subsequent book with Lipton and Wilks, *The Effectiveness of Correctional Treatment*, New York, Praegar, 1975) is best known for the author's conclusion regarding the effectiveness of treatment in reducing recidivism:

“...with few and isolated exceptions, the rehabilitation efforts that have been reported so far have had no appreciable effect on recidivism.”

Because Martinson's literature review included assessments of the impact of a wide variety of treatment interventions--educational, vocational, and job training programs; individual counseling; “milieu therapy” in both institutional and community settings; psychotherapy in community settings; and varying types of probation and parole supervision, including “intensive supervision” of adult offenders--on recidivism rates, his discouraging conclusions led to this article becoming known as “the nothing works” article.

In actuality, the leaders of major correctional organizations, such as the California Department of Corrections, were already well aware of the flow of negative findings regarding correctional treatment that began to circulate in research reports and at professional conferences in the late 1960s. As a result, they were already revising the goals and objectives of their departments. Various national organizations and study groups began focusing on the negative features of the medical model of corrections, such as the disparities in time served by persons with the same offense; the growth, rather than the reduction, of the length of time served under indeterminate sentences; and the rising protest of minority offenders that they were not in prison simply as a result of problems with authority figures and other personality defects. (See for example, *Doing Justice: The Choice of Punishment*, Report of the Committee for the Study of

Incarceration, 1976; *Fair and Certain Punishment*, Report of the Twentieth Century Fund Task Force on Criminal Sentences, 1976; and *Struggle for Justice*, American Friends Services Committee, 1971.)

New themes evident in the titles of these reports emerged including the "just deserts" and "justice" models which called for imprisonment for specified periods of time and allowed inmates to have a full range of legal rights. Participation in remedial and psychologically based treatment programs under these designs was to be optional; participation (or lack thereof) would not be related to release decisions. (The most carefully articulated statement on this justification for imprisonment and the view that an array of remedial and psychologically based treatment programs should be available to those inmates *who wish to participate* in them was contained in Norval Morris' *The Future of Imprisonment*, Chicago: University of Chicago Press, 1974. The Morris model was implemented on an experimental basis in the Federal Correctional Institution at Butner, North Carolina in 1976.)

Thus, at the very point in time when Hawaii was embarking on a full scale revision of its penal policy to fit the medical model advanced by its consultants from NCCD and the University of Illinois, the major mainland penal systems--including the California Department of Corrections, which had more thoroughly implemented the treatment philosophy than any other state--were turning away from this model. In California and Minnesota, states that had changed their nomenclature from "prisons" to "correctional facilities" or "institutions," from "guards" to "correctional officers," from "inmates" to "residents," and from "disciplinary segregation units" to "adjustment centers," legislatures began to take actions to support the new directions in correctional policy recommended by correctional administrators, various prison reform groups, and university researchers. In addition, federal judges were making it clear that unless the states operated jails and prisons in such a manner that inmates' basic constitutional rights would be protected, the courts would step in and order that changes be made.

Legislators were told that, rather than providing offenders with positive results of treatment, imprisonment was likely to have negative effects on most inmates, and thus was to be used only as a last resort. Only the most serious offenders in terms of crimes committed and length of criminal career were to be remanded to state prisons. These offenders were to go to prison as "just deserts"--that is, for purposes of incapacitation and general deterrence. Prison programs would be available to those prisoners who wished to participate, but no longer was such participation related to release decisions or to expectations that rehabilitation would be the likely result. Growing public fear of crime, combined with the discouraging effort to convert penitentiaries into therapeutic communities, produced a return to more traditional justifications

for imprisonment. Indeterminate sentences came under attack on the grounds that they were based upon a number of assumptions, *all of which had been found to be faulty*:

1. That criminal conduct was produced by a variety of social and psychological forces over which the offender had little or no control;
2. That mental health professionals could accurately diagnose these problems;
3. That effective treatment techniques could then be applied to cure the problems; and
4. That social workers, psychologists, and parole boards could determine that point in an prisoner's sentence when he or she was rehabilitated and ready to be released.

As parole boards came under attack on grounds that their judgments about time served and release potential were arbitrary, capricious, discriminatory, and inaccurate, the return to fixed, "presumptive," and determinate sentences began. The era of optimism about converting prison systems into departments of "corrections" ended on the mainland, and the Hawaii Master Plan was soon found to have all the faults of the medical model, as well as some special problems of its own.

#### **Assessment of Efforts to Implement the Master Plan**

In the wake of efforts to implement Hawaii's Corrections Master Plan, numerous studies and examinations were made of those implementation efforts. The results of these studies and examinations are reviewed below.

**The 1980 Report by the State Law Enforcement Planning Agency.** By January 1980, the State Law Enforcement Planning Agency (SLEPA) was reporting problems in implementing the Master Plan to the Legislature. A primary feature of its *Progress and Assessment Report of the Hawaii State Correctional Master Plan* was an analysis of the role and functions of the Intake Service Centers (ISCs). While noting the difficulty of achieving significant change in any governmental system in regard to implementation of the ISC concept, the SLEPA report listed several shortcomings, such as:

"(1) failure of sufficient designation of a central body responsible for the coordinating of the Master Plan, (2) failure to designate implementation roles for certain key agencies in the process such as the prosecutor's office and the police, (3) failure of voluntary cooperation in the absence of statutory mandating of roles, (4) failure of the Intake Services Center to have an overall integrated plan for assuming its stated functions, [and] (5) failure to have developed sufficient community based alternatives and plan for development of a wide enough range of community based programs." (SLEPA Report, January 1980)

This study identified as a major problem the resistance of key agencies in Hawaii's criminal justice process to having the ISC take over functions which they considered to be in their domains. The report concluded that since voluntary participation had not been achieved, legislative actions would be required to clearly establish the ISC as *the* coordinating mechanism for all criminal justice agencies. This report also raised questions about the underlying assumption of the Master Plan that the primary task of "corrections," was the rehabilitation of offenders and their reintegration into society. As stated by SLEPA:

"There is a large problem encountered by criminal justice agencies in that the public believes that increased punishment is the solution for reducing the incidence of crime. In opposition, the Master Plan has the responsibility of implementing a plan focussed on community based corrections, which attempts to divert any potential offender from incarceration whenever possible. It appears that this concept is not consistent with prevailing public sentiment. The courts have taken a firmer position of commitment to institutions." (SLEPA Report, *Ibid.*)

The SLEPA study concluded that the administration of criminal justice in Hawaii was still a process, not an integrated system where the coordination of services by all agencies was provided by the Intake Services Centers. In support of this position, it quoted the comment of another group, the Ad Hoc Committee on Reassessment and Updating of the Hawaii Correctional Master Plan:

"The police, prosecution, criminal defense, judiciary, paroling authority, and most private agencies have been generally uninvolved in the implementation of the Correctional Master Plan." (SLEPA Report, *Ibid.* p. 28)

Nevertheless, the SLEPA report still provided evidence of the belief that rehabilitation could be achieved in penal settings by turning the tendency of prosecutors and the courts to sentence offenders to longer terms of confinement into opportunities for even longer periods of treatment (SLEPA, p. 36). The report concluded that the state government should review its commitment to the ISC concept, that some reorganization of ISC governance should take place, and that a larger effort should be mounted to convince the public of the efficacy of the Master Plan.

**The 1985 Report of the Corrections Task Force.** During the early 1980s, new community correctional centers were constructed and old facilities remodeled. This was when the full brunt of the more traditional view of crime and punishment, which was firmly in place on the mainland, began to have its impact on Hawaii through a rapid increase in the number of offenders sent to jail and prison. Overcrowding soon became an issue. By 1985, a Corrections Task Force reported to the Governor's Planning Committee on Crime that there had been:

"...an erosion of the premises underlying the Master Plan. The enactment of mandatory sentencing laws, the rise of minimum terms of imprisonment set by the paroling authority, the improvement of law enforcement and prosecution, the stricter monitoring of probation and parole, the changing crime rate and increasing public sentiment that harsher punishment and imprisonment was the answer to the crime problem, all contributed to a dramatic increase in the incarcerated population. Between 1974 and 1984, this number rose from 323 to 1176, an increase of 364%." (Corrections Task Force Report, April, 1985, p. 5.)

To deal with the prison overcrowding, this task force recommended that:

- Prison bed space be expanded;
- Hawaii's sentencing philosophy be examined to determine its priorities in terms of punishment, rehabilitation, incapacitation, and deterrence;
- The prison population implications of penal code changes, such as mandatory sentences, be determined before such changes were adopted by the Legislature;
- Judges be made aware of the prison population implications of their increased use of community correctional centers as a condition of probation, as places for serving weekend jail time, and as furlough centers;
- The furlough program be expanded; and
- The effectiveness of the parole system be carefully studied.

The Corrections Task Force in its assessment noted the existence of "inconsistency, lack of coordination, uncertainty of authority, diffusion of responsibility, lack of accountability and a host of related problems relating to operations of the various facilities that comprised the Corrections Division." (*Ibid.*, p. 17) The structure of management in the division was seen as problematic, with the report citing a statement by the Deputy Director of the Department of Social Services and Housing: "that there are 13 levels of authority between the Director and entry levels of the Corrections Division; that the decentralization of authority to branch administrators has hampered coordination and communication efforts between and among the division branches." (*Ibid.*, p. 18)

Resistance by the branch administrators (who headed the various separate institutions) to standards and policies developed by divisional administrators was also noted, along with staff shortages due to overcrowding. Furthermore, the report stated that:

- There are no consistent goals, content or policies in training. Continuous follow-up training and training for supervisors and management development appear to be non-existent; (*Ibid.*, p. 20);
- Recruitment procedures needed improvement;

- Staff burnout and stress had become reflected in "grievances, union intervention, sick leave, unexpected resignation, and suspected abuse against inmates" (*Ibid.*, p. 21);
- The inmate classification system was flawed in both the theory upon which it was constructed and in its application;
- The Intake Service Center concept had not been implemented--"There is no official coordinating body for the criminal justice system in the state" (*Ibid.*, p. 25);
- Facilities at OCCC needed to be replaced and new prison facilities under construction at Halawa needed to be expanded;
- Military surplus land in Waiawa made available by the federal government specifically to reduce prison overcrowding should be immediately acquired;
- Fire safety and sanitation hazards at OCCC should be corrected; and
- A variety of inmate services and programs--medical, drug screening, "social integration,"--and inadequate wages should be attended to.

Particular problems at the Women's Community Correctional Center (WCCC) were noted. We repeat them here because they are, unfortunately, just as relevant at the close of 1988 as they were in Spring, 1985:

"The Task Force was alarmed when a visit to the (Women's) facility revealed such deplorable conditions. The inmate population was far in excess of available space, and the limited facilities did not allow for programs or activities. The situation created a definite morale and health hazard, which needed immediate attention...The soon to be completed women's facility is a welcome relief." (*Ibid.*, p. 33)

**Federal court consent decree.** The problems of overcrowding and other issues related to living conditions and inmate programs became so serious that the National Prison Project of the American Civil Liberties Union took the Corrections Division to federal district court in 1985. The State agreed to meet certain conditions of a consent decree which went into effect in October 1985, covering operations at OCCC and WCCC. Three expert panels were appointed to monitor the division's efforts to improve; (1) medical and health care, (2) health safety and food service, and (3) "corrections," which included the areas of inmate grievances, staff training, inmate classification, pre-trial detainee and sentenced inmates work programs and activities, operation of the detention and ISO units at WCCC, and, for both facilities, population reduction goals and timetables for achieving them.

**National Institute of Corrections technical assistance reports.** To assist in compliance with the consent decree, the Corrections Division asked the National Institute of Corrections for technical assistance in the area of security staffing at OCCC. This support was provided by

James D. Henderson, a former warden and regional director of the Federal Bureau of Prisons, who inspected OCCC in December 1985. Mr. Henderson recommended that the "A" and "B" cellblocks be razed and that new programs be developed to reduce inmate idleness--a problem he considered to be "at a crisis level," with up to 75%-80% of the OCCC inmates unassigned. Mr. Henderson also urged that the OCCC administrative and supervisory staff be more visible in the facility to mitigate the problems of poor sanitation and maintenance and "very noticeable staff idleness." He further recommended that security measures be improved based upon his observations that (1) staff were not actively patrolling the housing units, (2) security doors in the units were opened inappropriately, (3) inmates were allowed to work in the control center, (4) staff working in locked units did not have personal body alarms, and (5) the entire unit management system needed review. His report also urged management to initiate efforts to reduce overtime costs which amounted to \$2,195,000 in FY 1985 when only \$250,000 had been authorized in the budget for this purpose.

Mr. Henderson concluded:

"[s]taff promptness and dependability are serious problems and shift supervisors receive an automatic one hour overtime each day just to set up their roster...there are some indications that overtime is used as a reward...[there are]...repeated performance deficiencies, tardiness and absence on the part of current staff. The Consultant was advised that it is extremely difficult to discipline staff who are late for duty, abandon posts, or otherwise do not perform their duties properly...The consultant saw a great deal of staff idleness, paralleling that of the inmates. It is a paradox in this facility that it is on one hand staff-intensive to operate, and on the other hand, there was so much staff idleness observed...staff should not be permitted to read magazines, newspapers, or pocket books, listen to radio or watch portable TVs on duty. Their responsibilities are to ensure that safety and sanitation standards are carried out, not to enhance their personal leisure activities." (J.D. Henderson, Report to HDC, December 30, 1985, pp. 18-22)

To correct these deficiencies Mr. Henderson recommended the implementation of a centralized roster management system and a system for accounting for the use of the time of all employees. He also concluded that OCCC did not need any additional staff positions, but, "in fact, the degree of staff inactivity suggested that present employment levels may be too high" (Henderson, *Ibid.*, p. 17).

In late January 1988, Mr. Henderson returned to Hawaii to examine staffing coverage at four facilities (Halawa, OCCC, Kulani Correctional Facility, and Hawaii CCC), to investigate the continuing problem of overtime expenditures, and to review the quality of staff supervision and manpower utilization. His report of February 22, 1988, began by noting that few of the

recommendations contained in his 1985 report had been implemented. While progress had been made in razing the "A" cellblock at OCCC and in general maintenance at the facility, inmate idleness was still prevalent, supervisors were still not visible within the facility, and overall security had not been improved. He also concluded that no management action to reduce overtime had been taken; that staff recruitment, attendance and performance requirements problems had not been corrected; and that staff idleness was still a very visible problem. To the continuing problems of staff allocation and supervision, he added concerns about sexual harassment expressed by female employees in regard to obtaining preferential post and shift assignments. He criticized the system of assigning employees according to seniority, which could produce situations where only inexperienced staff would be working at the facility on weekends. Finally, he reported that his proposed reduction of 27 staff positions had not occurred; that the centralized roster management system had not been adopted but, instead, five (5) different rosters were in use; and that the distance between unit managers and security staff remained.

In his most recent report, Mr. Henderson noted that some of the problems encountered in supervising and disciplining staff, when these become necessary, were due to the fact that management had bargained away many of its prerogatives, including post assignments. He suggested that the barrier between security and non-security personnel should be broken down by using the "correctional worker" concept and by having non-security staff undergo basic training. Overtime, Mr. Henderson concluded, was "...essentially out of control." The use of overtime by supervisors was cited as one more disturbing aspect of the overtime problem (e.g., the Chief of Security at OCCC earned \$900 in one month during which time no event occurred which would warrant this amount of overtime). (J.D. Henderson Report, 1988, p. 14)

His report further urged a philosophical change in the DOC's approach to budgeting, with limits being set on the overtime budgets for each institution. He reiterated his point that the problems in DOC did not require additional manpower. ("The proposed staffing levels are the most generous the Consultant has ever recommended in similar surveys conducted in numerous correctional facilities throughout the United States and several foreign countries...The answer in this system is not additional manpower. It is improved manpower management.") (*Ibid.*, p. 15)

After his inspection tour, Mr. Henderson identified the following general problems:

1. Officers were still permitted to have radios and reading materials on their posts;
2. There were still no comprehensive work or other program activities for inmates, and only a very small percent of the inmates were constructively occupied;

3. Inmates needed to be given more opportunities for recreation, ("...moreover, recreation officers are off on Saturday and Sunday--a situation absolutely unheard of, and totally unjustifiable in terms of needs of the institution" (*Ibid.*, p. 18);

4. Even top level departmental staff remained unconvinced that good programming for inmates contributed to good security;

5. Unit managers and social workers needed to be visible in the units rather than spending their time in the administrative building and they needed to be present on evenings and weekends rather than limiting their work to straight day shifts.

Despite generally favorable impressions of features of the operations at Halawa, HCCC and Kulani, Mr. Henderson concluded:

"In general, correctional manpower management in the Hawaii system is among the worst the consultant has ever seen." (*Ibid.*, p. 31)

He repeated, in stronger language, his earlier recommendations regarding the need for a unified roster and for better manpower utilization, assignment and tracking (utilizing microcomputer and standardized software). He also declared:

"Overtime is totally out of control in this system. In Fiscal Year 1987 there was \$3,600,238 in overtime expended at the Oahu facility alone, and \$4,164,431 for the entire system...While everyone interviewed thought that additional staff would provide the answer to this problem, that is really not the case. Improved deployment and management practices are the key...Staff at most levels, including supervisors, obtain large amounts of overtime. In fact, the situation at the supervisory level is so severe that there is justification for an internal affairs investigation of its use." (*Ibid.*, p. 38)

The problems Mr. Henderson identified in 1985 thus remained for the most part, with few meaningful efforts having been made to resolve them. The major exception was the significant reduction made in the inmate population at OCCC, which was made possible by the opening of new medium security facilities at Halawa and the establishment of the new camp at Waiawa.

**Reports by federal court monitors.** Some of the frustration evident in Mr. Henderson's most recent report may also be found in the reports of the federal court monitors appointed to oversee the implementation of agreements contained in the consent decree. In Spring, 1988, the corrections panel of experts, Mr. Gerry Enomoto and Mr. Patrick McManus, reported that the DOC was still not in compliance with the "requirements for designated mandatory pre-service and in-service training in all areas of correctional operations with emphasis on supervisory and management training," that relief officers had not been hired to provide coverage for security staff at OCCC and WCCC so they could attend training, and that problems in recruitment and

retention of staff still remained. They noted that a classification system was in place, but that OCCC was not in compliance with the supplemental agreement to the consent decree with regard to inmate program activity, (although WCCC had so complied). While the proposed population reduction at OCCC had been achieved, a plan for long term systematic population reduction had not been established. The WCCC was found to be often over its mandated inmate population even though it was in compliance with regard to bringing its detention unit up to minimum standards. In addition, the mandated management information system for the DOC was found to be not yet in place. The main concerns of the panel were, directed however, toward the likelihood that Hawaii would soon face, "another population crunch."

The executive summary of the Spring, 1988, report of the panel of experts in medical and mental health was also critical of DOC compliance efforts. It listed many violations "...of the spirit and the letter of the supplemental order and the mental health plan." This report cited a homicide that could have resulted from these violations, and it used strong language in criticizing the DOC, such as:

"maladministration by the leadership of the Halawa facilities" (p. 3);

"intolerable overcrowding in Modules 3 and 4 at OCCC"; and

"despite assurances by the Director of the Department of Corrections that the agency medical director would have full authority and responsibility for all medical staff and programming, the evidence reveals that the administration of the Halawa Medium Security facility is disobeying this directive and impeding the medical director in carrying out her responsibilities." (p. 6)

The panel concluded its report by questioning the ability of the Director of the DOC to control facility administrators or to remove them if necessary to achieve compliance; the panel stated that in the absence of such, "we will be forced to return for years to come" (p. 8).

**Reports of legislative agencies.** Apart from the intervention of the Federal District Court in the affairs of the Corrections Division/Department of Corrections, the problems of this agency have also been the subject of other legislatively mandated studies.

**1982 report on master plan implementation.** A 1982 report by the Legislative Reference Bureau entitled, *Review of the Implementation of the Hawaii Correctional Master Plan*, concluded that:

- The Intake Service Center concept "has proven to be impractical and unworkable in the present environment;"

- The role of the ISC "should be redefined to that of an information facilitator for the Corrections Division and Hawaii Paroling Authority;" and
- The "ISC should maintain the responsibility for pre-trial diversion processing and for providing programs and services for pre-trial detainees." (p. 51-53).

This report called for the appointment of a committee to articulate the philosophy and goals of corrections as well as to establish policies for: sentencing and parole, offender classification, the use of community based residential programs, and inmate programs. It further called for a centralized information system affecting corrections (p. 53-54).

**1983 report on a department of corrections.** In 1983 the Legislative Reference Bureau produced another report, *A Department of Corrections for Hawaii: A Feasibility Study*, which concluded: "Theoretically, the advantages of establishing a separate department outweigh the disadvantages; but the practical considerations render the proposal inappropriate for Hawaii at this time" (p. 45). The report went on to cite, once again, the need for agreement on the state's correctional philosophy, policies, and direction, and urged that a determination be made as to whether or not the Intake Service Center should continue to exist. It also suggested that, "a comprehensive management and program audit of the correctional agencies should be conducted before the Legislature can best determine where resources are needed" (p. 50) and called for a computerized correctional information system.

**1968 Management Audit of Hawaii Youth Correctional Facility.** In December 1986, the Office of the Legislative Auditor completed its *Management Audit of the Hawaii Youth Correctional Facility* (Report No. 86-15), which was very critical of the management and operations of the Hawaii Youth Correctional Facility (HYCF). It cited the problems of running a facility in which three state agencies are involved (the Corrections Division of the Department of Social Services and Housing, the Department of Education and the Department of Health) and concluded that HYCF was plagued by a lack of coordination and planning by the three agencies. As a result, "these agencies neither offer treatment nor seek to impose punishment. Instead, they end up mainly running a holding or warehousing operation for the wards who are committed temporarily to their care." (p. 6).

This report was critical of almost every essential program for youth offenders--education and vocational training programs, preparation for parole and reintegration into the community, family involvement and mental health programs; only medical and dental care was judged adequate. The HYCF's approach to intake, residential care, food, and recreational services was described as, "largely passive, inadequate, and inconsistent," while the disciplinary system was characterized

as, "confusing and inconsistent with rehabilitative efforts." Personnel management practices at HYCF were criticized as well as HYCF's failure to plan for legislatively mandated replacement of its run down and inadequate physical facilities.

For a state that adopted a Master Plan which gives primary emphasis in its correctional policy to the rehabilitation of persons remanded to its custody, the treatment of youth offenders as described in this report is remarkably inconsistent when compared to many mainland states where youth offenders receive the richest resources in terms of staffing and programs.

### **The Creation of a Department of Corrections**

We believe that this review of the recent reports on the Corrections Division/Department of Corrections is important because it underscores the failure of several administrations to take action on proposals that have been recommended again and again over the past decade. The failure to resolve problems was an important factor in the action taken by the Legislature in 1987 to remove the Corrections Division from the Department of Social Services and Housing (DSSH) and to give it separate status as the Department of Corrections. By this move, the administrators of the new department could be held more directly accountable for their actions--or inaction. The reasons for the change were described as follows in Senate Standing Committee Report No. 85, relating to Senate Bill No. 5 which provided for the creation of the new department:

"Presently, correctional services are the responsibility of the Department of Social Services and Housing (DSSH), Corrections Division. The DSSH has become too large and has too many different functional responsibilities to be effective in all areas. An umbrella department like the DSSH cannot devote full and undivided attention to corrections because there are other programs that are equally important in fulfilling DSSH's mission. During fiscal year 1975, the corrections division had expended \$6,491,835. There were 6 facilities and a population of 403 inmates and 325 staff members. By fiscal year 1986, expenditures reached \$36,432,607; there were 9 facilities and a plan to open a medium security facility within the year; and the staff for the facilities increased to 1,294 and the inmate population jumped to 2,143."

"A separate department for correctional services in Hawaii would not only give correctional programs the focussed and continuous attention that they desperately need, but also increase the accountability of correctional administrators to the Legislature and the Governor, as it is easier to hold a single individual responsible for corrections decisions than numerous agency heads. In addition, the consolidation of correctional programs under one authority can also result in a more coherent and uniform philosophical approach to corrections and better coordination and communication among the various corrections and criminal justice agencies than if they were under separate departments. Lastly, a single department with a single executive would allow the authority

to deploy fiscal and personnel resources in a flexible manner throughout the department thereby improving the effectiveness of the correctional facilities while providing for economic efficiency." (pp. 925-26)

The proposal to establish a separate Department of Corrections was, we were told, enthusiastically supported by virtually everyone directly or indirectly involved in operating Hawaii's prisons and jails. Corrections staff felt that their Division was isolated and neglected within the larger bureaucracy of DSSH. They felt part of the problem was that the key administrators in DSSH came from social work backgrounds and had no experience in either corrections or criminal justice. Many of those in the Corrections Division viewed their DSSH supervisors as having little understanding or appreciation of the responsibilities the correctional staff faced on a daily basis in managing penal institutions. A related problem was the perception by corrections personnel that many of those involved in law enforcement viewed the Corrections Division as being outside of the criminal justice arena. This added to the feeling of Corrections Division staff that, because they were not perceived as either social work or criminal justice system professionals, they had no identity.

Corrections Division administrators, receiving only limited direction from their supervisors in DSSH, in turn, allowed the individual facilities considerable independence in the areas of personnel management, inmate programs, and budget execution. Through default, thus, the branch administrators of the separate institutions came to enjoy wide latitude in determining their own manpower requirements as well as in regard to the hiring and promotion of staff. Most employees are recruited by one correctional institution and spend their entire career working in that facility. As a result, employees have identified with the facility where they were employed, not with the larger division or department. With little or no movement of staff among institutions or to positions in headquarters, the view of most employees has been that their loyalty and allegiance is to the institution where they work and, more specifically, to the branch administrator who initially hired them and who holds the power to discipline or promote them in the future.

While the branch administrators have had broad discretion in utilizing the appropriations provided for their facilities, they have been provided few incentives to manage their budgets effectively. They have had virtually no restrictions in transferring funds from one account to another in order to meet particular priorities or needs, irrespective of departmental or even legislative intent in regard to expenditures. Branch administrators also found that if they overspent their budgets, headquarters would, in most instances, "bail them out" by finding funds elsewhere in the DSSH budget.

With these practices and expectations as a frame of reference, it is not surprising that efforts to bring nine autonomous facilities together into a Department of Corrections would be met with internal resistance, both passive and active. Attempting to impose central direction and control over facilities that have operated for years as separate fiefdoms is a major management challenge as personalities, egos, turf issues, and existing practice became significant obstacles to change.

Against this background, we now turn to the nomination of a director for the new department. The person selected had been a consultant on several matters to the Corrections Division while it was still under DSSH but his career had been in the Honolulu Police Department where he rose to the rank of deputy chief before retiring from that agency.

**Appointment of a Director for the New Department of Corrections.** Concern about the appointment of the new Director of the DOC became evident in the Senate Committee on Corrections hearings on the nomination. After agreeing to his appointment, the Committee took what seemed to us to be the unusual step of asking the Director to take a number of actions "immediately upon his confirmation." These rather specific instructions were as follows:

*"1. The administration of the Department needs to take a more "hands on" and directly involved approach to the administration of Corrections.*

This recommendation is based upon concerns expressed to your Committee by prison employees that they would like the Director to be more visible within the prisons and to be more readily accessible to discuss problems and concerns with correctional employees. Your Committee is of the opinion that the Director should not adopt a strict "chain-of-command" approach in which he relies exclusively on his correctional administrators and supervisors to inform him of problems and needs within our State's prisons. This leadership style and approach is especially inappropriate because of concerns that have been expressed during your Committee's hearings and that certain administrators and supervisors may be part of the Department's problems and do not provide responsive and decisive leadership.

Accordingly, your Committee recommends that the Director set up regularly scheduled, on-site visits to each correctional facility--perhaps once a month--during which he can talk with corrections employees and meet with representatives of each management and employee group, and especially with adult correctional officers (ACOs).

*2. Correctional Administrators should be given no later than the end of the year to bring their management skills up to acceptable standards. If an administrator fails to do so, a process should be undertaken immediately to replace him.*

*3. The administration of the Department needs to better and more thoroughly familiarize itself with important details, studies, and information relating to the Department's budget, correctional programs, and management. The Department's presentation before the Legislature next session will help to determine whether the Director has made progress in this area.*

4. *The administration of the Department must work to establish and foster better communication and working relationships among the correctional facilities and between each facility and the Department. It is especially important that each facility understand Departmental priorities and objectives.*

5. *The Director should take advantage of opportunities to participate in administrative training and should seek the input of correctional professionals and experts from both Hawaii and the mainland. This recommendation is especially important because of the Director's law enforcement background and limited correctional experience.*

6. *The administration of the Department should exert forceful and decisive leadership in issuing directives and seeing to it that they are implemented. In this regard, direct communication with appropriate parties is recommended, and "leadership by memo" (which at least one facility administrator has been accused of) is not considered by our Committee to be the most effective or only means of conveying the Director's goals, concerns, and standards to the rest of the Department.*

7. *The administration of the Department should make a greater and more visible effort to discipline or reprimand supervisors or other employees within the Department who are guilty of misconduct. The Director needs to communicate as clearly and directly as possible to employees within the Department that inappropriate conduct, including displays of favoritism, sexual harassment, and racism, will simply not be tolerated. This also means strengthening the Department's investigative arm to ensure that appropriate documentation and evidence can be gathered to reprimand and remove unprofessional or incompetent employees under our Civil Service system.*

8. *A corrections consultant should be hired to work with the administration of the Department to oversee correctional management and administration.*

9. *The administration of the Department needs to make visible and substantial progress in resolving long-standing management problems within corrections. To assist the Governor's office and the Legislature in evaluating whether progress has been made, a management audit may be conducted by the Legislative Auditor's office. Your Committee would also recommend another technical assistance visit by Consultant James Henderson of the National Institute of Corrections either before or shortly after the start of the next legislative session. In addition, if a corrections consultant is hired by the Department, his or her input should be given great weight by the Department in addressing correctional concerns.*

10. *In the future, the administration of the Department will need to be more candid and open with the Legislature in discussing concerns and problems affecting corrections and in sharing the findings of important reports concerning the management and operations of corrections. There have been times when the Director's answers to questions posed in Corrections Committee hearings have sounded ambiguous, incomplete, or evasive. Moreover, your Committee was disturbed by the fact that it was never informed by the Department of Mr. Henderson's Consultant Report outlining management problems within corrections. This was especially disturbing as the Committee had addressed numerous questions to the Department concerning personnel and staffing problems.*

11. *Finally, the administration of the Department needs to resolve the significant transitional problems that it is currently facing in attempting to assume all administrative support functions from the Department of Human Services by the legislatively imposed deadline of July of 1988. Your Committee has been informed that the Department has been experiencing some difficulty in obtaining approval of reorganization plans, and in filling important administrative staffing positions to ensure that the payment of employee checks and other administrative and personnel actions are processed efficiently and expeditiously.* (Standing Committee Report, No. 2922, April 21, 1988. Submitted by Committee on Corrections, Ron Menor, Chairman, pp. 1-4)

The Committee on Corrections also requested a management audit to assess the extent to which the Department of Corrections was: (1) clearly articulating its long term goals and policies, (2) engendering confidence among employees in the competence and qualification of correctional administrators, and (3) improving its departmental budget preparation and planning processes (Standing Committee Report No. 2447, March 28, 1988, Senate Committee on Corrections, Ron Menor, Chairman). The remaining portions of this report seek to provide answers to the questions raised in the two Senate standing committee reports and in Senate Concurrent Resolution No. 57, Senate Draft No. 1, which requested this management audit.

## **Part II**

### **THE MANAGEMENT OF THE DEPARTMENT OF CORRECTIONS AS PERCEIVED BY THE DEPARTMENT'S STAFF**

#### **Methodology of the Management Audit**

The consultants made two trips to Hawaii in 1988, one in July and another in October. On the first trip, we were briefed on the reasons for this examination of the Department of Corrections (DOC) by the Legislative Auditor (Auditor) and we met with Senator Ron Menor, Chairman of the Senate Committee on Corrections, and Representative Dennis A. Arakaki, Vice Chairman of the House Committee on Human Services, along with the Director of the DOC and other members of the DOC headquarters staff. We visited the Oahu Community Correctional Center (OCCC), Halawa High and Medium Security Facilities (Halawa), the Women's Community Correctional Center, Kulani Camp, the community correctional centers on Hawaii and Kauai, and the Hawaii Youth Corrections Facility. The audit was also discussed with State officials who have responsibilities for corrections policy and practice, including Mr. Jon Ono, Chair of the Governor's Committee on Corrections, Mr. Mark Oley, Chairman of the Hawaii Paroling Authority, Mr. Susumo Ono, consultant to the DOC, and Mr. Wayne Matsuo, Acting Ombudsman. In addition to these interviews, meetings, and the on-site inspections of the facilities, we received a large number of background papers and reports on matters relevant to the DOC, ranging from the Master Plan of 1972 to the 1988 reports of the U.S. District Court monitors and other consultants.

Before returning for our second visit, we asked that a survey form be administered to a randomly selected sample of 25% of the DOC staff. This survey had been developed for a study of employees of the Federal Bureau of Prisons by a highly regarded organization, the National Academy of Public Administration. Because we were aware that the limitations on time allowed for this audit would not make systematic interviews with rank and file staff possible, we used this survey to obtain information about basic aspects of working conditions in the DOC.

With this survey, we have been able to examine responses from a representative sample of all the DOC staff, to compare the responses of DOC staff to those of Federal Bureau of Prisons staff, and to compare the responses from certain key institutions in the DOC (OCCC and Halawa) to each other and to the other facilities of the DOC. The survey instructions and

summaries of the responses the DOC staff made to the questions are contained in Appendix A. It should be noted that we obtained a 50% response from the randomly selected sample of DOC staff who received questionnaires, that the survey form required no identification of the respondent, that each respondent returned his/her questionnaire by mail directly to the Auditor's office and finally, that we left space on the last page of the survey booklet where we invited comments from respondents on any aspect of employment in the DOC. Well over half of the 174 respondents who returned the survey forms made comments, some at great length, and often with considerable emotion. A number of these comments will be inserted to illustrate points made in this report.

For the most part, the time during our second trip to Hawaii in October was spent (1) interviewing senior staff at facilities we had not visited on the first trip--Waiawa Prison Camp and the Maui Community Correctional Center--and (2) making return visits to OCCC, the Halawa high and medium security facilities, and the Women's Community Correctional Center. We also held lengthy discussions with divisional administrators, office and section heads, and other key officers at the DOC headquarters, as well as persons outside the department who were knowledgeable about corrections operations in Hawaii.

### **Survey Results**

The survey points up the areas of greatest satisfaction and dissatisfaction with working conditions on the part of the DOC staff. It should be noted in the comparison of the DOC responses with the Bureau of Prisons sample that the DOC responses include personnel at many levels. Thus, the DOC results can mask discontent over pay and promotion by basic grade adult corrections officers because their responses are coupled with the responses of middle management respondents for whom these are less serious issues. In Appendix A, therefore, the breakdown of the DOC responses by job classification is presented as well as the responses broken down by the sex of the respondents. Our primary interest, however, was in how the DOC employees, as a group, judged their work environment, and whether or not there were differences in responses when comparisons were made between the largest facilities, Halawa medium and high security and OCCC, and the other smaller facilities on Oahu and the neighbor islands.

**Response of the DOC sample compared to the Bureau of Prisons sample.** The most obvious areas of dissatisfaction for employees in the DOC include their negative view of their opportunities for promotion (59%), and their opinion that promotions are not fairly given (57%); only 17% agreed that the best qualified employees were selected for vacant positions. Most of the DOC respondents regarded their facilities as understaffed (82%); felt their pay to be

inadequate (75%); and were critical of the morale of their co-workers (60%) and of their opportunities for personal growth and development (52%). Only 35% of the respondents reported that they were told promptly about changes in policy, procedures, rules, and regulations that affected them; only 36% agreed that if they performed poorly in their job, their supervisors would show them how to improve their performance (yet, 61% reported satisfaction with their immediate supervisor); respondents, as indicated, felt that they were understaffed, but only 26% reported that they did not have time to get their work done; only 25% agreed that their agency was accomplishing its mission in a productive manner through the effective use of people.

On almost all of these measures the degree of dissatisfaction expressed by the DOC respondents was greater than that of the Bureau of Prisons (BOP) group; most BOP respondents also reacted negatively about the manner in which promotions were given in their agency although they were significantly more satisfied than were the DOC respondents (51% to 29%): The BOP sample gave higher marks to their co-workers (80% thought the people they worked with generally did a good job compared to 57% of the DOC sample); they were more satisfied with their job (67%) than were DOC staff (52%); and they were more likely (41% compared to 25%) to agree that their agency was accomplishing its mission in a productive manner through the effective use of people. BOP respondents saw less conflict and more cooperation in their work setting, were more satisfied with their pay (33% to 17% for DOC), benefits (45% to 37%), working conditions (53% to 28%), and opportunities for personal growth and development (40% to 29%); and were more content with the people they talked to and worked with (63% to 31%).

The majority of both groups of respondents felt that they needed more staff, that the people they worked with were improving their job performance, that they used their skills and abilities on the job, and that they liked their work (88% from DOC and 84% from BOP). Similarly, both groups were satisfied with their job (52% DOC and 67% BOP); were satisfied with their immediate supervisor; and felt that they were treated fairly in their job assignments (55% DOC and 57% BOP) and with regard to discipline (60% for each group). Both groups disagreed (56% DOC and 57% BOP) that the best qualified employees were selected for vacant positions; the same percentage (56%) of each group agreed that their performance had been effectively evaluated in the last 12 months; and both groups of respondents felt that they had job security (71% DOC and 73% BOP) and a sense of accomplishment in their work (62% DOC and 59.5% BOP).

These results provide mixed messages as far as the DOC employees are concerned. There are some clear problem areas such as pay, the promotion process, co-worker morale, the size of

staff, and the view that their agency is not accomplishing its mission by effectively utilizing people. In these and most other measures of the work environment, DOC employees were more critical than their BOP counterparts. Nevertheless, there were similarities in a number of responses from both groups, and, after criticizing significant features of the work environment, almost all (88%) DOC employees said they liked their work and were satisfied with their jobs (52% on one question and 59% on the other job satisfaction question).

Referral to Part C of Appendix A will clarify the responses of DOC staff in terms of salary levels. Not surprisingly, those in the lower categories are the more unhappy, critical, and pessimistic respondents, although there are indications of unhappiness at the highest level (e.g., 64% of the top salary group agreed that supervision in their work environment contributed to conflict compared to 40% from the intermediate group and 52% in the lowest salaried employees). The negative responses to a number of features of the work place by the intermediate pay level group may reflect the views of employees who have been in the DOC for some time, have moved up a bit in the organizational hierarchy, but feel they have not advanced far enough or fast enough.

**Responses of DOC staff by facility.** As can be seen in Part D of Appendix A, few major differences appeared in the responses of male and female employees in the DOC. More female employees, however, reported that they were less likely to be treated equally in obtaining overtime work. Major differences in the responses of DOC employees, far sharper than the differences between DOC and BOP employees, between respondents at different levels of pay, or between male and female employees, can be seen in the break down of responses by facility in Part B of the Appendix--particularly in comparing Halawa to OCCC. It should be noted that combining the respondents from all the other facilities (the three neighbor island community corrections centers, the camps at Kulani and Waiawa, the Women's Community Correctional Center and the Hawaii Youth Correctional Facility) likely masks some important differences among these facilities.

Our on-site visits to all of these facilities and comments made in interviews would, for example, lead us to expect higher positive employee responses from the Maui Community Correctional Center compared to OCCC and mixed responses from Women's Community Correctional Center and Waiawa Camp staffs reacting to changes in the administrations of those two facilities. Because combining the seven facilities in the other category is like combining apples and oranges, we do not believe that the overall response applies to *any one* of those facilities. The aggregate percentage figures for this group are presented only to provide another point of reference for understanding the responses of staff from Halawa and OCCC.

The survey data clearly identify the staff at OCCC as the most unhappy and the staff at Halawa as most satisfied with their work environment; the respondents of the "all other" group are, however, much closer to those of Halawa on many items than they are to those of OCCC.

Indications of dissatisfaction at OCCC and satisfaction at Halawa and relevant comments pertaining to the "other" category include the following:

- 70% of the OCCC respondents were dissatisfied with promotional opportunities; only 10% of OCCC staff thought promotions were given fairly.
- 74% of the Halawa respondents thought the people they worked with did a good job compared to 45% at OCCC; 74% of the Halawa respondents said the people they worked with were improving their job performance in contrast to 49% of the OCCC respondents.
- Because the "other" category included overcrowded facilities at the community correctional centers on Maui, Kauai, Hawaii and at the Women's Community Correctional Center, it is not surprising that 89% of these respondents felt that they did not have enough staff; 52% of this group felt that their work was excessive compared to only 14% at Halawa (nevertheless, 81% of the Halawa respondents said they needed more staff).
- The worst informed respondents were at OCCC; the group most needing training was the "other" group which includes the neighbor island facilities which are short changed in this regard; every respondent at Halawa said he/she had enough work; 56% of the Halawa respondents were satisfied with the feedback they received on their work, although the differences in satisfaction with one's supervisor was only 4% when Halawa is compared to OCCC; more than twice as many (51%) of Halawa's respondents felt that their co-workers encouraged each other compared to 21% at OCCC; 57% of Halawa's staff said they were promptly told of policy changes in contrast to 27% at OCCC; 69% of Halawa respondents were satisfied with their present job, but even 55% of all OCCC respondents, despite their complaints on specific aspects, said they were satisfied with their jobs; and the great majority of all respondents (92% at Halawa, 87% at OCCC and 86% at the other facilities) reported that they liked their work.
- One category in which OCCC was more favorably evaluated than Halawa was whether the respondent had been treated fairly in regard to training (30% were satisfied at Halawa, 45% at OCCC). In almost every other category, however--awards, job assignments, discipline, and affirmative action in hiring females; whether the best qualified staff were awarded vacant positions; the effectiveness of the agency in accomplishing its mission; whether employees can question promotions or get an equal chance to work overtime; whether the respondents have become dependent on overtime work, but

consider overtime to be an undesirable feature of their employment; the degree of conflict at work, worker cooperation and the extent to which workers can discuss problems with their supervisors and get help; job security, stress on the job, and co-worker morale; the respect they get for their work and the extent to which employees feel a clear sense of accomplishment--on all of these items--Halawa employees were much more likely than OCCC respondents to express satisfaction.

The data from this limited survey provide some helpful clues about satisfaction and about problem areas related to the DOC staff morale. They indicate that most employees like working in corrections but that they are unhappy with features of their working environment. They also make clear the significant differences in staff morale that exist between facilities in the DOC. Many respondents made comments to the effect that they wished that the new administration had thought to survey their employees on these matters; others wrote that they doubted that the survey--or the management audit--would bring about significant change in the DOC. The anger, despair, and bitterness that characterized many of the responses written on the survey forms may be regarded as simply the complaints of malcontents and other disgruntled employees, but they should be seen in the context of other measures of employee morale before judgments of the current managers and management of the DOC are made.

**OCCC Correctional Officers Petition  
to the Director of June 8, 1988**

Employees at OCCC expressed their dissatisfaction with the new administration in the form of a petition signed by 144 (one third) of all the Adult Corrections Officers (ACOs) at the facility which was sent to the Director on June 8, 1988. When it received no response, it was then referred on to the Auditor's Office on September 4, 1988. The covering letter to the auditor explained the initial reason for the petition and for its resubmission to the Auditor's Office.

"Dear Auditor:

I submit to you a petition made and signed by corrections officers. We have lost many good correction officers in the past. Because of low pay and low employee morale they resigned to work elsewhere.

A copy of this petition was given to Mr. Harold Falk on June 8, 1988 but we have yet to see any changes by DOC.

Our main concern is the low pay. We are under paid for the amount of work we do. Our work duties and responsibility has increased over the years yet pay has remained low. We have had increased stress, pressure and mentally disturbed inmates that we work with every day.

We would like to have our pay increased to that of ACOs in the mainland. We should be making at least what they make now or better. Hawaii is one of the most expensive states to live in. Its a shame that we ACOs have to work over time just to make ends meet! Sixteen hours of work in one day is rough.

We would like to see permanent watches for all ACOs. Every one would be much happier if we had permanent watches. We would like to see our posts rotated every three months with fair rotation. This alone would make things alot easier for us and our supervisors. Majority of corrections officers are for it.

We really appreciate your survey and all your help. Thank your department for us.

Sincerely,

OCCC Corrections Officers"

This letter and the petition was accompanied by a list of areas in which employees felt frustration and the remedies they proposed. Because it represents a direct statement of their own concerns by a large number of rank and file employees at Hawaii's largest correctional facility and because the petition and list was sent to the Auditor's Office for consideration in this management audit, it is reproduced in Appendix B.

Some of the concerns expressed in this petition are remarkable when comparisons are made to other agencies. No mainland department of corrections known to the consultants has been unable to provide uniforms for its officers or has failed to develop mechanisms to screen out corrections officer applicants who have criminal records and who are judged to be "mentally incompetent." All other departments of corrections require that candidates undergo, and complete satisfactorily, basic training and many candidates for correctional officer positions are tested for drug use.

Most of the concerns expressed by the ACO's who submitted this petition are addressed in this report, but one other point should be made here because it was emphasized so clearly in the responses collected from all staff levels for this audit. That point is that almost every comment offered to us in writing or in interviews expressed the view that the present administration has been in office long enough to have attended to some of the most obvious problems in the DOC and that its failure to act in even these areas has confirmed employee suspicions that a group of administrators with no or little experience in corrections cannot provide effective leadership for the new department. The following verbatim comments taken from the survey forms illustrate this conclusion:

"Ever since we became a separate department, there has been no change whatsoever. If anything the morale of the ACO's has decreased even more. The Department of Corrections is a "Big Joke". The DOC seems to be filling positions with civilians from the outside and most of these positions should be filled with ACO's. A lot of these positions could have been promotions for ACO's. It seems that these positions are all being filled by retired or former HPD employees. Why is that?"

"One of our major problems in the Dept. of Corrections is the low morale among employees. Because of the morale problem, our department has been losing many of its experienced and knowledgeable employees. This problem can be attributed, for the most part, to the inexperienced and incompetent appointees to the administrative positions. These are the people who make the decisions which the branch administrators and supporting staff of the facilities must abide by even when such decisions are not in the best interest of the facility, employee, or even inmate. Often times, these decisions are made without consulting with the facility administrator or even line workers. In other words, they take action before doing their homework first. As a result, the employee becomes frustrated and ultimately quits his job. One of the major frustrations of the employee is the departmental administrators' inability to follow departmental policies and procedures. Too often there are cases in which the employee, supervisor and/or branch administrator will make a decision based on such policies and procedures for the good government and security of the facility, only to find that the decision has been overturned by the departmental administrators for no valid reason. Many times such decisions make the employee and facility look like fools and give the inmates the satisfaction of "winning" over the "system". Whatever data is collected by this study will not help to improve the department's morale. The same people will remain in the "power" positions and the employees will continue to leave."

"I feel that this survey is over a year late. The administration should have been asking these questions to the employees here all along. I have seen the director here 1 time. I feel that he should be at each facility on each watch at least once a month and talk to the employees. This is the first questionnaire I have ever sent back to anyone. I am very unsatisfied with the situation here at OCCC and hope this will help somewhat. I wish to be contacted personally with results and hopefully what is being done to correct them. I have contacted Mr. Falk on 2 separate occasions and not been given any answers to questions I asked."

"My supervisor is professional and competent. He is qualified for his job. The people over him are not qualified, not professional, and not educated. There is no civil service system left. All is who you know, your race or your sex. ISC staff on Maui and Kauai still don't do any work, we have no information system and there is no research capability or data base. Falk's administration is a disaster. He can't even get an organization approved and he continually defies bargaining contracts and civil service law. Inmates are being beaten regularly at HCF and Falk knows it. One inmate died because he can't make OCCC obey the rules of the consent decree. Fiscal and personnel problems are of crisis proportion. I don't think the Governor cares. This form should have included something that shows concern for the inmates. They suffer the most under bad administration."

"I learned a lot about my job under the supervision of \_\_\_\_ and was satisfied with my job. Recently Harold Falk moved \_\_\_\_ and \_\_\_\_ to other facilities, the \_\_\_\_\_ replacement that I got was lousy! Everybody was unhappy with his HPD style in moving people around. HPD is old and has uniformity in their procedure. Corrections facilities are not....Administration is weak, we only saw our new Director *1 time* for the last year. He hired people for his downtown office, mostly his "haole" friends who never work with corrections! However, these bodies will do all the planning for us, they have no correctional experiences and they don't consult us. Yet they are the one who decided our fate!"

"As a middle manager, I do not receive any direct supervision, encouragement, critique or evaluation. At the beginning my job was challenging and interesting. But now, I'm going through the motions. Key management people in DOC is not qualified, have no management principles, have no idea of government policies and procedures and in TOTAL, they do not belong where they are making decisions that impact the concept of Department of Corrections and the State. The format of this questionnaire does not fully reflect my true thoughts and feelings about my job, my department and program."

In the next section of this chapter the views of staff at the higher management ranks of the DOC are presented. It should therefore be kept in mind that the comments which follow are those not of disgruntled employees at the bottom of the organizational pyramid but those of staff holding middle and upper management positions.

### **The Perceptions of Middle and Upper Management**

Many of the interviews, particularly those held during our most recent visit, were characterized not only by criticism of the current administration of the DOC in terms of specific areas as well as its overall management style, but also by a high degree of frustration. The concerns raised about specific problems are reviewed in the Part III of this report. Here we attempt to describe more general impressions and perceptions of actions taken, or not taken, by the new administration.

First, the prevailing opinion of this group of respondents, like that of the ACO's, is that the new administration has been at work long enough so that its priorities and its game plan, as well as its management style, are now regarded as known quantities. Hence, the reaction of most interviewees to all of these areas has been disappointment and, for some, anger and despair. The suspicion, widely held by lower echelon employees, that "cops from HPD" could not understand the corrections business has been confirmed by respondents at the middle and upper echelons. The Director, the Deputy Director and, with rare exception, the division administrators have brought very limited experience in the field of corrections to their positions; the Director had served as a consultant to the Corrections Division; two administrators had served as acting branch

administrators at prison camps for short periods, and one (since resigned) had worked in military jails, but no one in the top three layers of the administration had worked as an ACO in a jail or a prison. Therefore, facilities staffs, particularly those responsible for the custody of prisoners, might be expected to view their superiors in the central office as yet another group of officials who do not understand or appreciate the issues and problems they face in their daily work. To earn the respect and trust of these employees, the new administration needed a high level of communication through visits and meetings in the facilities as well as a clear plan and timetable for addressing issues such as pay, uniforms, and overtime. In the absence of these efforts, the negative responses recorded on the survey forms are not surprising. What is more troubling is that the new administration has not been successful in earning the respect of many people with whom they work directly in departmental headquarters. Personal contact could provide a basis for overcoming stereotypes and skepticism that senior staff might have of top administrators coming in with non-correctional agency backgrounds. These interviewees, who are in a position to directly observe the new administration, focused their concerns not only on the absence of correctional experience but also on their perception that the new administration lacks basic management skills.

The following were cited as examples of this conclusion:

1. The administration has not articulated a set of goals for the DOC as a whole, or for the individual facilities as parts of a larger system; it has not produced any timetables which identify long term, intermediate, and short term objectives; and it has not indicated the specific means by which goals and objectives will be achieved. The Director's list of "Departmental Goals" distributed to all employees in May 1988, was characterized by many interviewees as "a wish list" comprised of such obvious items as the following:

"Develop the necessary programs, improvements, and environmental conditions which will provide resolution and freedom from provisions of the Consent Decree."

"Improve the image, working conditions, and pay scales of all employees."

"Develop comprehensive youth offender resocialization programming, both within the institutional setting and within the community."

"Improve communications among all levels of the departmental structure, as well as with other governmental and public agencies."

"Provide for employee career development programs through training, experience, and education, utilizing both departmental and community resources."

"Provide for timely expansion at all facilities as needed. This includes program, recreational, employee and administrative space as well as bed space." (*Departmental Goals*, H. Falk, Director, to All Employees, May 23, 1988.)

The three-day retreat held for senior staff in August was described by several participants as a "show and tell" session which made no serious effort at problem solving or working up meaningful departmental goals, the specific means of achieving them, or a timetable or action plan by which progress could be measured.

2. In the absence of a strategy for establishing strong centralized control of the department, individual branch administrators and individual facilities have been allowed to maintain policies and practices divergent from those at sister facilities. An example cited by a number of respondents was that in most facilities employees must purchase meal tickets, but at Halawa it was claimed the administrator "takes care" of the cost for his employees. While hiring for all facilities is to be managed centrally, a number of respondents said they expected that Halawa, unlike the other facilities, will insist that it be allowed to screen its own ACO recruits and to continue to apply its own standards for hiring. Most respondents also felt that Halawa will be allowed to continue rejecting the designations produced by the inmate classification system and the recommendations of headquarters staff and administrators at other facilities in regard to transferring of inmates into and out of that facility. Halawa is widely believed to operate free from controls by departmental headquarters due to the strong personality of the that facility's branch administrator. While staff at other facilities may resent the influence exercised by this administrator, those who work at Halawa, as our survey results clearly indicate, appreciate these same efforts.

Staff morale at Halawa is significantly higher than that at OCCC and at other facilities (although it should be noted again, that morale at several facilities on neighbor islands might be high but these distinctions are blurred when these responses are combined with those of all "other" facilities). Since Halawa contains Hawaii's most dangerous offenders and its most difficult management problems, this may be a case in which the Director and his associates are reluctant to intervene in the governance of a facility that they think works well. The problem with that posture is that "control" of this particular facility and its policies by the new administration has been established in the minds of many employees as the litmus test which indicates who is running the DOC. While Halawa's administrator can be commended for the strong loyalty he engenders from his staff, his singular example makes other branch administrators, at least on Oahu, appear to their staff as weaker and less effective in representing

their interests. This situation confirms the view of rank and file staff that loyalty to a particular facility or branch administrator means more to one's career than loyalty to the Department of Corrections.

3. Many respondents argued that the new administration has not demonstrated competence in its managerial policy or practices and most headquarters employees expressed frustration with the Director's policy of holding staff meetings involving divisional heads and other administrators *every* working day. These meetings were uniformly described as unstructured sessions with no notes taken and no problem solving accomplished. The monthly meeting held with all branch administrators in attendance were also described as meaningless reviews of written reports, and a number of interviewees expressed the view that problem solving on these trips occurred over lunch, or in settings away from, not in, the Gold Bond Building.

More specific complaints related to the Director's visits in February to neighbor island facilities at which time branch administrators and ISC directors were told that a decision would be forthcoming as to which person would be in charge of each facility. Eight months later, no decision on this matter had been communicated, leaving administrators at each facility to work out their own informal working relationships while remaining in limbo as to who would, ultimately, be working for whom.

Inconsistent messages were communicated by the removal of a branch administrator for "incompetence", as this action was characterized by employees, and then returning him, after several months, to the same position. In another case, a branch administrator was reported to have spent his annual budget in a 6-month period; but the only action taken was to assign him to another facility at his branch administrator salary. Other actions by the administration were perceived as hedging, deceiving, and playing personnel off against each other in the appointment of a senior facility administrator. In the latter case, it was reported that after the Director had prevailed upon a staff member to fill a vacant branch administrator position and the employee had accepted, the Director had continued to discuss the position with other potential candidates. This action left the occupant of the "acting" position uncertain as to whether to begin planning and making personnel moves at the facility or to regard the appointment as only a temporary transfer. The overruling of the suspension of a sergeant at OCCC and his reinstatement was cited as another example of inappropriate micro-managing of actions of facilities staff by the Director and his divisional administrators, as well as sending out another mixed message about the consequences of staff misconduct or incompetence.

Another complaint heard at two Oahu facilities was that divisional administrators spent too much time visiting several facilities (in one case, making as many as three trips to the facility each

week); it was felt their presence communicated to staff and inmates uncertainty about the ability of the branch administrator or acting branch administrator to manage these facilities. On the other hand, a complaint very frequently cited on the survey forms and in our interviews was the failure of the Director and the Deputy Directory to spend time and meet with staff in the various facilities; staff from the neighbor islands reported that they also rarely saw divisional administrators.

Interviewees in headquarters also complained that the new administration has not been gaining control of individual facilities. The absence of budgetary controls and the lack of information about facility expenditures in departmental headquarters were offered as illustrations. To explore this contention, a review of major purchases of one facility was undertaken as part of our effort to understand its unit costs. At the end of the past fiscal year, the facility spent almost \$90,000 for such items as two cordless screwdrivers (\$259), an airless paint sprayer (\$2,158), a water blaster to remove paint from buildings (\$2,074), a wet vacuum to clean up after using the water blaster (\$884), a diesel lawn mower (\$13,440), a floor buffer (\$930), and a hammer drill (\$160). The largest expenditure was \$50,000 for three new vans; the facility's three old vans were apparently traded in for \$100. There may have been good reasons for the purchase of each of these items, but such large end-of-the-fiscal year expenditures, the purchase of equipment to do jobs such as painting and cutting lawns for which inmate worklines could be utilized, and questionable negotiations on the trading in of the vans should, first, be carefully documented and justified at each facility and second, be subject to review by the DOC fiscal staff and management.

On the other hand, the DOC headquarters itself was said to have used funds designated for one facility at another, such as in the case of HYCF in FY 1988 when \$219,780 of that facility's funds were used to repair the water tower at the WCCC. The use of the DOC Internal Affairs investigator to conduct financial audits was cited as a misuse of that office. The Chief of Internal Affairs resigned during our October visit, but reported that he had conducted financial investigations in such areas as accounting for staff meal ticket monies and the collection and disbursement of inmate funds. He reported that at one facility the records were in disarray because the business manager did not know how to use a computerized record system and did not maintain even a tally of the current balance of each account.

Allegations of the misuse and/or theft of food supplies and other materials from several facilities were also cited by respondents as indicators that controls at the local level have not been satisfactory but that the current administration, nevertheless, had still not moved to establish effective central cost control mechanisms at the various facilities or in its own headquarters. It

is very damaging to the administration of a law enforcement agency for consultants to be told by a senior administrator at one facility that a significant proportion of all goods purchased at another facility during a 12-month period had been pilfered or stolen.

The most serious financial problem for the DOC is the excessive amount of money spent on overtime--over \$5,000,000 in FY 1987. Because the DOC can no longer rely on a bailout from the larger pool of DSSH funds, this should be a matter of very serious concern to the Legislature. The problem is discussed at length in the Part III this report. At this point we wish only to indicate that almost all respondents described this problem as still out of control.

Another example cited by staff of the administration's inability to manage effectively is the operation of two planning units in departmental headquarters with consequent uncertainty for the staff of each unit. We were unable to discern any reason for the existence of two planning offices or of the functions of the so-called strategic planning office, described by its head as "normative planning" in contrast to the "program planning" function of the other planning unit. Staff in the strategic planning office did not see that any relationship might exist between planning in the DOC and the likely impact of actions of other departments (such as the Department of Human Services, Department of Education, and Department of Health) even in obvious areas such as mental health issues, vocational and educational programs, and support for inmates' families. The strategic planning staff still believe in the validity of the Master Plan, and even more remarkably, believe that the Intake Service Center component of the Master Plan is being implemented. At the same time, staff expressed uncertainty about how to develop a functional plan which would integrate law enforcement, prosecutorial, and judicial operations with corrections functions. With a strategic planning office like this, the absence of a statement of goals and objectives may be a blessing in disguise for the DOC staff.

Yet another example offered to us of the administration's lack of understanding of how policy should be developed in a department of corrections was the assignment of the draft of a handbook for inmates to a planner in the "strategic" planning office. From the perspective of facilities staff, giving this task to a person characterized as, "without a day of experience in a prison," assumes that corrections experience (and training in the law) is irrelevant to the production of a document that will be entered into the state administrative code and thus will have the force of law. This handbook is important to facilities staff, they point out, because: (1) inmates will be able to take staff to court for violating these procedures, (2) the handbook is really not an inmate rule book but rather a description of staff operations, and (3) the complicated situations staff must face on a daily basis are going to be examined and judged by a person who knows nothing of institutional life or operations. Therefore, they conclude that the handbook will be "pro-inmate."

The point here is not to debate the kind of input that should go into an inmate handbook; it is to indicate how sensitive an issue this is to prison staff and how carefully drawn the process to develop such a document should be. (The last version of the handbook was drafted by staff of the Department of the Attorney General in consultation with prison staff.) This instance was among a number cited by facilities staff members to make their point that the new administration instead of helping, will, in its ignorance, impair correctional operations.

Another organizational problem yet unsolved by the new administration is its failure to clearly identify the responsibilities and authority of headquarters staff vis-a-vis facility operations. This problem is evident in the requirement at Halawa that even the department's medical director be required to wear a visitor's badge and the denial of free access to certain areas of the facility to medical and mental health staff. This issue became public this Fall when the medical director was criticized in the Honolulu press by the branch administrator at Halawa. No response was issued in defense of the medical director's argument that she was being restricted in the performance of her duties. Such inaction confirms the view of staff that orders by divisional heads can be overridden--at least by the administration at Halawa.

Finally, among the general organizational problems, it should be noted that one of the DOC's major controversies remains as troublesome as ever--the role and future function, if any, of the Intake Service Centers. If a plan or even a timetable for a plan to resolve this matter or the others cited above exists, it was not made known to the consultants during our meetings with the Director, and it surely is not known to his divisional heads, to his branch administrators, or to the great body of DOC employees.

4. Middle and upper management interviewees criticized the current administration for its failure to resolve or to begin moving to resolve problems in the following areas:

(a) The need for computerized information systems to provide, first, knowledge of, and then, control over expenditures; to monitor matters related to personnel, such as sick leave and overtime; and to provide basic data about inmates upon which an effective inmate classification system could be developed and upon which plans for future facility, program, and staff development could be based.

(b) Finding a source and a system to provide the most obvious symbol of a correctional officer's position--his/her uniform. Other issues related to ACO morale, clearly indicated in the survey results and in the petition from OCCC, are as problematic as ever, such as the complaints of low pay, of being placed in an inappropriate bargaining unit, and of ACO's being restricted from advancing to top management positions in the various facilities because

they lack social work credentials. The consultants' discussions with the Director revealed that he has been working on several of these matters, but lack of communication to rank and file ACO's about these efforts allow staff to believe that these basic concerns have not earned the attention of this administration.

In this category also should be placed the complaints that insufficient attention is given to basic training, and that training for middle and upper management positions is non-existent. Moving to remedy the problem of training staff for upper management positions by having them take the Dale Carnegie course was not judged by interviewees to be a significant improvement in this area.

5. A number of interviewees reported a problem that we found surprising, given the interface between legislative intent and departmental practice in mainland departments of corrections. This matter involves the assertion that the DOC did not use funds appropriated by the Legislature for the specific purposes for which the funds were intended. Allowing the funds designated for a project at one facility to be diverted to a completely different project at another facility is one example of this problem. Other interviewees cited the failure of the DOC to use money appropriated to send inmates to the John Howard Association's halfway house. At the time of our visit, not one inmate had been sent to that facility by the DOC, leaving the implication that these funds were used for other purposes. Funds within the DOC's budget request for inmate education programs appear to have been diverted to other areas, perhaps because the DOC continues to spend more than its allotted share of funds for overtime and must draw down other accounts to make up the difference. (Similarly, at the facilities level, when the overtime allotment is exceeded, funds are taken from supplies and other accounts.) A final example of this phenomenon is legislative appropriation of \$720,000 to allow the DOC to make a number of improvements at the Halawa Medium Security Facility (e.g., to enclose control stations, to modify cell doors to afford some privacy to inmates, to replace light fixtures, to relocate utility trapdoors and to install security screens on cell windows and television cameras in a visiting area). These improvements were described in an April 15, 1987, letter from the Chairman of the Senate Committee on Corrections to the Chairman of the Ways and Means Committee as the product of, "a consensus between Harold Falk (then Acting Deputy Director, DSSH) and myself that these improvements and funding requests are absolutely necessary from the standpoint of the safe and proper management of the facility." To the best of our knowledge, outside of the installation of television cameras (some \$6,000 of the \$720,000 appropriation), none of these changes have been made. All were intended to be in place before the inmates who now occupy the facility were moved in. Such diversions of legislatively mandated funds

contributes to the staff perception that legislative intent can simply be ignored. Now that DOC is a separate department and no longer buried within DSSH and the Director can be held accountable for his department's financial allocations and expenditures, we would expect this issue to be raised by legislators. In mainland departments of corrections, administrators are expected to spend funds as approved in legislative requests or, in the case of an emergency or special situation, to seek approval from the relevant legislative committee to reallocate funds before such decisions are made.

6. Another observation made by persons outside the DOC, as well as within, is that the administration is reactive when it should be proactive. To illustrate this posture, which costs the State money and wastes the time of staff, the administration's refusal to negotiate with an attorney representing inmates over prisoners' rights of access to a law library was cited. In this area, the courts have been very clear--inmates have a constitutionally protected right of access to their attorneys and to basic legal materials. The DOC, rather than making arrangements to provide the required access to legal materials, has taken the position that this matter should be decided in the courts; a matter in which the State is sure to lose. Similarly, the prohibition that inmates at Halawa can be denied access to law books for the first 15 days of confinement in disciplinary segregation by the prison's "adjustment committee" would not, in our judgment, survive a challenge in federal court--even with the DOC statement that the Department of the Attorney General concurs with this interpretation of basic inmate rights. (DOC Special Order, Number 88-9, May 13, 1988.)

Along the same line, the DOC and a Deputy Attorney General recently lost their effort to deny a law library to inmates at the Halawa High Security Facility on the grounds that the prisoners were too dangerous and unmanageable to be allowed "to browse in a law library" and, according to the Deputy Attorney General, because they, "lack the social skills to pull it off." (*Honolulu Star-Bulletin*, November 18, 1988.) We dispute the contention that Hawaii's inmates are too dangerous and that they lack the skills to do legal research since every maximum security prison on the mainland routinely allows inmate access to legal materials. In the Control Unit of the U.S. Penitentiary at Marion, Illinois, the most secure unit in the most secure prison in the country, with over one-third of the inmates housed therein for having killed prison staff or other inmates, every inmate has access to basic legal materials kept on each tier of the cellblock. These mini-law libraries meet constitutional requirements and inmates simply request materials which can be read and reviewed in their cells. Since the Halawa high security inmates have few opportunities to engage in any time consuming and lawful activity, this required feature of secure confinement should be supported, not opposed, by the DOC.

As indicated earlier, the time and resources available for this audit did not allow us to systematically interview or survey inmates about their experiences in the DOC. In this section, however, we do wish to cite several indicators of discontent--the number of complaints filed with the Office of the Ombudsman and with the American Civil Liberties Union. In regard to the latter, the ACLU during the past year received between 75 and 100 complaints per month, half of which that office considered to be legitimate complaints about jail/prison conditions or procedures. This figure perhaps reflects inmate understanding that a consent decree is in place at OCCC and WCCC and that federal court monitors are carefully scrutinizing DOC operations and inmate living conditions.

A more dramatic indication of inmate concerns is the number of complaints submitted to the Office of the Ombudsman. For the fiscal year 1983-84, there were 1,146 complaints filed against the entire Department of Social Services and Housing of which the Corrections Division was one part. (The number of complaints brought against the Corrections Division alone is not available.) The second largest number of complaints filed against a State agency during this time period was 80 filed against the Department of Commerce and Consumer Affairs. For fiscal year 1987-88 the total number of complaints against the Department of Corrections was 2,394, of which 481 were sustained, 639 were not sustained, and 1165 were discontinued. Dispositions in another 109 cases were pending. The next highest number of complaints was 191 brought against the Department of Human Services. The four areas in which inmates filed the largest number of complaints during 1987-88 were:

1. medical and dental care;
2. actions by adjustment (disciplinary) committee;
3. grievance procedures (non-response/disagreement with response); and
4. staff actions, including allegations of abusive treatment.

Taking into account the reality that prisoners, by definition, are the most likely population in the State to bring complaints about their treatment, the important point made by these figures, even taking into account increases in the inmate population, is the increase in the number of complaints for a corrections department under court orders to improve conditions for inmates.

7. Interviewees also repeatedly made the point that the Director and most of the divisional administrators have not established meaningful communication with the DOC staff. If the current administration has a game plan, the interviewees felt it should have been communicated to employees. The high level of uncertainty about how a new department would function and how an administration comprised of persons without corrections experience would work should have prompted frequent on-site visits by the Director and meetings with staff at the various facilities,

apart from the requests made for a "hands on" administration by the Senate Committee on Corrections. We were told that such visits, particularly to the neighbor island facilities, had occurred only once to the best recollection of respondents. Coupled with the failure of the monthly meetings attended by branch administrators to produce decisions or action plans which branch administrators themselves could have reported to their own employees and the absence of any regular news letter or other communication from the top down, staff have had to rely on rumors, gossip, and the interpretation of departmental policies by the most vocal critics of the Director and his senior advisors.

8. The last area in this description of interview findings relates to a very serious problem cited by many middle and upper level employees that violations of the DOC's Code of Ethics at the very highest levels have occurred; allegations that are extremely damaging. In fact, the administration's most serious problem may be the emergence of allegations that cronyism, favoritism, and lack of integrity characterize its actions. The consultants were repeatedly told of specific incidents to back up such claims. These included allegations pertaining to improper use of inmate labor on a staff member's private property or for work on employee vehicles, allegations of unwise, if not improper, telephone contacts with inmates (including contact with a group of inmates found drinking in a private residence while they were on an outside work line and advising an ACO to take no punitive action in this case), and allegations of improper personal relationships. These alleged violations of the Code of Ethics, which was developed by the Director himself--whether they are true or not--attract much more attention than complaints about the administration's management style or decisions. These incidents are so widely discussed within the DOC that the administration faces a major problem in terms of the *perception* of its conduct by its staff. This problem is perhaps exacerbated by the failure of the Director to communicate more frequently and more directly with staff in the facilities, by the failure of the administration to provide news and information about departmental actions and plans, and, it would appear, by the failure of the senior administrators of the department to get accurate and candid feedback about how their actions and decisions are regarded by staff in the ranks below them. Any administration, but particularly one which is viewed with suspicion from the outset, must be concerned not only with the actual conduct of its senior staff, but also with the perception of all staff actions by those who may welcome evidence of impropriety.

In addition to the allegations already cited of employee theft of goods and the mishandling of funds, we were told many stories about misconduct by staff at all levels; about female ACOs who have had sex with male inmates, about male ACOs who have had sex with female inmates, about female ACOs and clerical staff having sexual relations with middle and top level

administrators; and many accounts of the story of the mid-level camp employee who was charged with multiple counts of theft and misappropriation of funds, drew a two year suspension with pay, was reinstated by an arbitrator with all benefits and returned to his assignment in the security area. *Our point is not to contend that all these stories are accurate; we are not internal affairs officers or criminal investigators. We do not even suggest that these stories are unique to the Hawaii DOC, but we do wish to emphasize how critical it is for any administration to have demonstrated by its actions that there are consequences for improper behavior and, given the atmosphere in this department, to make certain that the conduct of those at the top is absolutely above reproach. The perceptions of staff are critical in any organization because perceptions become the reality in the absence of evidence to the contrary.*

This department does not have, in Fall 1988, a meaningful mission statement, a set of goals and objectives which make sense to division heads, to branch administrators, and to the rank and file staff; it has no timetable for achieving some objectives in the short term and others in the long term; and its staff, including many of its most senior members, do not believe that solutions have been developed for the problems of excessive overtime expenditures, a deficient inmate classification system, inadequate programs for inmates, the absence of a computerized information systems to provide basic data on personnel as well as inmates, an inadequate training program, unsatisfactory salary levels, the lack of career development opportunities, and other long standing complaints. These reasons help to explain the poor state of morale reported to us by staff at all levels. Part of this reaction may reflect the fact that the hope that the new administration might be more effective than expected has not been realized, coupled with the realization that the administration is completing only the first year of its term in office. During our second visit, staff members holding four important positions resigned--a division administrator, the heads of two other offices in headquarters, and a senior facility administrator--events that suggested to many employees that people in positions to know the new administration very well were leaving out of frustration and disappointment. The unmistakable conclusion of the majority of persons we interviewed was that the current administration lacks not only knowledge of the field of corrections, but its management skills and abilities are also insufficient. What can be done about this state of affairs is the concern of the next part of this report.

### **Part III**

## **OTHER OBSERVATIONS AND RECOMMENDATIONS**

### **A Model for a Department of Corrections**

Before attempting to recommend steps to improve prison and jail administration in Hawaii, it may be useful to briefly outline how a well managed correctional system should function. In so doing, we recognize that there is no single correctional agency--in the U.S. or elsewhere--that can be used as a totally comprehensive model for the State of Hawaii. Nevertheless, we think it may be helpful to provide the broad outlines of how a correctional system should operate in order to provide a framework for our recommendations.

In all states, management of penal institutions that carry out criminal sanctions imposed by the courts is the responsibility of the executive branch of government. Jails, prisons, and community based programs, in our opinion, should be integrated into a single department reporting directly to the Governor. An administrator or director should be appointed to head the department and delegated full responsibility for managing institutions and programs, consistent with applicable state laws and regulations and constitutional requirements as defined by the Courts. The person selected as Director should have prior management experience as well as an understanding and appreciation of public administration and the criminal justice system. Above all, he or she must have the confidence--and ear--of the Governor.

The Director of the department is an appointee of the Governor and, as such, serves at his pleasure. All other employees are part of the career service and would not be appointed, promoted, or removed from office on the basis of political considerations. Corrections should not be a partisan issue, and personnel decisions and selections must be based on performance, experience, and professional competence. There is a need to insure continuity of leadership at the top to permit the development of organizational stability and long term planning. States which experience high turnover rates in directors/commissioners are generally the most troubled in terms of management and operations. Meaningful change in corrections requires time, patience, and tremendous effort.

As mentioned, all personnel in the department except the Director would be career public servants. Most would have risen through the ranks, beginning their careers as correctional officers, counselors, or caseworkers. During their careers, they will have been provided with a

variety of developmental and training opportunities as they ascend the organizational ladder to more responsible positions. Promotions are part of a structured career development program, and staff in top level positions will have worked in several institutions and in the central office.

Recruitment and training would be given a very high priority in the department we are describing. Starting salaries and entrance requirements would be essentially the same as those in major law enforcement agencies in the surrounding community. Newly recruited correctional officers should have, at a minimum, an Associate of Arts degree, and many would have earned a Bachelor's degree in one of the social sciences. Many of the new officers would be representative of various minority groups and women. Thus, they would mirror the composition of the State as well as of the inmate population. A thorough background investigation, including a check on criminal records and drug testing, would be conducted on all new employees before they are hired.

Following recruitment, all new staff--correctional officers, nurses, psychologists, plumbers, secretaries, every employee--would participate in a carefully structured basic training program. The objective of this program would be to develop in every staff member, regardless of position, the notion that he or she is first and foremost a professional in the field of corrections. All employees must understand the goals and objectives of the department and how their job assignment fits into the organizational structure. As they build their careers, employees should have opportunities for in-service training. As they move upward, management training programs should be available as well as an opportunity to apply for other positions under the merit promotion system. A first rate department of corrections should encourage its staff to attend community colleges and universities in order to take courses (and earn degrees) which will assist them in the performance of their duties and contribute to their sense of professionalism.

While most institutional and central office administrators would be promoted from positions within the agency, the department should also encourage individuals to enter the system laterally, particularly in specialized areas such as budgeting, research, personnel, legal counsel, hospital administration, etc. Individuals who enter the system laterally should also have opportunities for advancement to top level positions. Nepotism would be handled by prohibiting a spouse or close relative from working in any part of the organization where they are under the supervision--direct or indirect--of a relative.

A good director would supervise all policy development, planning, budget formulation, and the direction of administrative and service functions. Above all else, the director must provide leadership and direction for the organization. The central office of the department should regularly audit all institutional programs and operations to insure that they are in full compliance with departmental policies and procedures.

Another important function of the central office would be to develop and maintain an information system which provides accurate and timely information concerning inmates, staff, and budgets. This information is of critical importance in developing long and short term planning and in projecting future resource requirements. Institutional staff also need information systems to track inmates, to supervise staff, and to manage budgetary resources. The management of personnel and use of overtime pay for staff should be spelled out in policy statements with supervisors held accountable for making sure that policies are carried out.

A good department will utilize an inmate classification system based upon the risk which offenders present to the community. Factors considered in the classification process will have been found to be reliable predictors of inmate behavior based on an empirical validation study. Staff will thus have confidence in this system and use it as a basis for inmate management decisions as well as for program planning. A good classification system will insure that inmates who present a significant threat are placed in high security institutions which are expensive to build and operate. Offenders who present lesser risks would be assigned to less secure, as well as less costly, facilities. This process helps to insure that scarce institutional resources are utilized in the most cost effective manner possible, consistent with the public interest.

In developing a classification system, each facility would be assigned a specific mission based upon the degree of security and range of programming it provides. Inmates should be regularly reclassified, again based on risk to the community, in order to determine if their security requirements have changed during the course of their confinement. An objective of the classification process should be to increase an inmate's contact with the community as he or she approaches a release date, thus facilitating an orderly re-entry into society from facilities of progressively lower security with more program options.

Institutional administrators should be responsible for providing supervision, security, and programs consistent with the assigned mission of the facility and with the policies developed by the central office. Such policies will recognize the critical importance of staff-inmate interaction in all correctional institutions. Because of the limited number of psychologists, counselors, and social workers, correctional officers should be trained in human relations skills since they will interact with inmates on a regular basis. Correctional officers are the employees who are most visible to inmates 24 hours a day, 7 days a week, and thus are in an excellent position to interact with inmates and help to influence their behavior. One of the key elements used to evaluate staff performance should be an employee's ability to relate well to inmates.

With the foregoing as a general conceptual model, we now turn to various observations and recommendations we have for dealing with problems in the administration of prisons and jails

in Hawaii. These observations and recommendations are organized into a number of broad topical areas which then include specific areas of concern. Key points are indicated by italicization.

### **Goals and Objectives**

We heard much criticism that Hawaii lacks a formal statement of goals and objectives for corrections. Some critics suggest that the Governor and the Director of the DOC, working in concert with a special commission and the Legislature, should formulate a statement that reflects public policy in respect to corrections. While the idea may have appeal, experience in most states and at the federal level indicates that public policy in corrections tends to be vaguely defined and fluctuates in an unpredictable manner as it is influenced by events that capture the public's attention. Furthermore, there is always a certain amount of ambivalence about the use of penal sanctions, particularly imprisonment. For many citizens and some experts, the point is to "lock them up and throw away the key." For others, the task seems to be to help offenders with everything from job training to psychotherapy. Complicating this matter further, the citizens and the experts have different feelings about different types of offenders. For all these reasons, it is difficult to develop a detailed statement of goals which can remain relevant to correctional decision making for very long.

In most states, the Director of Corrections formulates a general statement of the goals and objectives for the organization, but these statements are not written into law; corrections officials learn to modify the emphasis on goals in accordance with emerging jurisprudential doctrine as well as with public opinion and legislative intent. For Hawaii, the Correctional Master Plan adopted in 1973 by both the Governor and Legislature remains the official policy in respect to corrections. The existence of that plan, which we have argued earlier is out of date, continues to cause confusion.

If the State of Hawaii is looking for a definitive statement of the position that reasonable legislators, judges, and corrections workers should take in regard to rehabilitation as a basis for incarceration, we suggest consideration of the conclusion reached by the Panel on Research on Rehabilitation Techniques for the National Academy of Sciences (NAS). In its report, *The Rehabilitation of Criminal Offenders: Problems and Prospects*, the panel concluded:

"The research literature currently provides no basis for positive recommendations about techniques to rehabilitate criminal offenders. The literature does afford occasional hints of intervention that may have promise, but to recommend widespread implementation of those measures would be irresponsible. Many of them would probably be wasteful, and some might do more harm than good in the long run. The strongest recommendation

that can be made at the present time is that research on ways of rehabilitating offenders be pursued more vigorously, more systematically, more imaginatively, and certainly more rigorously." (Panel on Research and Rehabilitation Techniques, Committee on Research on Law Enforcement and Criminal Justice, National Academy of Sciences, Washington, D.C., 1979, p. 102)

Two years later, this Panel issued a second report which again argued that rehabilitation techniques should be tried, but, in the absence of evidence of their effectiveness, only on an experimental basis:

"The search for rehabilitation techniques and programs has borne little fruit; this is discouraging but should not be cause for the abandonment of efforts to find more effective rehabilitation strategies...It is now time to undertake more systematic, long-term, and focussed research that will have a substantial probability of improving techniques and programs that can then be evaluated in ways that will produce more definite conclusions. This research will be slow and costly and its results uncertain. Nevertheless, it represents the best chance of learning what might work." (*New Directions in the Rehabilitation of Offenders*, National Academy of Sciences, Washington, D.C., 1981, pp. 22-23)

This report is also important because it cites the growing importance of biological phenomena to the understanding of criminal behavior. The role of genetic factors, the relationships of hormones to aggressive behavior, "rage reactions" that can follow injury to or destruction of parts of the brain; the contribution of ecological factors (e.g., vitamin and mineral deficiencies; hypoglycemia related to excessive consumption of refined sugars, and environmental contaminants) to propensities toward criminal conduct and the possible link between learning disabilities and delinquency all relate to the NAS panel's conclusion that the causes of criminal and delinquent behavior are multiple and represent interactions between psychological, sociological, and biological factors. The challenge of devising effective rehabilitative techniques to correct a variety of forms of complex human behavior is thus formidable, but one that corrections professionals should accept. Working to correct criminal conduct thus continues to be a worthwhile goal in the field that calls itself "corrections." At this stage of our knowledge, however, the following points should be kept in mind: (1) no one should be committed to jail or prison in the name of rehabilitation or kept longer in these facilities due to failure to participate in programs whose effectiveness is so uncertain; (2) new treatment techniques based upon the best theories from psychology, sociology, and biology should be developed and then carefully tried on an experimental basis; (3) leading theory and research (in criminology called deterrence theory) indicates that negative reinforcement--punishment--can also produce positive changes in behavior; and (4) a wide range of punitive measures, including imprisonment, are not necessarily inhumane.

It is our impression that the people of Hawaii, for a variety of reasons--perhaps the State's relatively low level of violent crime and public fear of crime compared to many mainland cities and states, and perhaps the disproportionate representation of native Hawaiians in the state prison and jail populations--want criminal offenders to be helped while they are at the same time held accountable for their actions.

This last point needs emphasis because in Hawaii the concept of rehabilitation as the driving force of penal policy remains in the hearts and minds of many senior corrections employees. We agree with most penologists that while the concept of rehabilitation continues to be a noble objective, the limits upon our knowledge and abilities to effectively modify human behavior makes its placement as the primary purpose of incarceration a goal that cannot be achieved. Punishment, incapacitation, and deterrence have now been adopted by legislators, judges, prosecutors, and most of the citizens as other equally important purposes they wish to be achieved in penal policy and practice.

Thus, long term confinement with very limited privileges at Hawaii's high security facility will be appropriate for the small number of truly violent and/or disruptive offenders in Hawaii, but even these men will move on to facilities of lesser security with a wider range of privileges and more program options. The great majority of property offenders who are confined in a jail setting or a minimum security camp setting will experience punishment as they lose the freedom to make their own decisions about routine activities and the right to go home at the end of the day. The basic elements of penal policy which include punishment, incapacitation, and deterrence can be integrated with efforts to remedy the educational and vocational deficiencies of offenders and to correct their psychological/mental health/chemical dependency problems. Different facilities will therefore have different tasks based upon the characteristics of the inmate populations confined therein.

*Corrections policy, like criminological theory, is comprised of a number of complex factors and is subject to constant change. We suggest that DOC and state officials in Hawaii stop seeking the eternal truth in penal policy and adopt, as the mainland departments do, a working statement outlining current goals and objectives for a correctional agency. The emphasis on these goals and objectives should be expected to change over time, and DOC employees should understand that in the corrections business a number of goals, such as punishment and rehabilitation, which may appear to be mutually exclusive, can be achieved through the right organizational structure.*

#### **Organizational Structure and Operations**

The present structure of the Department of Corrections, which calls for branch administrators to report to two different divisions creates a bifurcated system resulting in overlapping functions

and duplication of effort. This arrangement also frustrates the development of strong, centralized administration of the department and impedes communication between the various components. The recent departure of several central office unit heads and a divisional administrator should provide additional impetus to modify the current organizational structure.

*We suggest that the Department consider establishing two Deputy Director positions rather than the one position currently in place. One of the Deputies would have responsibility for all institutional operations; the other would be in charge of the major support functions including personnel, training, budgeting, planning, financial management, etc. The four current division administrator positions would be eliminated under this proposal. Such an organizational structure would simplify the span of control, clarify lines of authority, and improve communications as well as reduce the number of positions required in top management.*

We also suggest that the department establish an Executive Committee composed of the Director, the two Deputy Directors, and the branch administrators. This small group should meet regularly with a prepared agenda, review all policy changes, as well as key personnel decisions, budget recommendations, and long range plans. The focus of these meetings should be information sharing and problem solving. Minutes should be kept and decisions made at these meetings should be communicated to all DOC staff in a timely manner.

**Departmental communications.** As is the case in any organization, communications within the department, both vertical and horizontal, are of critical importance. Decisions have been made which have not been communicated across the boundaries of organizational units within the DOC or to institutional administrators. In other instances, policies have been established without adequate consultation or input from the branch administrators and facilities staff. *We suggest that the DOC publish, as most mainland department of corrections do, a regular newsletter for distribution to all employees which summarizes information about current DOC activities, including issues being studied by the administration, task forces, or committees; job openings; personnel decisions (promotions, retirements, transfers, meritorious awards); and abstracts of significant state and national reports on crime and the administration of criminal justice as well as developments in the field of corrections.*

**Department legal counsel.** At present, there is no staff member in the central office of the DOC with training in law. In view of the increasing importance of the legal aspects of corrections and the involvement of the courts, we suggest that the Director consider appointing an attorney as his special assistant. Such a person would not be involved in litigation, a function that obviously must remain with the Department of the Attorney General. Rather, the role of the DOC legal counsel would be to provide advice and guidance to the DOC which would insure that practices,

policies, and procedures are in conformance with applicable legal standards. The development of the inmate handbook provides a case in point. In addition, the attorney should monitor compliance with the U.S. District Court consent decree, provide oversight and direction for the inmate grievance system, participate as an instructor in staff training programs, and maintain relationships with the Department of the Attorney General, the courts, and other organizations concerned with corrections. The recent citation of the DOC administration for contempt in not obeying a federal court order regarding inmate rights to a law library at the Halawa High Security Facility exemplifies this need. The judge first assessed fines and then withdrew them when the State Deputy Attorney General informed the court that he had not communicated the judge's order to the DOC. *We believe that the DOC's interests would be better served if it had its own legal counsel to manage and monitor legal proceedings.*

**Custody-treatment staff division.** For a variety of reasons, the classic "we-they" dichotomy has developed between the adult correctional officers (ACOs) and other facilities employees in the DOC. The result is that these two groups do not work cooperatively, but rather, are often at odds with each other. The ACOs, the employees in the uniforms (some of them), tend to view their role as maintaining discipline and preventing escapes. They are the "cops" in the organization, the individuals charged with control and security. The contact of ACOs with inmates, particularly in OCCC and Halawa, are generally limited to situations where control and supervision are the primary responsibilities of the ACOs. Other institutional employees, the people in civilian clothes, tend to be identified as the "professional" staff. Included in the latter category are social workers, unit team managers, nurses, psychologists, teachers, etc. These individuals view their roles as attempting to enhance inmate skills, to deal with inmates' personal problems, and to provide counseling. In discharging these duties, they feel only limited responsibility for the custody and control of inmates.

There are several factors which re-enforce this dichotomy. The most basic is the fact that ACOs generally have been denied entry to the highest managerial positions in the various facilities by the requirement that such office holders have a Master's Degree in Social Work. Similarly, most of the top level jobs in the central office have also been filled by individuals with graduate degrees. Line officers thus regard their opportunities for advancement as limited to the correctional force with no position higher than Captain available to them. Understandably, many of them feel that they know as much, if not more, about managing institutions than the college graduates in top administrative positions who have had little or no experience in managing inmates or working with the staff responsible for the custody of prisoners. And, as we indicated, they do not appreciate having the top administrators of the DOC come to their jobs with no experience at all as correctional officers.

Another factor which contributes to this problem is that the ACOs are assigned to a non-professional bargaining unit in the state employees union, a unit separate from the rest of the correctional staff. They are included with hospital ward attendants, licensed practical nurses, and other institutional employees, some of whose responsibilities do not involve security and control. Complicating this matter, ACOs receive higher retirement benefits than other correctional employees because of the law enforcement nature of their duties (2-1/2% for each year of service compared to 2%). This differential serves as a disincentive for transfer out of the correctional officer ranks since such transfers would adversely affect retirement benefits. Employees in non-ACO positions, on the other hand, tend to interpret the differences in benefits to mean that the State does not view their positions as having security and disciplinary responsibilities.

The consequence of all these factors is that "professional staff" do not feel responsible for inmate conduct in the housing units and correctional officers do not attempt to deal with inmate problems. To remedy this problem which has occurred in other departments of corrections, many mainland state prisons and the federal prison system have adopted the concept that all employees--regardless of position--are "correctional workers" whose first and foremost responsibility is the custody and control of inmates. Institutional staff, no matter what their position, are required to attend the same basic training program which includes firearms and self defense. (Note: chaplains and physicians may chose not to participate.) Many employees in the mainland prisons begin their careers as correctional officers and have been promoted into other positions through career development programs, and all staff receive the same retirement benefits irrespective of job specialty. Wardens, associate wardens, unit managers, case workers, and teachers are much more likely to share experiences and common views of the responsibilities of all who work in the field of corrections. (A recent survey of 418 wardens and superintendents from the United States and Canada indicated that 85% of the respondents had a college degree and 44% had a Master's degree; that their average length of correctional experience was over 17 years, and that 54% entered the field of corrections in a custodial capacity while 46% were first employed in a program/treatment position; of those who entered management positions in the 1980s, however, the trend to those who started work in custody assignments had increased to 66%. (Bruce I. Wolford, "Wardens and Superintendents: A Diverse Group," *Corrections Compendium*, XIII, No. 2, August 1988, p. 6-7.)

*Hawaii should move toward a career development program modeled on the "correctional worker" concept; in the longer term, such a move will help to insure that the DOC has a cadre of well-trained, experienced staff--all of whom regard themselves as professionals ready to move into mid-level and upper management positions.*

### **Long Range Planning**

The DOC has yet to develop an effective mechanism for long range planning. At present, for reasons not made clear to us, there are two separate planning offices in DOC headquarters, each reporting to a different division. *These two planning functions should be merged into one office with staff given explicit instructions to begin developing long range plans for the DOC.* In order to bring the perspective of facilities staff into this process, we suggest the appointment of a planning task force consisting of both central office and institutional staff. The individuals selected for this task should be employees who have the capacity to understand the major issues the DOC will encounter during the next 5 years. Members of the task force should visit a number of mainland correctional agencies and facilities to learn how other departments work and how they have responded to the problems Hawaii faces.

One of the primary objectives of the planning process should be to make meaningful projections of future inmate population trends as well as the likely characteristics of these inmates in terms of criminal histories, offense backgrounds, sentence lengths, program needs, and security requirements. One of the first priorities of the planning process should be to determine whether more space is really needed at Halawa or if the funds already appropriated for this project could not be more effectively utilized to construct lower cost minimum and more badly needed community correctional center bed space.

The time allowed for this audit did not allow us to make a detailed analysis of the DOC inmate classification system although we understand that several studies on this subject by other consultants (apparently without satisfactory results) have been completed. Based upon available data and discussions with a number of staff in headquarters and in the facilities, we strongly suspect that Hawaii significantly over-classifies its inmates. If this assumption is correct, the State will needlessly pay the high cost of constructing and operating more maximum and medium security facility space rather than devoting these resources to expand cheaper camp, minimum security, and community based facilities. (Our recommendations on inmate classification follow in a separate section.)

In the planning of new facilities, *we urge that a replacement for the Women's Community Corrections Center be given the highest priority by the DOC as well as by the Legislature.* The present women's institution is, in our judgment, one of the worst and most overcrowded correctional institutions in the country. Privacy is virtually non-existent; inmates are housed in dormitories which are not only double bunked, but the bunks are so crowded together that little personal space is allowed. The predominantly male ACO staff enter inmate areas after only a perfunctory knock on the door and make their counts whether the women are dressed, in the

showers, or in the toilets. There is no separate day room or TV area in these dormitories. Despite the recent addition of an educational building, female inmates have considerably fewer activities and program options than their male counterparts. The disciplinary segregation unit in this facility should, along with the main buildings of this facility, be converted into a museum of what penal confinement used to be in Hawaii.

It is also our view that living conditions in the three neighbor island facilities could be judged as violating federal court and American Correctional Association standards regarding the amount of space to be allowed inmates. In these facilities we found inmates crowded into bunks placed one against another or placed outside cells in hallways. On our visits to one of the facilities we saw a young man seated in a lotus position on the floor of a holding cell which smelled of urine. We were told he had been in that position for perhaps two months but the staff could not get mental health assistance for him--a complaint we heard on several islands. We saw other inmates whose physical condition or aggressive posturing and verbal behavior gave evidence of the need for on-call, if not on-site, mental health services and facilities. Overcrowding in one facility, particularly on weekends when offenders assigned by judges to week-end lock-ups reported as ordered, forced inmates to sleep on mattresses in corridors, in the facility's visiting room, and in an office used as a barber shop. In the women's unit, one inmate placed her mattress on the floor abutting the toilet to be used by six women. These conditions in two of the three facilities, it should be emphasized, were shown to us by branch administrators who wanted us to understand the basis of their clear recognition that they did not have proper facilities and program options in the mental health area for the inmates placed in their care. The concerns of these neighbor island administrators should have received the strongest possible support from the department administration rather than what appears to be the acceptance of inhumane conditions for inmates and poor support for community correctional center staff by those comfortably situated in the Gold Bond Building.

### **Computerized Information Systems**

Our evaluation of the DOC's classification system and its personnel practices was seriously hampered by the DOC's lack of computerized information systems which could provide even the most basic data on the characteristics, behavior, and performance of staff and inmates. It is remarkable that management decisions have been and continue to be made in the absence of data that is routinely used for planning, policy development, and operational decision making in mainland departments of corrections. We asked for information on the inmates at the Halawa medium and high security facilities in terms of how many had killed and assaulted staff or other

inmates and how many had engaged in riots, general disturbances, organized protests, destruction of state property, drug smuggling and escape attempts, but were informed that such information could only be obtained by manually searching the file of each inmate in the two facilities. Hand tabulated data on the items listed above for all facilities obtained at our request from the DOC's program planning office for the period January 1980, to July 1988, indicates that no staff were killed during this period, that six inmates were killed, and that 237 staff and 2 inmates were injured. (The DOC, remarkably, does not have data on the number of its own staff who have been seriously injured--the staff injury figure represents all staff injuries, whether they were minor or major, and does not identify how many of these injuries occurred in altercations with prisoners.) There were 353 escapes throughout all facilities over this eight and one half year period, of which 279 occurred at the Hawaii Youth Correctional Facility (HYCF), and 93 attempted escapes, 85 of them at HYCF. All 18 "riots" which occurred during this period occurred at HYCF. These figures were obtained only with great difficulty and are the product of human effort which should have been unnecessary.

While we remain puzzled about the extraordinary number of staff "injuries" reported for OCCC compared to all other adult facilities, these data indicate that as far as serious trouble at Halawa--the State's highest security facility for "the baddest of the bad"--over the past 8-1/2 years, there has been virtually none--no employees or inmates killed, not one staff member seriously injured, only two inmates injured, four escapes, five attempted escapes, no riots and no organized drug smuggling incidents. Our conclusion, based upon the data available to us, is that inmates in the DOC, compared to most mainland facilities, constitute a "mellow" group in terms of the standard measures applied to maximum security prisons. If staff and even other inmates are not being assaulted and no major disturbances have occurred and only a small number of escape attempts have been reported, the Marion-like regimen in place at Halawa (at both the medium and high security facilities) is difficult to understand. Based upon these objective measures of inmate behavior we also question the need for the planned expansion of Halawa and the slow rate of inmate turnover at these facilities. We believe that classification of Halawa's inmates based upon mainland classification systems would sharply reduce the number of inmates housed in Hawaii's most intensive and expensive facilities for adult offenders. Senior staff at Halawa reported to us that they "did not believe" the current classification system, and it is in regard to this facility, particularly, that requests for administrative overrides should be substantially reduced when an improved classification system is in place.

Our reason for asking for "body count" information was to assess the conduct of the DOC prisoners in relation to the number of inmates confined in the Halawa high and medium security

facilities and to get some indication of the level of violence that both inmates and staff encounter in Hawaii's prisons. The fact that such basic data are not readily available suggests that planning--including the construction, staffing, and programming for the State's most expensive facilities--relies upon impressions, "experience," and ideological and personal judgments. The absence of even basic data, such as the items listed above, brings into question the planning process for Halawa and contributes to very serious doubts about the justification for additional outlays of state funds to expand the medium security section of that facility.

Without a computerized information retrieval system the DOC will never be able to provide guidance, oversight, and control of expenditures in its own offices, let alone at the nine facilities. The allegations of mismanagement and even illegal use of funds at certain facilities heard during this audit are indications that DOC headquarters does not have control of the budgets for which it should be held responsible. The absence of computerized information systems strongly suggests a lack of management sophistication in the present administration. It should be noted that many office and other unit heads interviewed for this audit were acutely aware of the DOC's deficiencies in this area and cited the inability to think in terms of basic information systems as one more example of a lack of competence by top administrators.

*Computerized information systems should be immediately installed to provide planners, office and other unit heads and branch administrators with basic data on the key characteristics and performance of their personnel and on the characteristics and conduct of the inmates in their custody. Planning for additional facilities (except for WCCC and the expansion of neighbor island community correctional centers to relieve overcrowding) and for additional expenditures for personnel should be tabled until basic data needed for informed decision making are available. Because the DOC is so far behind mainland department of corrections, this is one of many areas in which Hawaii's problem can be remedied in a very short time. The DOC does not have to invent computerized information systems appropriate to manage corrections staff and inmates; it needs only to send key personnel, including the head of its Program Planning Office to the Federal Bureau of Prisons and to the Department of Corrections in Minnesota to learn quickly about the information systems already in place in professionally managed correctional agencies. Getting the DOC up to speed in terms of technology, programs, and data bases is one part of the problem; the other is finding, or training (if necessary) DOC administrators to think, plan, and manage less by personal intuition, opinions, and guesses and more by examining systematically collected data on basic operations and projections of future needs.*

### **Continuity of Corrections**

In the criminal justice process, judges in Hawaii impose sentences which represent the maximum period of time a defendant can be retained in custody. Within 6 months of the date an inmate is committed to custody, the Parole Board reviews the case and establishes the minimum term the inmate will spend in confinement before becoming eligible for parole. In virtually all cases, inmates are released when they reach that minimum date. While the Parole Board has nearly unlimited discretion in establishing the minimum term, in most instances the date established ranges from 25% to 50% of the maximum sentence imposed by the court.

Inmates are classified within the first 90 days of their confinement. At that time, a determination is made as to the appropriate institution for the inmate to serve his or her sentence. Subsequently, inmates are reclassified at least annually to determine if their assignments are appropriate. Based on the reclassification reviews, the possibility of transfer to another institution is considered.

Under an ideal correctional process, inmates would be moved through the various security classifications in various facilities so that when they reach their date of release as established by the Parole Board, they are in work release or extended furlough status. By gradually reducing the level of custody and providing increased freedom, the correctional process can facilitate reintegration into the community.

The correctional system in Hawaii does not function in the manner described above. A number of inmates have been released from the Halawa High Security Facility without any opportunity to participate in a reintegration program. An even greater number are paroled from the medium security institution, again without participation in any organized programs to prepare them for release.

*We recommend that DOC and the Paroling Authority, working together, develop a continuum of programs which insure that most inmates go through a graduated reintegration process prior to release. While there will be exceptions, the majority of offenders should be in minimum or community custody when they reach their minimum term date.*

### **Personnel Administration**

Without question, the single most important element in any correctional system is the calibre and competence of its staff. Absent a well educated, well trained, and motivated staff, it is impossible to develop an organization that can achieve its goals and serve its purposes for the State and the citizens. In order to build such an organization, attention must be paid to the basic elements of human resource management, particularly recruitment, training and career development.

Prior to the establishment of the new DOC, there had been no uniform personnel program for all facilities; each institution hired, trained, and promoted its own employees. While covered by the general rules and regulations of the Department of Personnel Services, institutional administrators exercised considerable individual discretion. Consequently, standardized procedures and criteria have not been used in making personnel decisions. Job applicants have had to contact a particular facility in order to determine if vacancies existed. The result has been that some facilities have had a surplus of applicants while others, even on the same island, have had few or none. There has been little effort beyond posting notices and placing ads in newspapers to recruit staff or to disseminate information concerning career opportunities in corrections. Often the only contact with prospective employees has been by word of mouth.

The time period between application for an ACO position and the decision to hire is inordinately long. For example, a survey of correctional officer applicants from June 1987 to November 1988, indicates that the combined time required by the Department of Personnel Services and the DOC to make a final selection decision ranged from 5-1/2 months to more than 14 months. Based upon an analysis of 143 applicants eligible for hire in the DOC, DPS processing time was 3.5 months, but DOC processing added 4 more months for a median total of 7.5 months. Due to the length of this process, many applicants had already taken jobs when they were finally notified that they have been accepted for employment. (Note: A consultant has been working on this problem and has been successful in reducing the time that the whole process takes--particularly in helping to reduce the excessive time expended by the DOC for its part of the process.)

The Department of Corrections has made some movement toward improving its personnel system. The application and recruitment process has now been centralized. Interviewing and selection of applicants is done in the central office by a team consisting of representatives from each facility on Oahu together with the DOC personnel officer. Successful applicants are then assigned to institutions based on need as well as their individual preference. If properly monitored, these procedures should eliminate the opportunity for institutions to develop their own informal employment criteria beyond those established by the DOC.

As part of the recruitment process, all adult correctional officer applicants must pass a written test developed jointly with the Department of Personnel Services. In addition, they must complete a standardized physical agility test. Once they pass the agility test, however, there is almost no follow up testing at any time during an individual's career. This raises the question of why physical agility is important only at the beginning of one's employment in a correctional facility. (Based upon interviews and the survey of DOC staff, no evidence was presented that the agility test discriminated against female applicants.)

*In the area of personnel administration, we make the following recommendations:*

- 1. Strengthen the development of the centralized recruitment, selection, and assignment process, insuring that facilities do not impose qualifications beyond those developed by the DOC.*
- 2. Develop a department-wide merit promotional program in which personnel decisions are made in the central office. This plan should require that individuals moving into second level and higher supervisory positions understand that transfer to another institution (or the central office) is part of the career development process. Such transfers may not occur in every case, but staff should understand that promotion may often be accompanied by transfer.*
- 3. Review the value of the physical agility test and require that employees be retested annually or drop this part of the recruitment process.*
- 4. Modify the requirement for the pre-employment physical examination so the DOC rather than the applicant pays the expense (about \$90) and require that only approved physicians conduct the exam. A criminal record check and testing for narcotic use should be required as part of this examination.*
- 5. Appoint a Task Force involving key DOC and Department of Personnel Services administrators to resolve difficulties in recruiting and retaining qualified adult correctional officers, to assure that the time required in the selection process is further reduced, and to seek improvements in salary levels.*

### **Staff Training**

The former Corrections Division provided limited training opportunities for staff at various levels. Much of the training in recent years has been conducted at a training academy located in an old, deteriorating building located behind the Women's Community Correctional Center. Training sessions are also conducted at the various institutions, generally in classrooms used for inmate educational programs. In addition, some employees participated in general training opportunities provided by the Department of Personnel Services.

A director of staff training reporting to the DOC personnel officer has overall responsibility for the program at the present time. He is assisted by four instructors--one an emergency hire--and two clerks. All of the training staff are located in offices at the academy. The two largest institutions, OCCC and Halawa, have full time training coordinators who report to the Chief of Security of each facility.

Newly recruited ACOs from the four facilities on Oahu attend a six-week "Basic Correctional Techniques" course which is offered periodically at the training academy. Other recently appointed institutional employees, such as social workers, occasionally attend this course if they

are interested and if the affected branch administrator approves. There is, as indicated, no formal policy, however, which requires that new institutional staff other than ACOs--or central office employees--attend this training program.

The current basic training program for ACOs appears to be rudimentary, without much focus or direction. A review of the training manual used for the course indicates that virtually all the content is out of date. Most of the articles and material used in the manual, as well as those listed in the bibliography, were written prior to 1970 and do not reflect current thinking in the field of corrections. It would also appear that the amount of time used for the course--six weeks--is excessive considering the limited nature of the curriculum.

Virtually all training for staff on the four neighbor islands takes place at those facilities. Instructors from the training academy travel from Oahu to these facilities and conduct the sessions, generally using an inmate classroom. Because of the small number of employees, these programs are frequently abbreviated and condensed.

Staff training has not received a high priority in either the Corrections Division or, currently, in the Department of Corrections. Resources and instructors have been limited. The selection of individuals for staff training positions has not always been based upon their abilities, interests, or competence as instructors. Whether it is the case or not, the perception of many employees is that the training academy has in some instances been used as a "dumping ground" for incompetent or troublesome staff from individual facilities. With this perception, and also limited resources and top level support, staff training has had a marginal impact on staff development.

As the DOC faces rapidly rising inmate populations, expanded operations, and federal court orders, the shortage of well trained middle management staff has become an acute problem. Past administrations have failed to understand that staff training represents an opportunity to demonstrate to staff at all levels that they work for a larger organization. An adequately funded and carefully structured and delivered training program can re-enforce the goals and objectives established for the new, independent department. Staff training can also serve as a catalyst to break down the isolation and provincialism of correctional facilities--factors that pose major impediments to organizational change. Morale can be positively influenced by training in which staff come to understand the importance of their jobs, where they receive instruction and training for higher positions, and in which the DOC's goals, objectives, and game plan is made clear.

*Staff training must then be revitalized and given significantly increased attention and direction if it is to become a factor in improving correctional operations. To accomplish this task we recommend the following:*

*A Task Force consisting of representatives of the DOC, the Department of Personnel Services, and the University of Hawaii should be appointed.* Individuals selected from the DOC should include a central office administrator, a branch administrator, and at least one former adult correctional officer who now occupies a management position. Representatives from the other agencies should be individuals with backgrounds and experience relevant to management practices and personnel development and individuals who understand the major issues in criminology, penology, and the administration of criminal justice. (The University of Hawaii is an untapped resource for the DOC in this area and others to be described in the pages ahead.)

*The role of the Task Force would be to critically review and revise the current training program as well as to identify areas in which new training efforts need to be mounted. As part of the committee's task, the following should be considered:*

1. *Reduce the Basic Correctional Techniques course from 6 weeks to 3 weeks and require that all newly hired institutional staff--not just ACOs--attend.* New employees from the neighbor islands should be brought to Oahu for this basic training to give them a feeling of membership and participation in a larger organization than the facility in which they will begin working.
2. *Develop a pass/fail component in the Basic Correctional Techniques course to insure that only qualified employees are accepted into the DOC.*
3. *Arrange for the Staff Training Center Director and members of the Task Force to visit selected mainland training centers, such as the Federal Law Enforcement Training Center in Glynco, Georgia, where basic training is conducted, the National Academy of Corrections in Boulder, Colorado, which offers management training programs, as well as the training programs of the best state departments of corrections. This is another area in which Hawaii does not have to invent a staff training program but can adapt existing programs to its needs.*
4. *Establish a system to select training instructors as part of a career development program.* Individuals selected should be viewed as having high potential for future advancement and have an interest in and appropriate job experience and performance evaluations to make them strong instructors and training leaders.

Assignments to training positions should involve promotion and cover a two or three year period in order to avoid "burnout" as well as to continually revitalize the program.

5. *Develop preliminary plans for a new training academy, possibly using inmate labor, which would include living accommodations for neighbor island employees.*

6. *Analyze the management training requirements of the DOC and develop programs which address those needs, using the resources of the University of Hawaii and area community colleges to the maximum extent possible as well as establish systematic communication with mainland departments of corrections to obtain course materials, programs, and even visiting instructors.*
7. *Develop an exchange program with appropriate mainland department of corrections to allow personnel from Hawaii to experience operations and management practices in other facilities and to reduce the isolation of the DOC from trends, developments, techniques, and programs in mainland departments. This point is developed further in the following section.*

### **Staff Interchange**

As mentioned previously in this report, most staff in Hawaii spend their entire career working in the same facility. Because of the distances involved, many never have an opportunity to visit another institution or attend a training session or professional conference outside the State. The result is a high degree of isolation and lack of exposure to outside influences and ideas. The only frame of reference many staff have is how things are done in the institution where they have always worked.

*In order to broaden the horizons of Hawaii's correctional administrators and to enhance staff development, we suggest that a staff interchange program be developed with certain mainland departments and correctional institutions. Under such a program, carefully selected security and program managers, office and other unit heads and administrators would spend a period of perhaps two weeks working directly with and observing the way business is done by their counterparts in another institution. The purpose of the visits would be to acquaint staff with the programs, organizations, and management structures that have been developed in some of the better mainland institutions and systems of similar size and mission. It would be important to carefully select these institutions so they will provide a meaningful experience. For example, it would be unwise to send a DOC employee to San Quentin or Leavenworth, institutions which because of their size and function have little relevance to the problems faced in Hawaii. Instead, exchange relationships should be established with mainland facilities such as the new Women's Correctional Facility and the new high tech, state-of-the-art High Security Facility at Oak Park Heights operated by the Minnesota Department of Corrections; the new medium security facility for men at Portage, Wisconsin; the minimum security camps in Washington or Oregon; the Contra Costa County jail in California; and in the federal system, the new medium security correctional facility at Phoenix, Arizona, the Metropolitan Correctional Centers in San Diego and Los Angeles (for jail operations) and the Federal Medical Centers at Butner, North Carolina or Rochester,*

Minnesota for medical and mental health programs. All of these facilities are very highly regarded and they serve populations more comparable to those in Hawaii correctional institutions than would be found in the larger mainland prison systems.

These interchanges would be enhanced if the persons from the departments or facilities to be visited first had an opportunity to spend some time in the Hawaii facility and the DOC in order to develop an understanding and appreciation of the particular problems faced by their counterparts from Hawaii. We believe such a joint venture would prove valuable in assisting the DOC staff to understand methods and approaches other systems are using to address correctional problems. We also feel these exchanges should represent attractive career development opportunities for staff in the mainland facilities as well as in DOC. Initial support for this exchange program could be sought from the National Institute of Corrections.

### **Staff Conduct**

Feedback from personal interviews, as well as the staff questionnaire, gives evidence of widespread perceptions that corruption and a variety of forms of inappropriate staff conduct are significant problems in the DOC. We also heard and received on the survey form information about instances in which inmates were said to be abused. While we are not investigators and cannot judge the validity of this information, the fact that the perception is so widespread is cause for serious concern. A number of employees charged that the recently published Standards of Conduct are hypocritical and ineffective because they have been violated by staff at all levels, including people who work at departmental headquarters.

*We believe that high priority must be given to developing the highest standards of personnel and ethical conduct throughout the organization. All allegations of inappropriate behavior on the part of staff must be independently investigated and appropriate disciplinary action taken where violations of law, Standards of Conduct, professional canons of ethics, or departmental policy and procedures have occurred. The resultant disciplinary action must be viewed as appropriate and impartial, regardless of the position the employee occupies.*

*In order to avoid the perception that inappropriate behavior is or will be tolerated, we recommend the following:*

- 1. Appointment of a full time attorney (or criminal investigator) from the Department of the Attorney General to fill the vacant position of Chief of Internal Affairs.*
- 2. Hiring of at least two additional investigators from outside the DOC.*
- 3. Separation of the institutional inspection function from the Office of Internal Affairs in order to reduce the excessive workload in that office.*

4. *Appointment of a full time investigatory position in all facilities to work as an adjunct to the Office of Internal Affairs. (In smaller institutions, this could be a collateral duty for a supervisor.) The selection of employees for these positions should be made in consultation with the Chief of Internal Affairs and should not be from the institution where the individual is to be assigned.*
5. *Establishment of a system to conduct background checks on all employees prior to selection which includes vouchering their past employment and credit history.*
6. *Development of a pre-employment urine testing program for narcotics as part of the required physical examination.*

### **Overtime**

The use of overtime in the DOC has been totally out of control for many years. According to the most recent data available (fiscal year 1987), the DOC expended over \$5 million for overtime pay--or 22% of the expenditures for salaries. That figure compares with 2.5% in Minnesota, 4% in the Federal Bureau of Prisons, and 7.3% in the State of Washington.

While ACOs received a great deal of overtime (frequently 25% to 45% of total earnings at Halawa), many supervisory personnel also benefited. One example is a supervisor with a base salary of \$35,000 who received \$27,356 in overtime payments for a total of \$62,318 in one year. Another with a salary of \$20,750 picked up an additional \$18,509 in overtime. A third, whose salary was \$31,700, had \$23,220 added as a result of overtime. Moreover, not all of this overtime was formally approved. In the case of ACOs, some recorded 80 to 96 hours of overtime in a single two-week pay period when there were no emergencies.

There was considerable variance in the extent of overtime between the institutions. OCCC, Halawa, and the Women's Community Correctional Center were in excess of 20% of their expenditures for salaries while the Maui and Kauai Community Correctional Centers used only 9% and 4% respectively in overtime funds.

As James Henderson pointed out in his report of February 22, 1988, the massive use of overtime "is a reflection of a complex set of problems which include, among others, recruitment problems, lack of unified staff rosters, lack of training for supervisory personnel in manpower management, and lack of a comprehensive manpower management system."

Since the Henderson report, several branch administrators have instituted weekly monitoring of the use of overtime. The Maui Community Correctional Center has established a process where employees who use more than a threshold number of sick days or are sick only on Mondays and Fridays are called in by the administration for counseling in order to determine the nature

of the problem. At OCCC, the branch administrator tried to require overtime to assure its equitable distribution to all employees but his effort was rejected by the union. At Halawa, anyone taking overtime beyond eight hours during a pay period must document that the assignment was offered to and rejected by several others first. Moreover, all overtime forms must be signed by a superior officer (previously, subordinates sometimes approved overtime for their superiors).

At this point in time, it is premature to tell if any steps instituted to date will be effective in reducing the seriousness of this problem. In addition to the actions already mentioned, *we recommend that the DOC adopt a policy which requires a single correctional officer roster in each institution as well as a fixed budget for overtime. As the Henderson report indicated, correctional officer posts should be prioritized so the least critical can be deactivated to stay within the overtime allotment. Employees who use more sick leave than would be expected should be required to present evidence of illness from a physician or to take unpaid leave to prevent collusion between staff who have sick leave and staff who wish to accumulate overtime pay. Those who appear to be abusing sick leave should be required to undergo a fitness for duty examination by physicians selected and paid by the DOC. Finally, the management of overtime should be made a critical element in the annual performance rating for all supervisors, including branch administrators, to insure they are held accountable for their actions.*

### **Uniforms**

Despite numerous attempts, the DOC has been unable to provide employees with uniforms in a timely manner. There were more complaints on this problem raised in the interviews and written on the survey forms than on any other single issue. Instances were called to our attention by staff who had been waiting for over two years to receive the uniforms to which they were entitled under the union contract. Many employees regard the inability to obtain uniforms as symptomatic of a wide range of management problems in the DOC. Consequently, this particular issue has taken on a life of its own and represents a far larger problem in the eyes of many staff than simply their inability to get uniforms. At OCCC for example, ACOs were observed working in white shirts which clearly identify these officers as new to inmates and other staff. In one of the neighbor island community correctional centers, however, the branch administrator had purchased uniform shirts from a local vender, even though they were of a different color, had obtained shoulder patches, and thus had provided a temporary solution to the uniform problem in that facility. (This small illustration of management creativity, and others we heard of, were not accompanied by accounts of problems being solved at the Gold Bond Building.)

As a result of not having uniforms, many ACOs wear dark blue coveralls. In several institutions, we found that all officers were in coveralls--none were wearing the approved uniform called for in departmental regulations as well as in the union contract. While the use of coveralls is understandable because of the current problem, we do not believe they are an acceptable long term solution, except in certain posts such as the farms and garages where the approved uniform is not appropriate. In the minds of many, coveralls are used for SORT (Special Operations Response Team) or SWAT teams in law enforcement agencies. They do not convey the professional image sought by most correctional agencies, particularly where officers are expected to regularly interact with inmates or members of the public.

If, after further effort, the present system cannot be made to work, *we suggest a standard uniform be selected by the DOC which can be purchased off the shelf from a uniform store or ordered directly from a supplier.* Employees could then be given a voucher or cash payment together with the responsibility to acquire uniforms which meet departmental standards. Most correctional and law enforcement agencies follow this or similar practice. Many ACOs noted during our tour of facilities or on their survey forms that the Honolulu Police Department does not have a uniform problem.

*We would also suggest that once the problem is resolved, a policy be established limiting the use of coveralls to only specified posts and positions where the standard uniform is not appropriate.*

### **Salaries**

One overriding concern called to our attention by numerous line employees as well as supervisors is the pay scale for correctional staff. There is no question but that DOC's serious recruitment and overtime problems are, at least in part, the result of unsatisfactory salary levels. Many correctional officers candidly admit that they consider overtime an integral part of their family income and depend upon it to maintain a standard of living. *While we recognize the many complexities and competing interests involved in establishing salary levels for governmental agencies, we believe Hawaii must address the salary issue if it hopes to make significant improvements in the long term.* As mentioned previously, the calibre of staff, particularly at the line level, is the most critical factor of all in corrections. The problem becomes particularly acute in a state like Hawaii with a low rate of unemployment and where competition for well educated, bright, young people looking for careers in criminal justice is at a premium. (For purposes of comparison, salaries for a variety of positions in the Minnesota Department of Corrections are presented in Appendix C.)

It should also be noted that a number of staff both in facilities and at departmental headquarters told us that pay increases could be provided from the existing legislative appropriations if the DOC improved its personnel, purchasing, and budget control systems.

### **Inmate Classification**

The field of corrections has long recognized that inmates are not a homogenous group of individuals who come from similar backgrounds and present the same problems, threats, and risks. They are, instead, extremely diverse in terms of age, cultural and socio-economic backgrounds, criminal records, histories of violence, and medical/mental health problems. A small minority of offenders pose a significant threat to the safety of staff and other inmates, as well as to the public at large, and must be confined in secure institutions to control their behavior and to prevent their escape from custody. A far larger group, however, are non-violent, have accepted the punishment imposed by the courts and want to serve their prison time as painlessly, and even as constructively, as possible in order to return to their families at the earliest possible date.

In order to separate inmates into various groupings based upon their security and supervision needs, Hawaii has adopted a classification framework based on the model developed by the Federal Bureau of Prisons and several other states. In developing the system, modifications were made in an attempt to make it fit into the DOC's structure. While the use of this classification system has been of some value, it needs to be significantly revised in order to make it more relevant to the specific needs of Hawaii and to earn the trust of staff.

The current system uses length of sentence imposed and time remaining to serve as principal factors in determining an inmate's classification. Most other correctional systems have found through research and evaluation that sentence length, standing alone, is not an accurate predictor of an inmate's adjustment or threat to escape. The validity of sentence length as well as other factors used in the Hawaii classification system should, therefore, be evaluated in order to determine if they are relevant predictors. In addition, the high percentage of administrative decisions (20%) to override the classification score needs to be reviewed in order to insure that such overrides are made only for valid reasons and do not represent a bias on the part of facilities staff.

A carefully developed and validated inmate classification system can insure that scarce and expensive maximum and medium security bed space is used only for those offenders requiring those high levels of security and control. Such a system can assume that the greatest number of offenders possible are placed in less costly minimum security facilities or in available community

facilities and programs. An effective inmate classification system must be a key factor in all long range planning efforts, particularly in respect to staff and program needs and new construction requirements.

*In order to improve the inmate classification process and make it more relevant to the criminal justice system in Hawaii, we recommend that the DOC seek assistance from the National Institute of Corrections and the American Correctional Association in validating the present system and making whatever revisions are recommended.* Validation studies can take several forms but a common technique involves applying the classification system to a group of prisoners who have completed their sentences so that predictions can be judged against the actual behavior of the study group.

*We would also suggest that the DOC establish a policy that all classification decisions concerning maximum security inmates be reviewed and approved by a high level official from the central office, perhaps the divisional administrator for facilities. Bimonthly hearings to review all inmates confined in the Halawa High Security Holding Unit should be instituted with the divisional administrator presiding.* Such reviews should help ease criticism that some inmates who do not require maximum security are inappropriately placed in that category and that others are retained in the high security facility for excessive periods of time. We were told, for example, that some inmates who have walked away from the minimum security camps at Kulani and Waiawa have been sent to the maximum security unit for substantial periods of time. While recognizing that additional sanctions and punishment are necessary for inmates who escape from any type of custody, we question the necessity of moving most escapees from a minimum security camp to the expensive maximum security unit at Halawa.

### **Inmate Work Programs**

Inmate idleness is a significant problem in all of Hawaii's institutions with the exception of the camps at Waiawa and Kulani and the Hawaii Youth Correctional Facility. In touring all the other facilities, one is struck by the number of inmates who remain in the housing units and appear to have nothing constructive to occupy their time during the work day.

Prior to 1970, prison industrial programs played a role in keeping many inmates busy. The combined influence of a decline in the number of prisoners during the early 1970s and the adoption of the correctional Master Plan which minimized the importance of work, resulted in the elimination of most such programs. This resulted in the situation today where inmates have only limited opportunities to use their time constructively.

During the early 1980s, correctional administrators recognized the problem and began attempts to reintroduce prison industries as a means of reducing idleness. The new department has continued these efforts, but to date, with only limited success. Only a few hundred out of the more than 2,000 inmates currently in custody throughout DOC facilities (including fewer than 100 of the more than 700 inmates at Halawa) are involved in full time industrial assignments. While there are plans to increase this number in the near future and eventually to employ 25% of the inmate population, the numbers employed thus far have remained relatively constant.

The enabling legislation for prison industries in Hawaii broadly defines the market for goods and services that can be produced by inmate labor. All state agencies are required to purchase such products if they are available and counties and cities may buy them if they are interested. This "state use" law provides excellent opportunities to develop meaningful work programs for inmates in a number of areas, such as furniture manufacturing and refinishing, vehicle maintenance, data processing, sign making, etc., all of which are programs that are currently being conducted in other states or in federal prisons.

At the request of the DOC, a comprehensive Correctional Industries Master Plan was completed during January 1987 by a private consulting firm. The report included a market analysis for possible products as well as an implementation strategy and timetable. While some progress has been made in attempting to implement this plan, we believe additional emphasis, direction, and support for prison industries are needed. As the authors of the plan stated:

"The rising costs of incarceration and the increasing idle populations in Hawaii's correctional facilities demand the need for a substantial industries program. The State would be remiss in not moving quickly to implement this Master Plan. All stand to benefit: the public, the administration, the staff and the inmates." (State of Hawaii, Correctional Industries Master Plan, 1987-1991, January 1, 1987, p. 7)

In addition to reducing idleness and providing offenders with an opportunity to use their time constructively, inmates who work in industries receive pay ranging from \$.38 to \$1.00 per hour. This money comes directly from the profits made in selling goods, not from the state treasury. Inmates can use these funds to purchase items from the prison commissary, send to their families, or save to use upon release.

*The federal system has established a requirement that inmates who earn funds while incarcerated make regular contributions toward any court ordered fines, victim restitution, and child support payments. If they fail to cooperate in making such payments, they are not eligible for certain privileges, including furloughs. This insures that the public, as well as inmates, benefit from a prison industry program. We suggest Hawaii develop a similar program.*

*We recommend that Hawaii consider contracting out the management and administration of some industrial programs to the private sector as has been successfully done in several states including Florida, Nebraska, and Nevada. Contracting for management insures that factories are operated in a manner similar to the private sector, a factor vital to the success of any prison industries program. It also eliminates the difficult and time consuming civil service process of recruiting competent civilian foreman and insures flexibility in changing product lines by hiring new staff when appropriate.*

### **Medical Services**

One of the principal requirements in the U.S. District Court consent decree (*Spear v. Waihee*) is for the DOC to significantly improve medical care for inmates. While reports from the court monitors indicate that progress in some areas has been made, there are important problems which need to be addressed. The first concerns salary levels provided by the State for health care professionals, particularly doctors, nurses, and physician assistants. Experience in mainland and federal corrections departments emphasizes the difficulty of recruiting and retaining competent medical professionals under the best of circumstances, often because of the perception that prisons are unfriendly environments with manipulative inmates and hostile staff. The problem of overcoming the negative images is made even more difficult in Hawaii where salary levels are far below the national average and are not competitive in the local market. A recent example of this problem is that the current medical director, who is highly qualified for the position, had to be given another appointment (this one at the University of Hawaii Medical School) in order to provide a salary commensurate with her background and training.

*In addition to the salary problem, which can be solved by higher wages, the duties and authority of the medical director need to be clarified and affirmed so that she or he does not have to argue over rights and territory with branch administrators (a problem mentioned in Part II with reference to the Halawa facility).*

### **Religious Programs**

Inmate religious programs and activities in Hawaii are coordinated by the Good News Mission, a privately funded religious group based on the mainland which provides a ministry to prison and jail inmates. The DOC does not employ or contract for the services of any prison chaplains, relying instead on employees of the Good News Mission to insure that the spiritual needs of inmates are adequately met. They do this by coordinating the activities of a number of clergy and volunteers who regularly visit the institutions.

Dissatisfaction with the current arrangement has been expressed by some inmates and government officials, as well as by the Hawaii Council of Churches which appointed a task force to look into the issue. The dissatisfaction results from the fact that one organization, the Good News Mission, has been permitted to coordinate the activities of all other religious groups.

While not questioning the sincerity or dedication of those involved in the present program, we believe DOC should appoint a staff member as a full time religious coordinator in each of the major institutions and include this as a supplemental duty for an employee in the smaller facilities. These coordinators would be directly responsible for insuring that the religious needs of all inmates are met. In addition, we suggest the establishment of an interfaith advisory board that would work closely with the DOC in preparing a policy statement to insure that all religions are recognized and receive equal status and opportunity to minister to inmates of their faith group.

### **Community Programs**

The extensive use of community programs as alternatives to incarceration was a key element in the Correctional Master Plan. As previously mentioned, the increased use of alternatives at the front end of the system has been limited for several reasons, including changing public attitudes and opinions about crime and punishment.

At the back end of the correctional system, Hawaii has developed a graduated release program for inmates prior to release from custody. Some inmates are given an opportunity to participate in a furlough program as a means of assisting them in the reintegration process. Eligible offenders are transferred to one of the four community correctional centers where they can be given furloughs of varying length as they approach release. Those deemed suitable are permitted to leave the community correctional centers on work release status when they are within 18 months of a release date. Beyond that, some inmates are placed on extended furlough status and can reside at home for the last 5 months of their sentence, reporting to the community correctional centers for counseling and narcotic testing.

*A pilot program has recently been established at the Hawaii Community Correctional Center involving the use of electronic monitoring devices for selected inmates under community supervision. We support this project and recommend that if it proves successful, the program be extended throughout the State.*

To date, Hawaii has made only limited use of privately managed community treatment centers, such as the facility in Honolulu operated by the John Howard Association. Despite the fact the Legislature added funds to the DOC budget for this program, very few inmates are referred to the center. As a result, the facility has excess capacity while many inmates are being released from custody at OCCC without the opportunity to participate in a transitional program.

The DOC furlough program clearly does not meet the needs of inmates who are released directly from the high or medium security institutions. *We suggest that DOC make a concerted effort to expand contracts with private, non-profit agencies in order to provide additional community programs for offenders nearing release. The DOC should consider establishing an Office of Community Programs to coordinate these activities.*

### **Drug Testing**

In a correctional institution, the presence of narcotics is a matter of significant concern. Nationally, many fights, assaults, and homicides in prisons are directly or indirectly related to narcotic trafficking. Unfortunately, it is relatively easy to introduce drugs into correctional institutions by throwing them over fences, by bringing them in by package or visitor, and, in some instances, by having them carried in by corrupt staff.

Most state and federal prisons now regularly use urine and breathalyzer testing as the principal methods of determining the magnitude of the substance abuse problem. Routine tests and tough sanctions for violators unquestionably serve an important deterrence function. To be effective, the testing programs should regularly target three groups: (1) randomly selected members of the general prison population, (2) the high risk group of known substance abusers, and (3) inmates who participate in community activities such as furloughs.

While the correctional institutions in Hawaii have used urine and breathalyzer testing in the past, there has never been a standardized program or set of procedures used throughout the DOC. During our recent visit, we were informed that testing had been temporarily suspended in some institutions, pending issuance of a new policy by the departmental headquarters.

*In view of the critical importance of this issue to the safety of both staff and inmates, we recommend that a policy be issued, after consultation with the branch administrators, to include the three groups of inmates listed above and that the random groups be selected by personnel from departmental headquarters to insure the validity of the results. Further, we recommend that an outside laboratory be used to examine at least some of the tests in order to insure the reliability of results.*

*We also suggest that the Intake Service Centers include urine testing as part of their routine processing of all new cases. The results of such tests would be important factors in determining the degree of risk which offenders would present to the community if they were released from custody prior to trial. The matter of testing employees is now before the courts. We would, however, recommend random testing of employees if the courts rule that such procedures do not violate employees' constitutional rights.*

## Security and Control

While the scope of this audit did not allow detailed study of security and control programs, we have several recommendations based upon our observations and discussions with staff. The first concerns the Halawa medium security institution, the newest and most expensive in Hawaii. Our impression, and that of many others, is that this facility currently operates as a maximum security institution in every sense of the term. For example, inmates are routinely strip searched whenever they return to their housing unit, even when they have been escorted by or are under the direct supervision of staff. By definition, inmates classified as medium security should not include explosive, violence prone predators who require constant supervision. In the medium security institutions operated in most of the mainland states as well as by the federal government, inmates have considerable freedom of movement, particularly during the daylight hours. A wide variety of programs are available and open to inmates. Few inmates remain in their housing units during the day. Movement within the institution is without escort and strip searches are used only after a visit or trip outside the facility.

*We suggest that the administration at Halawa, in conjunction with the headquarters staff, develop plans to gradually relax the degree of control throughout the institution. While recognizing that contraband is always a potential problem, the use of metal detectors for inmates leaving work details or entering housing units is a satisfactory substitute for routine strip searches.*

We also noted that officers assigned to the medium security facility remained outside the living units except when inmates were locked in their cells. Even then, officers seldom went into the units, unless they were making a count. Most officers stand around the central control stations which we understand will soon be enclosed by glass. As a result, there is virtually no communication between officers and inmates, contrary to accepted correctional practices in medium security institutions.

The use of necessary force to manage disruptive inmates is always controversial issue in corrections. We received numerous allegations that more force than necessary was sometimes used to control inmates. *To insure that such incidents are handled in a professional manner and that degree of force used is no more than required, we suggest the use of video recorders whenever possible.* While not all such incidents can be anticipated in advance, most state correctional systems and the Federal Bureau of Prisons have adopted policies which require that recordings be made. Experience has demonstrated that video recording has a positive impact on both staff and inmate behavior and can provide evidence to support staff if allegations are made concerning the use of force.

To deal with employee concerns about physical confrontations with inmates or other crisis situations, *the DOC should consider the formation of a departmental SORT (Special Operations Response Team) team comprised of staff from all institutions on Oahu, including the Women's Community Correctional Center.* In addition to providing the facilities with a well-trained, well-equipped, and experienced tactical unit to be used in the event a disturbance occurs, the establishment of SORT teams can improve staff morale, particularly among correctional officers who appreciate this kind of back-up and support in problem situations.

### **Youth Correctional Facility**

One issue we have not addressed concerns the Hawaii Youth Correctional Facility. Following the Legislative Auditor's report in December 1986, questions were raised as to the appropriateness of the placement of that institution in the Department of Corrections. Many individuals have expressed the view that a facility housing juvenile delinquents should not be part of the same department that manages adult prisons and jails. These arguments, many of which tend to be philosophical, are based on the need to make a legal and programmatic distinction between delinquency and adult criminality.

We understand that an interagency task force, involving all the agencies involved in juvenile and youth issues (including the DOC), has recently reviewed the situation and concluded that the Hawaii Youth Correctional Facility should be removed from the Department of Corrections and placed in another organization. *We fully concur with that recommendation based on pragmatic considerations involving the multitude of major problems facing the DOC. In our opinion, the DOC is simply not equipped at this time to address the difficult issues surrounding the juvenile problem.*

*All of the recommendations we have made assume the existence of an organizational structure similar to the one outlined in the beginning of this section of the report. Above all else, they presume a strong central office staff comprised of knowledgeable, professionally competent individuals who provide leadership and direction for the department.*

## CONCLUSION

As is the case with most audits, this report has focused on the negatives--the problems and deficiencies found in the Hawaii Department of Corrections (DOC). Some of these problems would be anticipated in any new organization, and particularly in one that attempts to impose strong centralized control over facilities that have grown accustomed to operating independently. This struggle for control has been accompanied by parochialism, personality conflicts, battles over turf, rumors, and deep feelings of mistrust. Exacerbating this problem is the fact that virtually all of the individuals appointed to key positions in the top three layers of management came to their positions with very limited, if any, experience in the field of corrections; no one in the administration has had significant direct experience working as a correctional officer or as a case worker in a jail or prison. Superior managerial abilities might overcome the lack of experience in the specific field, but all that we have heard points to an absence of organizational and management skills to go with the credibility problems.

As we pointed out in Part I of this report, many of the DOC's problems are not of recent origin. Most have existed for years and have been highlighted in the studies and reports we have cited. Some of the DOC's problems are management issues and can be addressed as such, but the department's "people" problems cannot be so easily corrected by studying our recommendations. Our report addresses management issues, but the solutions we propose all presume competent staff to carry them out and then to move on to other areas of concern that continually evolve in a large state agency. Putting the right people in the right positions in the DOC is up to those who are responsible for state government in Hawaii.

Despite the numerous problem areas identified in this report, we wish to emphasize some strong positive factors which should facilitate rapid change and improvements in the DOC. First, Hawaii is fortunate in having a unified system of correctional facilities. In other states, correctional operations are divided into city, county, and state functions; a situation which makes planning and coordination difficult, and sometimes impossible, to accomplish. By having a single unit of government responsible for all correctional operations, Hawaii is in a position to develop an integrated system of facilities, programs, and services which can meet the needs of a variety of types of inmates as well as serve the interests of staff and the public. With the right people,

careful planning, and some creative thinking about correctional policy and programs, the DOC can successfully carry out its mandate to punish, deter, incapacitate, and attempt to correct the behavior of those committed to custody.

A second fact is the nature of Hawaii's prison population. The majority of prisoners, even at Halawa, are not the violent predators with strong gang affiliations found in so many mainland states. (Those cases where prisoners do pose serious management problems have been resolved by transferring them to the federal system or to mainland facilities.) Most of Hawaii's prisoners have strong family and cultural ties in the state. In touring the facilities, we sensed little of the hostility and resentment that would be present in most mainland prisons. Staff and inmates alike feel relatively safe from attack or other forms of personal violence and the statistics on violence in the various facilities provided to us support this conclusion. Having an inmate population we have characterized as "mellow" should allow less emphasis on hardware and high security and more on programming and community reintegration.

Third, Hawaii's Governors and Legislatures have provided good support for corrections, in terms of legislation and appropriations. The level of staffing and funding provided for the DOC is, in fact, superior to that found in many states with similar prison populations. We also found that the key officials in Hawaii with responsibility for correctional policy and departmental operations are aware of most of the problems outlined in this report and indicated that they are prepared to act not only to correct problems but to make the DOC an agency that works well. The number of study groups, task forces, and consultants who have been asked to look at the corrections division/department over the past decade is evidence of this commitment.

Fourth, we wish to emphasize that despite the lack of management training or a career development program, Hawaii has, in our judgment, a number of bright, well educated, experienced and concerned employees scattered in mid-level positions in a number of facilities and in the central office. While many of these individuals are frustrated (some enough to the point of being ready to resign) because they perceive a lack of movement and direction in the DOC, a number do remain committed to a career in corrections and are anxious to see the organization succeed. In our opinion, this group of individuals represents the hope for the future of corrections in Hawaii, and the State is fortunate to have this critical resource.

Fifth, the DOC does not face problems that are particularly unique. What is unique is Hawaii's separation by distance from the twists and bends in the mainstream of American correctional policy as these policy changes reflect particular incidents or series of events and the public response to those events which, in turn, produce actions by governors, legislators, other segments of the criminal justice system, and by correctional organizations themselves. In addition,

there are from time to time special circumstances and even special individuals who break new ground in corrections policy and practice in mainland prison systems and these innovations are first communicated through informal means. Most mainland correctional administrators are accustomed to receiving considerable information and even gossip and rumor, about changes invited, initiated, or imposed on other jails, prisons, and community corrections programs; they also routinely attend conferences and correctional association meetings. It is our impression that this informal network of communication tends to stop working when it reaches the edge of the Pacific Ocean. Our proposals to send the several task forces proposed in several sections of this report to mainland departments of corrections and the establishment of the staff exchange program are intended to reduce this disadvantage. Incidentally, our proposals that several task forces be established should not be construed to mean that time is needed to study problems. The DOC's problems are well identified and these groups are needed only to study which of a number of solutions should be implemented as quickly as possible.

We have also indicated in this report that a considerable part of the discussion about Hawaii's problems revolve around matters that are non-issues in mainland departments. What this means is that in very few areas does the DOC have to invent programs and practices because the programs and practices it needs can be easily obtained from its sister agencies and from several national organizations with responsibilities for setting standards in this field. Thus, the cure for many of the DOC's problems is simply to send the right staff members over to the mainland with instructions to bring back an information system, a training program for lieutenants and captains, an inmate classification system, ACO recruiting strategies, a performance appraisal system, etc., etc.--information which can then be adapted to particular circumstances and needs in Hawaii. The advantage we see in exchange programs is that they can bring the DOC staff rapidly up to speed with practice and policy in the best mainland correctional organizations. They can provide an institutionalized means of reducing the isolation of the department from the subtle but important shifts in the direction of penal policy and the new ideas that emerge from the other 49 states, the thousands of county jails, probation and community corrections programs, as well as from federal agencies.

Finally, we wish to emphasize again that Hawaii can make its own special contribution to the field of corrections in America and that contribution can go beyond developing a unified system of corrections functions.

Professor Thomas O. Murton of the University of Hawaii, an authority on the history of corrections in Hawaii, and a creative corrections administrator himself, has described features of the State's past prison history which he, and we, think are worthy of consideration:

"Both under the Monarchy (1880) and the Territory (1935), the Hawaii prison system made a profit.

"Prisoners built their own facilities from the first forts (1816) through the second prison (1918)...beginning over 160 years ago.

"Prisoners "paid for their crimes" by performing public work services. Essentially, the roads, bridges, and canals on all islands were built by prisoners.

"As recently as 30 years ago, 30% of the prison population was housed in inexpensive camps throughout the Islands.

"Within the past 20 years, production of beef, pork, vegetables, and yes, even bananas, reduced the costs of incarceration and tended to make the prison self-supporting.

"Historically, prisoners provided services, built facilities, were kept busy, staff was small and prison costs were kept at a minimum. Then, in the 1970's the correctional pilgrims landed in Hawaii (this time by invitation of the Hawaii correctional leadership) with their trickbags full of shiny new beads to "dazzle the natives" ...obviously it worked...Pursuant to the Correctional Master Plan, the Olinda Camp was closed, and the inmates transferred to the local jail; and, with one small exception on Oahu, no public service work is being performed.

"The new Oahu Prison has the highest staff-inmate ratio in the United States; the beef herd is gone; and the banana plantations are gone. Perhaps more significantly, the concept of the prisoner paying for his incarceration is gone. And the taxpayer is again being asked to pay more and more money to private contractors to build more and more prisons, so more and more "counselors" can do more and more of the same thing (which has never worked) to more and more prisoners...Hawaii has the most exciting, unusual and innovative prison history revealing some very positive experiences along with some rather decadent ones. The good should be retained and the bad ignored. Perhaps it is time to look not to the mainland for solutions but to your own fascinating past to escape from the confused present into a more functioning future." (Tom Murton, "The Hawaiian Prison Experience: Looking Backward Toward the Future", Keynote Address, The Hawaii Correctional Association, 30th Annual Conference, Honolulu, June 12, 1983.)

To Tom Murton's appeal that Hawaii learn from its own past and perhaps develop the most extensive and creative minimum security, work programs, and camp system of any state, we add a suggestion of a yet another direction in which the State could also look as it develops its penal policies and practice.

Hawaii's distance from the mainland means that it is thousands of miles closer to the mainland of Asian countries many of which have new developments to offer in penal policy and practice as they have offered so many new directions to American business and industry. Because Hawaii's

population is so closely linked to Japan, Korea, Taiwan, the People's Republic of China and other Pacific Basin nations, we suggest that explorations in corrections be developed through these contacts. If the next century is to be "the Century of Asia," Hawaii can bridge the distance between the mainlands of the East and the West. The existence of the East-West Center and the expertise of faculty in a number of departments at the University of Hawaii provide a ready made forum for the development of the very special contributions Hawaii could make to its sister departments on the mainland and in Western Europe.

The State of Hawaii clearly has the desire to develop a correctional system of which it can be proud; it has already provided most of the financial resources and legislative initiatives to meet this goal; it has a core of excellent employees who can get most of the help they need from the best mainland departments and facilities to bring basic management and operations systems rapidly up to speed and the State has an important base of past experience in corrections and links to the East--that part of the world from which new directions in this vital area of public policy may come. The final ingredient needed to take advantage of all these pluses is the one we feel is most lacking in the DOC at this time--experienced, strong, effective, creative leadership.

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**RESPONSES OF THE AFFECTED AGENCIES**

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## AGENCY RESPONSES

A preliminary draft of this audit was transmitted on January 5, 1989, to the Department of Corrections, the Hawaii Paroling Authority, the Department of the Attorney General, and the Chairman of the Governor's Planning and Policy Committee. We asked each of these entities for their comments on the report.

A copy of the transmittal letter to the Department of Corrections is included as Attachment 1 of this section. Similar letters were sent to the Chairman of the Hawaii Paroling Authority, the Attorney General, and the Chairman of the Governor's Planning and Policy Committee. Responses were received from the Department of Corrections and the Department of the Attorney General and are included herewith as Attachments 2 and 3. Attachments transmitted with the response from the Department of Corrections are not included but are available for inspection in the Office of the Legislative Auditor. These attachments include a May 23, 1988, memorandum from the departmental director on departmental goals, various agendas of monthly meetings of departmental administrators, and informational materials on departmental management conferences held in July 1988 and January 1989.

With regard to the response from the Department of Corrections, the consultants comment as follows:

"The consultants would have been surprised if our report had not evoked a strong response from the Director. Like many audits, the report is critical of the management of the DOC. Our findings and recommendations, however, rest upon a rather broad empirical base, given the time--six months--allotted for this audit. In addition to the employee survey (the request for which was submitted to and received the approval of the director), we interviewed the key senior staff in all nine correctional facilities and DOC headquarters, as well as many persons in relevant state agencies and private organizations. These persons are, we believe, in a position to know and to speak authoritatively about the operations and policies of the present DOC.

"The section of this report with which the Director takes exception, Part II, we have clearly identified with the perceptions of the DOC staff. This section reports the reality of work and operation in the department as staff believe them to be. In those instances in which the Director challenges certain statements or conclusions of 'the auditor,' we suggest that readers refer to the relevant sections of our report which will indicate that these statements are, in fact, those of the DOC staff.

"The responsibility for any division among Hawaii's 'administrators, personnel, agencies, community, management, and legislators on the subject of correctional management' (Director's response, p. 18) does not lie with the report of mainland consultants who have only sought to accurately understand and describe what DOC staff reported to them.

"Finally, we wish to reiterate an important point made in the conclusion to our report. The solution to the basic problems of the DOC can be achieved by utilizing the talented, dedicated employees already working in various correctional facilities, departmental headquarters, and other state agencies. This great resource which Hawaii already possesses, supported by the knowledgeable legislators and members of the Governor's staff whom we met, 'can do it all.'"

The consultants offer the following comments on the response from the Department of the Attorney General:

"We were pleased to receive a copy of the thoughtful letter sent by the Attorney General which reviewed aspects of our report relevant to his office.

"With regard to the Attorney General's first point under the heading "Respect for Court Orders," we have corrected that section on page 39 of our report which conveyed the misleading impression that Halawa was included under the current Consent Decree of the U.S. District Court.

"Concerning the matter of the law library at Halawa, it was helpful for us to read the more complete context in which the deputy attorney general was quoted in the article which appeared in the *Honolulu Star-Bulletin* (page 41 of our report). The question of inmate access to the law library at Halawa is based upon our understanding of issues involving access to legal materials at the U.S. Penitentiary, Marion, Illinois, the most secured prison on the mainland. To the statement on page 41 of our report we would add, based upon discussions held on February 3, 1989, with an attorney in the Office of the Legal Counsel of the Federal Bureau of Prisons and the warden of the U.S. Penitentiary at Marion, that there has been no federal court ruling nor has there been any litigation filed by inmates or their attorneys that challenges the arrangements regarding the access to legal materials at Marion. What we do wish to make clear is that direct physical access to the mini-law libraries located in each tier of the control unit does not exclude inmate access to the full range of materials available in that facility's complete law library. Inmates may request materials from the full law library after reviewing the basic codes and list of law books and other resources available in the units' mini-libraries. A staff person from the Marion Education Department is assigned to retrieve law books and/or other materials and promptly deliver them to inmates in their cells. The relevant federal district court has not

required nor have the inmates themselves challenged this means of access to the facility's full law library. We would add further that a full time paralegal specialist is employed at Marion to assist inmates in legal matters.

"The Attorney General's comments regarding our proposal for the DOC to have its own legal counsel point to the need for some clarification. First, we are pleased that the attorney general's office is seeking to provide additional legal services to the DOC in the form of an additional deputy and a paralegal, and we hope that the Legislature supports this request. Our statement on page 52 regarding a DOC legal counsel 'to manage and monitor legal proceedings' was not meant to imply that such legal counsel would be involved in litigation which we indicated is properly the function of the attorney general's office. Our reference was to activities within the DOC of a quasi-judicial or due process nature, such as disciplinary hearings, the production of rule books which have the effect of administrative law, and complying with the terms of the 'Consent Decree.'

"Finally, our characterization of Hawaii's inmate population as 'mellow' compared to those of many mainland states was based upon visits to each correctional facility, our understanding of the characteristics of Hawaii's inmate population, and discussions of current security issues, particularly at Halawa and OCCC. We would like to have had statistical information available on the extent and character of inmate assaults, escapes, gang affiliation, etc., but as we indicated on page 56 of our report, the lack of a computerized information retrieval system meant that such data were not available to any of those who seek factual information as the basis for policy and practice. We were given to understand, however, that many of the most serious management problems among inmates are transferred to the Federal Prison System and that Hawaii does not yet have gang problems--that is, many gangs with outside connections, and engaged in drug trafficking, extortion, and violence so characteristic of mainland prison gangs, such as the Mexican Mafia, the Aryan Brotherhood, and other black, white, and Hispanic groups.

"We are aware that in the 1970s and early 1980s, there were serious control problems at OCCC and Halawa, and the discussion on pages 74-75 of our report certainly does not recommend modifying security measures to the point where the safety of inmates or staff would be put at risk. What we have suggested, based upon our knowledge of high security populations in mainland prisons, is a review of certain security measures such as the policy of routinely strip-searching all inmates in the Halawa medium security facility, the 15-day restriction on access to law books imposed on inmates in Halawa's disciplinary segregation unit, and the differentiation of security measures and program participation that can be established with a reliable inmate

classification system. This is one of those areas where visits to mainland facilities would contribute to helping the Halawa and OCCC staffs sort out security measures appropriate for their particular inmate populations."

THE OFFICE OF THE AUDITOR  
STATE OF HAWAII  
465 S. KING STREET, RM. 500  
HONOLULU, HAWAII 96813



**ATTACHMENT 1**

January 5, 1989

Mr. Harold Falk, Director  
Department of Corrections  
State of Hawaii  
Gold Bond Building, Suite 700  
677 Ala Moana Boulevard  
Honolulu, Hawaii 96813

*COPY*

Dear Mr. Falk:

Enclosed are three copies, numbered 4 through 6, of the preliminary report on the **Management Audit of the Department of Corrections of the State of Hawaii**, prepared, under contract with this office, by David A. Ward and Norman A. Carlson of the University of Minnesota. The audit was conducted pursuant to Senate Concurrent Resolution No. 57, Senate Draft No. 1, which was adopted by the Hawaii State Legislature during its 1988 session.

If you have comments on the recommendations contained in this report, we ask that you submit them to our office by January 20, 1989, for inclusion in the final report. Copies of the report have also been transmitted for review and comment to the Chairman of the Hawaii Paroling Authority, the Attorney General, and the Chairman of the Governor's Policy and Planning Committee.

The Governor and the presiding officers of the two houses of the Legislature have also been provided copies of this preliminary report.

Since the report is not in final form and changes may be made, access to this report should be restricted to those individuals whom you might wish to call upon to assist you in reviewing the report. Public release of the report will be made solely by our office and only after the report is published in its final form.

We appreciate the assistance and cooperation extended to us by you and the staff of the Department of Corrections.

Sincerely,

Newton Sue  
Acting Legislative Auditor

Enclosures

ATTACHMENT 2

JOHN WAIHEE  
GOVERNOR



HAROLD FALK  
DIRECTOR

GEORGE IRANON  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF CORRECTIONS  
677 Ala Moana Boulevard, Suite 700  
Honolulu, Hawaii 96813

NO. 8170

January 23, 1989

RECEIVED

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STATE OF HAWAII

Mr. Newton Sue  
Acting Legislative Auditor  
Office of the Legislative Auditor  
465 S. King Street, Suite 500  
Honolulu, HI 96813

Dear Mr. Sue:

Thank you for the opportunity to respond to the preliminary report, "Management Audit of the Department of Corrections of the State of Hawaii."

In general, we are extremely disappointed with the quality of the report and the manner in which it is being presented. In our naivete, we supported the recommendation for the report since we believed it would be objective and convey a message based on facts about the problems facing the new Department of Corrections. We foresaw the Administration utilizing the report as a means of launching meaningful changes for the future through constructive criticisms and recommendations. The report seems to concentrate principally on a repeat of past rumors, gossip, misinformation, misstatement of facts, and, in some cases, outright falsehoods in a very negative condemnation of a neophyte organization which is attempting to build its way out of past problems of the same type. The investigative auditors apparently did not attempt to verify any of the statements made to them; and if it was done, the verifications are not reflected in the report.

Our response to the report will be handled in the same manner in which the report is presented. Responses will be headlined under three parts, I, II, and III, as the case may be.

Some attachments are included which are believed to be relevant to a better understanding on the part of the reader of what is being presented.

Mr. Newton Sue  
Page 2  
January 23, 1989

## PART I

This portion of the report relates principally to a historical narration of what has been transpiring within the Department and what has affected the operations of the Department, both from within and without, over the past few decades.

A significant remark of the auditors found in the Introduction relates to the fact that Corrections, "...has been posing problems for state government for almost two decades." We agree. Habits, tradition, ingrained practices, and years of frustration were recognized as traits which were going to be difficult to change. It was recognized also that governmental systems are not prone to expedient change and hinder the process of correction, in whatever the endeavor. That has been a problem and still is a problem, especially in those areas which relate to employee satisfaction; such as pay, recruitment, career development, fair and consistent promotional practices, changes in work scheduling, transfers, and training. These are matters which alone cannot be adequately handled by DOC administration. All of these items are high priorities and goals of this administration.

## PART II

It is this portion of the report, "...an array of data developed for this report", that we find irresponsible on the part of the auditor. A majority of the items presented as examples of bad administration practices are really nothing more than a repeat of rumors, gossip, or just plain untruths which have been around for some time. Whether this information was gleaned from the reports they read or from interviews with some individuals, the material is being presented as though they existed and the reader is left with the impression that these are factual in nature. An objective report would attempt to present the "truth" of the matter and so many of these items would have been clarified by the simple process of asking those who would know. The auditors excuse this situation by stating that they are not investigators, but the reader is left with the impression that they knew what they were doing in presenting what they did include.

There are far too many inconsistencies in this portion of the report to comment on all, but the reader should be given some idea of what has really transpired. Therefore, the responses noted here are just representative of the types of misinformation being presented in the report.

Responses are referenced by material content and page number.

## SURVEY RESULTS

The auditors did a survey of employees and then compared those results against a similar survey of the employees of the Federal Bureau of Prisons.

Mr. Newton Sue  
Page 3  
January 23, 1989

Such a comparison is like comparing apples and oranges. The Bureau of Prisons is an organization of longstanding. The Department of Corrections is an organization newly created.

We would certainly agree with many of the responses of the DOC employees and share in their frustrations about quite a few problems.

It would have been nice to know if there were any favorable comments given about the present administration, or at least a statement that there were none, so the reader would not have to surmise that the few comments mentioned MUST be the feelings of the whole.

Correctional Experience (Pages 31, 34, 42, and 44).

The auditors made quite a point to reference what they called the inexperience of administrative personnel in correctional work. There is only one of the present administrators who has had limited experience. The Director was a watch commander, a rank equivalent to an ACO V at Halawa when it was the Honolulu Jail and under the Honolulu Police Department. He was instrumental in writing the Manual of Operations for the facility, its emergency plans, started its first farm program, the first Halawa Bulletin (an in-house newsletter), and for the period when it was under HPD control (1962 to 1975), was involved in other capacities until its turnover to the correctional system in 1975. For what it may be worth, the Director also has a certificate from the Bureau of Prisons after completion of a Jail Management course and served as a member of the Intake Service Center Board, commencing in June of 1979 until it was dissolved.

The Deputy Director began his career as a jail guard at what is now Hawaii Community Correctional Center. As a member of the Hawaii Police Department, he was also in command of the jail for over two years when it was under the Department. It was turned over to Corrections in 1975 when all local jails were consolidated in the State system. He also served, and did an admirable job, as Administrator of the Kulani Facility before becoming Deputy. In short, he rose from the very lowest rank, of a guard, to his present position.

Thus, both the Director and Deputy have worked as an "ACO" in a jail in contrast to the auditor's statement on Page 34.

One of the Divisional Administrators has had many years of correctional work experience, and was its Chief Administrator when it was a Division under DHS. Another served as an appointed head of the Intake Service Center and was the head of the Hawaii Paroling Authority. A recent addition to the Division Administrative position also has had a long corrections career, including heading OCCC for some time.

There is a great deal of correctional experience in the upper ranks of Corrections, a fact that the investigators did not attempt to ascertain.

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Haole Hiring (Page 32).

The reference by the auditors to the fact that the Director hires his "Haole" friends is a gross distortion. There are no "Haoles" in the administration who were hired by the Director. Matter of fact, there is no Haole, except for the Director, in the six top positions of the Department. Any others who might be in the Department were hired long before he came.

Hires Ex-HPD Officers (Pages 32/33).

Again, a gross misstatement of facts. There is no ex-HPD officer who was hired by the Director as a regular employee of the Corrections Department. The Director was instrumental in the hire of only one ex-HPD officer, and he is a contract employee who teaches investigative report writing. Any ex-HPD officer who has ever been hired by Corrections was hired to perform investigative work, an expertise needed in Corrections. Training in the field is now taking place, and it is hoped that trained ACOs can replace the emergency hire.

Lack of Direction from Administration (Page 34).

The auditors make light of our goals/objectives by mentioning 6 of the 21 noted in our memo to all employees of May 23, 1988. The entire memo is attached for reference so that the reader can get a better idea of its message. There was no lack of direction. If anything, there was a lack of failure to read what was prepared or to heed what was being said.

To fully understand, it is well to point out that until the last day of the Legislature, the Director did not know whether or not he was to lead Corrections. The organizational plans were not approved until October of 1988. This was after the auditors were already on the job. It would have been presumptuous of the Director to prepare and set goals for the Department prior to his approval as its head. Right or wrong, we believe that the worst thing that could have happened to Corrections at the time was for an Acting Director to start it off in one direction and then have to have it change direction when another individual stepped into control. The way is now clear and can be pursued, but it was not at the time this audit began. As a matter of fact, two vital elements of DOC are still in limbo, HYCF and ISC. Studies on these two elements will have to be weighed by this legislative session and then acted upon before Corrections will know exactly what elements will be contained in its organization.

It is no simple task to change administrations of an organization. It is much easier when it is a whole organization to begin with, but is further complicated when it has to be formed into an entirely new organization from a part of another. For example, no Personnel or Fiscal elements were available for independent actions until July 1, 1988. Thus, two vital

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components of any State department were not available to Corrections until six months ago.

In spite of the reservations mentioned above, there has been much planning and course setting with the Department. A reference document is about 95% complete. The policy plan is in final draft form. A Phase III reorganization is planned with additional changes to strengthen and enhance Departmental operations.

Further complications in providing stability in direction is the fact that only two of the five Divisional positions are filled with permanent appointments.

Staff Meetings, Monthly Meetings, Departmental Retreat (Pages 35/36).

The daily staff meetings of the headquarters staff were rescheduled to once a week prior to the release of this report. While they were very helpful, they were becoming too time consuming. Contrary to what might have been said, they did bring to light and resolve a lot of problems.

The monthly "BA" meetings, again contrary to statements by the auditor, were structured. The agenda always included educational matters or information which the administration felt was needed or which problems indicated needed some specific mention or attention. Copies of those agendas are on file. Some examples are attached to this report.

The departmental retreat in July also had an agenda (copy attached) and purpose. Each office and facility head was asked to present their initiatives and goals for the 1988/1989 fiscal year. If this is "show and tell", then so be it; and if "no serious effort was made at problem solving or working up meaningful goals", then it certainly did not indicate this in all the work put into it by the participants. We will admit that we heard that a couple participants "pooh-poohed" the idea and, in doing so, did a disservice to the others present.

It was from this retreat that a new Departmental Mission statement was formulated through a consensus of all present. Now, the auditor on Page 44 says we do not have a "meaningful mission statement." Are they the better judge? It certainly is as good as, if not better than, some of the mainland departments he wants us to learn from. Matter of fact, it compares very closely to that of the State of Pennsylvania which, we are aware of, was recently mentioned in a publication (copy attached).

ISC/CCC Command (Page 36).

The auditors insinuate that the Director's indecision caused some concern in not naming a single individual to head the CCC's after stating that this was his plan. He did state it was his plan when he came on board. As soon as

he had an opportunity to study the capabilities of the individuals involved, he did make the decision except for one facility. For good cause that one was held in abeyance. The CCC and the ISC, in the meantime, operated in a manner superior to the original announcement being made, a credit to both administrators concerned.

Inconsistency in Discipline (Page 36).

The examples cited as inconsistencies in administration are again a gross misstatement of facts which could have been known had inquiry been made of anyone who was familiar with the cases mentioned.

1. The first mention of the administrator transferring and then being placed back in command went like this. The individual was transferred pending an investigation of some allegations. He was later disciplined; and after a period of time, was counseled and placed back at the facility. It was felt that he had profited by the action and could function in his old position. He has since been removed again.
2. The incident of the administrator being transferred because he had used up his annual budget in six months is not familiar. There has to be some misunderstanding on the part of the auditor in what they heard or on the part of the individual from whom they heard it.
3. The incident about the acceptance of a facility administrator position by one individual while the Director sought other applicants for the position has to be a misrepresentation of the facts. The only incident we can relate as even being close to this would indeed be a misrepresentation of the facts.
4. There is no knowledge on the part of the Director in the mentioned incident of interfering with the suspension of an ACO IV.
5. The phone call to the house of an inmate incident, cited on Page 43, is again a misrepresentation of the facts. The insinuation is that the call was made in a wrongful manner. It was not. If the incident is the one known about, the call was made as the result of an investigation into a missing work party. After a call was received by OCCC that a work party was located at a residence in Waimanalo, the facility administrator called the Division Administrator. He went to the facility and began to call the residences of inmate relatives to try to locate the work party. He did, and they were instructed to return immediately to the facility. As a result, two inmates and one employee were disciplined. The work crew supervisor chose to resign during the investigation. All culpable individuals were disciplined. The statement that no discipline was taken is, again, a gross misrepresentation of the facts.

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Perhaps a note should be made that it is not the policy of this administration to "broadcast" the results of investigations and to inform everyone of the disciplinary actions taken against their fellow employees.

Visits to Facilities (Pages 37/42).

The auditors speak of the lack of visibility of the Director and Deputy to rank and file personnel as though this was a common thing and a fault that had to be corrected. Since the close of the legislature last year, the Director has made twenty-four (24) visits to the facilities. He has spoken to ACOs and anyone else who wanted to speak to him. In addition, he has an "Open Door" policy and has had numerous visits and calls from all types of employees. Some wanting to vent their frustrations, others seeking assistance with problems, and others to just "talk story" and learn more about our plans. The insinuation in the auditor's report implies that the Director was not involved with the facilities and does not know what goes on.

In actuality, he was becoming too involved from all he was learning and, at a BA meeting in the latter part of the year, told them that he was going to "back off" from this so he could devote more time to planning and guiding our future course and special research projects.

The Deputy has, likewise, visited the facilities 37 times. For one employee to say he has seen the Director only once during the past year, is not indicative of administration's activity in the field, although the auditor seems to want to give that impression.

Use of Internal Affairs for Financial Audits (Page 37).

This is not a misuse of the office. The office is staffed with an auditor for that purpose. The reason for the audits is so the Director can ascertain from a neutral source, not the facility or fiscal offices, that practices are as required and to provide an investigative talent in the fiscal field when allegations of misappropriation, misuse, or thefts of funds or materials are heard.

Inmate Handbook (Page 38).

The auditor mentions a great concern that a "non-ACO" type was assigned the task of updating the Inmate Handbook. The fact is that the inmate handbook is a part of the Administrative Rules of the Department, and the planning office handles the task of updating all Rules. As with the Policies and Procedures handling of that office, all personnel were invited to provide input for the Handbook changes. Because of the contents of the handbook, ONLY facility personnel would know what to change or not to change. All the Planning Office does is finalize the recommendations and prepare the book for printing.

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Two Planning Units (Page 38).

The auditor mentions the presence of two planning units in the Department and questions why this should be. The response is simple. When ISC became a part of the DOC, they came with their planning unit. The Program Planning Office of the Corrections Division under DSSH was already in existence. Discussion and planning about the two offices long ago determined that the two were to be combined into one during Phase III reorganization. However, since September of 1988, they have been administratively combined to improve efficiency and coordination.

Uniforms (Page 39).

The problem of uniforms for line personnel has been around for a long time. We had great difficulty in finding a vendor, no one bid for the job. Getting a vendor who was persuaded to do the job bonded, as required by law, had to be handled by DOC staff or the vendor would not even have been interested in the contract. Even Burlington Industries, who supplies the material, almost pulled out of the contract after learning of fiscal requirements.

Our previous vendor had been one which supplied "off the counter" uniforms from a subcontractor, but still could not handle the contract properly.

ISC Role in Corrections (Page 39).

The role of ISC within the correctional system is admittedly still unresolved. We had begun as soon as we took office to plan a role for ISC which would be integrative with the CCCs since they have to work so closely with each other. Work on this was stopped, however, as a result of the 1988 legislative session passing a proviso which required a study of the ISC role with a report back to the 1989 session. This report is completed and has been transmitted to the legislature.

We planned an expanded role for ISC, and pending the results of the legislative review of the study, have moved forward in that regard. ISC will handle all classification matters for the system and operate the intake modules (5) at OCCC. They will also be involved in the furlough programs of the CCCs on the neighbor islands, especially in terms of providing supervision for those inmates on furlough. The administrative head of ISC has been assigned the task of setting up the operations and parameters for ISC responsibility.

This has been made known to all branch administrators, divisional administrators, ISC managers, and some personnel involved in the program areas. It should be assumed that they will in turn make the proper notification to their respective employees.

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Management Training (Page 40).

The auditors are totally wrong in their statement, "...training for middle and upper management positions is non-existent." We are sure that they were fully informed of the fact that we had hired a consultant, and that he had not only developed a Departmental Management Plan but had also begun a comprehensive training program in management for all employees from the rank of Sergeant (ACO IV) through to the Director. This includes all supervisors, managers, and administrators, no matter what their field in Corrections. At this time, 344 out of 357 such personnel have been trained in management techniques from all fields and on all islands. A total of 5,168 hours of training was devoted to this one phase of our management training program. The consultant is an instructor certified in this field by AMA.

In addition, supervisory and management training has been given in-house and through the Department of Personnel Services. We have also availed ourselves of the training opportunities of the National Institute of Corrections at Boulder, Colorado, with attendance of personnel ranging from ACOs to the Director. Our personnel have availed themselves of additional education by visits to mainland institutions when the opportunity arises. The most recent was the visit of HYCF managers to three mainland youth institutions.

Five of our key management personnel were selected as part of the initial twenty in the State to benefit from the first management academy training sponsored by DPS.

Halawa Law Library (Page 41).

The auditor mentions an example of DOC's "reactive positions" by its failure to provide law libraries access to inmates at the HHSF. The entire issue of law libraries and access to inmates has been handled by another agency of the State. We operate on the basis of our legal advise. The Director of DOC, as well as other employees, were three times found in Contempt of Court. Do you think we would have permitted this to happen if we had been in control of the situation?

Since the auditor stated, "...the administration's refusal to negotiate with an attorney representing inmates over prisoner's right of access to a law library was cited" (Page 41), he must respond that he spoke to the attorney twice. Once in her office in the early stages of the case, which then was left in the hands of our attorneys, and once outside Federal Court when he attempted to ascertain the measures which would resolve the issue. In the latter instance, our conversation was interrupted by our legal representative. Both the attorney and he were chastised for speaking to each other. Some sort of "you can't talk to my client routine."

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We recognize the law library issue for what it is, a serious matter, and one which we must resolve quickly with a need for a great deal of money.

Complaints By Inmates (Page 42).

The auditor noted that 2,394 complaints against DOC had been filed with the Ombudsman's Office. Only 481 were sustained (24%). This is not an unusual phenomenon in any state's correctional system.

Administrative Violations of Code of Ethics (Page 43).

It is very distressing that the auditor perpetuated the spread of rumors by his repeat of allegations cited on Page 43. These allegations have been the subject of prior investigations by Internal Affairs and administrators.

1. The rumor of inmate work on staff members private property originated from an inmate in repeating what he alleged another inmate had said. Investigation, including an investigative visit to alleged work site, revealed that no such work existed. The inmate who was alleged to have done the work (as the informant inmate had said), denied the work and passed a polygraph test on the subject matter. Regular as clockwork, this rumor resurfaces every time someone new will listen to the story.
2. The telephone contact with inmates drinking in a private residence has been mentioned in other portions of this report. The item made newsprint, including the fact that individuals had been disciplined, yet it keeps coming up with the same allegations of no action.
3. The work on employees' vehicles was likewise investigated and handled properly through immediate corrective action when brought to our attention.
4. The mention of alleged thefts and misappropriation of funds were addressed in other sections of this report.
5. The item of the mid-level manager charged with theft, and who was reinstated by an arbitrator, occurred long before this administration was on board.

The behavior of staff at all levels and subsequent discipline for infractions of rules or Standards of Conduct is a major concern of this administration. Where action has been warranted, it has been taken. Blind rumor or gossip about sexual activity among ACOs and inmates, or ACOs and staff, is not unusual. We have attempted to control it in many ways. If the auditors have indications of sexual relations of ACOs with "top level administrators", in particular, we would certainly like to have that information. As long as these rumors and gossip have been around, we have heard none about "top level administrators."

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Administrative Resignations (Page 44).

There is an erroneous impression given that recent resignations of a Divisional Administrator, two office heads, and a senior branch administrator were due to dissatisfaction with the present administration. Again, the auditors did not do their homework.

The only resignation related directly to this administration was the Division Administrator, an emergency hire. He was causing the resignation of a key employee. The employee stayed after the Director spoke to her, and did not accept the resignation. The Acting Division Administrator could not live with that decision and resigned.

Both office heads resigned to accept better jobs, although expressing their full support for Corrections and its administration. In the case of one who left for double the salary of what he got here, he stated that he would stay if the Director wanted him to. The Director would not stand in his way of a position with a salary he felt he needed in order to start a family.

The senior branch administrator had sought a job with the FBI since 1985. He was accepted last year and reluctantly left Corrections. He was one of this administration's staunchest supporters.

Classification (Page 68).

Admittedly a problem with the present system. What we have desired is an active classification system which is carried on in a consistent and timely manner so that inmates may sequentially move through the system to final discharge.

We have made it known that ISC will handle classification matters throughout the system in order to develop a standardized application of the classification instrument. A committee is now in the process of reviewing the present instrument in order to bring it into line with Hawaii's requirements for such a process. The mainland model which we have been using has not been validated and has shown some flaws in its local use.

The following items are submitted out of order, but they all concern allegations of misuse or misappropriation of funds. The specific statement of charge and the page number are noted for each item referenced.

1. Fiscal year end of purchase of equipment (Page 37).

This involved Hawaii Youth Correctional Facility (HYCF) and occurred as follows: Near the end of the Fiscal 1988 period, a surplus of funds was found to exist. The 1989 budget had sought funds for the maintenance and vocational training programs of the facility. When the excess funds were available at the end of 1988, the most needed

purchases of equipment were made rather than letting the funds lapse. The \$50,000 for the 3 vans was a scheduled 4th Quarter expense item.

2. Utilizing HYCF funds for water tank repair at the Women's Community Correctional Center (WCCC) (Page 37).

The truth is that HYCF was budgeted for the water tank repair since the tank is on their inventory and is not the property of WCCC. All maintenance of WCCC is the responsibility of HYCF. In fact, the cost to repair, which is now underway, will be closer to \$262,000. Failure to repair the tank would have surely resulted in ruptures and the need to find alternate sources of water, with a serious disruption to the facilities operations. Repairs should be completed in April 1989.

3. Allegations of Theft/Misuse of Food Supplies (Page 37).

These rumors have been heard several times by Administration. Investigations by Internal Affairs have never verified such thefts/misuse.

4. Diverting funds for John Howard to other purposes (Page 40).

The funds spoken about are mandated for purchase of services and can be used for no other purpose. This past year, no inmate has been sent to Liliha House II (male) simply because John Howard has not accepted our inmates, evidently preferring to utilize their facility for Federal referrals. The funds remain unspent. Liliha House I (female) has maintained full utilization of available space.

5. Educational funds used for other purposes (Page 40).

This allegation, based only on the language used, seems to indicate that even the investigators did not know of what they spoke. The statement "Funds within the DOC's budget request for inmate education programs APPEAR TO HAVE BEEN DIVERTED TO OTHER AREAS, PERHAPS BECAUSE THE DOC CONTINUES TO SPEND MORE THAN ITS ALLOTTED SHARE OF FUNDS FOR OVERTIME AND MUST DRAW DOWN OTHER ACCOUNTS TO MAKE UP THE DIFFERENCE" (emphasis added) is an irresponsible statement of conjecture and has no basis for inclusion in the report without some relevant verifying data.

For Fiscal 88-89, we had an appropriation of \$1,563,509.00 for educational programs. This included personal services, current expenses, and equipment costs. Up to December 31, 1988, \$346,290.58 has been verified as expenditures although all purchase orders are not

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yet accounted for and all "A" (payroll) costs have not been verified. The expenditure figure is thus higher than indicated.

There is no indication that any educational funds have been diverted.

Educational funds would be "B" funds. Overtime funds are "A" funds. To affect use of such funds for overtime would require permission for transfer of the funds through B&F. Not the type of maneuver which would conceal what was happening.

At this point, our educational programming is significantly better than it ever was.

6. Misappropriation of \$720,000 from Halawa Improvements (Page 40).

This is probably the most blatant of all the untruths in the matters dealing with funds.

The truth: The Department of Accounting and General Services is the expending agency for these funds. The funds are still in the account. A contract has been awarded; work is progressing on the improvements and will be completed in a few months.

7. Cost Control Procedures (Page 37).

Alludes to the fact that DOC "...had still not moved to establish effective cost control mechanisms at the various facilities or in its own headquarters."

The simple truth of the matter is that until July 1, 1988, DOC did not have an independently operating Fiscal Office. We were still trying to fill fiscal positions at the time the audit was in progress. I believe it is unrealistic to expect that we could have established our own controls in so short a period of time. Procedures are now being changed to effect such controls.

I believe that these are the major items which relate to funds within the report except for the overtime expenditures. The problem of overtime and its cost to the State has been a perplexing problem for some years. By the end of this quarter, there should be some significant differences in those figures because of the adjustment of personnel and posts, particularly at Oahu Community Correctional Center (OCCC).

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PART III

Although we have heretofore been critical of the approach taken to conduct the audit, we concur in the majority of the recommendations which are presented in this portion of this report. Some are now being worked on as a part of our own program for DOC.

Each of the recommendations will be responded to in an individual manner by:

*AGREE (with comments when appropriate)*  
*DISAGREE (with our reasoning for such decision).*

1. Suggestion that DOC and state officials in Hawaii stop seeking the eternal truth in penal policy and adopt, as the mainland departments do, a working statement outlining current goals and objectives for a correctional agency. The emphasis on these goals and objectives should be expected to change over time, and DOC employees should understand that in the Corrections business a number of goals, such as punishment and rehabilitation, which may appear to be mutually exclusive, can be achieved through the right organizational structure (Page 50).

*AGREE*

2. Suggestion that the Department consider establishing two Deputy Director positions rather than the one currently in place (Page 51).

*AGREE (in part)*

If the divisional administrators are done away with, the two deputies will have a span of control of twenty-eight subordinates to oversee. The intricacy of some of the responsibilities might be too much for efficient control. We would suggest retention of some sort of divisional element.

3. Suggestion to establish a Departmental Newsletter (Page 51).

*AGREE; already under study.*

4. Have own legal counsel to manage and monitor legal proceedings. (Page 52).

*AGREE*

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5. Move toward a career development program modeled on the "Correctional Worker" concept (Page 53).  
*AGREE (an outlined goal)*
6. Merge the two planning functions (Page 54).  
*AGREE (already planned in Phase III Reorganization)*
7. Replacement of the present Women's Community Corrections Center (Page 54).  
*AGREE (already in the schematic design stage)*
8. Computerized information system should be immediately installed (Page 57).  
*AGREE (present plans undergoing review because of slowness in development of system)*
9. DOC and Paroling Authority work together to develop a continuum of programs (Page 58).  
*AGREE (being worked on)*
10. Improvements to personnel administration: recruitment, promotion, etc., six in all (Page 60).  
*AGREE (presently in progress)*
11. Suggestions to improve training for personnel (Page 61).  
*AGREE (except for Item 1)*

Shortly after taking office, the Director appointed an Ad Hoc Committee comprised of community business, educational, and labor representatives to evaluate training needs for employees and make recommendations for improvement. He is awaiting their report.

The disagreement (Item 1) relates to reducing the Basic Training from six to three weeks. We feel that there is a need to expand curriculum in relevant areas, and the Basic Training should be expanded, not reduced. Our training administrators disagree with the auditor's

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comments relative to our present training. They say it meets all ACA Standards.

12. Exchange program of administrators with mainland institutions (Page 63).

*AGREE*

13. Suggestions to hire attorney for Internal Affairs, hire additional investigators (but do not agree that they be from outside of DOC), separation of inspection and investigation, investigatory position in all facilities, background checks for employees, pre-employment urine testing (Page 64).

*AGREE (except as noted above)*

14. Suggestions relative to overtime control (Page 66).

*AGREE*

15. Standard uniform purchase (Page 67).

*AGREE*

16. Restricted use of coveralls (Page 67).

*AGREE*

17. Hawaii must address the salary issue if it hopes to make significant improvements in the long term (Page 67).

*AGREE*

18. Suggestions relative to the classification system (Page 69).

*AGREE (We have been working on improvement of the present system.)*

19. Suggests Federal restitution program (Page 70).

*AGREE (We are aware of the Federal system and have looked into it.)*

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20. Contract out the management and administration of some industrial programs (Page 71).  
*AGREE*
21. Clarify Medical Director's role (Page 71).  
*AGREE (Policy already being worked on; not only for Medical Director but for other staff positions as well.)*
22. Appointment of religious coordinator (Page 72).  
*AGREE (presently being handled by Volincor Head)*
23. Extend use of electronic monitoring (Page 72).  
*AGREE (already expanded to Maui and Oahu)*
24. Expand contracts with private agencies for programs (Page 73).  
*AGREE*
25. Inmate urine testing policy (Page 73).  
*AGREE*
26. ISC urine testing of all new cases (Page 73).  
*AGREE*
27. Employee random urine testing if not violative of constitutional rights (Page 73).  
*AGREE*
28. Relaxation of Halawa degree of control (Page 74).  
*AGREE (However, use of metal detectors will not suffice for the principal concern of narcotic contraband.)*

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29. Use of video recorders to monitor modules (Page 74).

*AGREE*

30. Formation of a SORT (Special Operations Response Team) (Page 75).

*AGREE*

31. Transfer of HYCF to another agency (Page 75).

*AGREE with reservations*

This issue is now before the legislature as the result of a requested study. We would agree to the transfer if the proper safeguards are imposed to assure that the wards of the State will be provided with better conditions and the community is afforded proper protection from those prone to be violent.

As the auditor states on Page 45:

"Meaningful change in corrections requires time, patience, and tremendous effort."

We would ask that those who make the ultimate decisions relative to this report bear that in mind, for the sake of DOC, its employees, and the community.

We believe that the State of Hawaii deserves better in its correctional system than what is portrayed in this report -- and it is better! A great deal is left unsaid.

The emphasis on corrections should be on the positive, not on the negative, if Hawaii's system is to improve. We consider this report in that light, positive. A challenge which will be overcome, an attack which will be repelled. The final results of which will bring to us a Department which will be the envy of all others. Auditors comments to the contrary, some of our mainland counterparts now consider us as having fewer problems and a better organization than they. Those of us who have occasion to know consider ourselves lucky that we are not some mainland departments.

We in DOC have a motto, "TOGETHER WE CAN DO IT ALL!" That truism can be extended to this particular issue as well. Stability has to be established in DOC, whether by this Director or another. Do not permit anyone to continually divide administrators, personnel, agencies, community, management, and legislators on the subject of correctional management as has been the case for the past twenty years or more.

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The Department will make serious efforts to carry out the recommended courses of action. We believe, as you do, that these efforts will move the Department of Corrections forward.

Patience is a virtue, let it work!

Sincerely,



Harold Falk  
Director

HF:mi  
encls.

c: Honorable John Waihee, Governor  
Honorable Richard Wong, Senate President  
Honorable Daniel Kihano, Speaker of the House

ATTACHMENT 3

JOHN WAIHEE  
GOVERNOR



WARREN PRICE, III  
ATTORNEY GENERAL

CORINNE K. A. WATANABE  
FIRST DEPUTY ATTORNEY GENERAL

STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
STATE CAPITOL  
HONOLULU, HAWAII 96813  
(808) 548-4740  
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January 30, 1989

RECEIVED

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LEGISLATIVE AUDITOR  
STATE OF HAWAII

Mr. Newton Sue  
Acting Legislative Auditor  
465 South King Street, Room 500  
Honolulu, Hawaii 96813

Re: Management Audit of the Department of Corrections

Dear Mr. Sue:

Thank you for providing us with the preliminary report of the management audit conducted pursuant to Senate Concurrent Resolution 57, SD1 of the 1988 Legislature. We appreciate the opportunity to comment on this report. Our remarks are restricted to those areas of the report which deal with legal issues and the Department of the Attorney General.

Respect for Court Orders:

At page 39, the report recounts a dispute between the Administrator of Halawa Correctional Facility and the DOC Medical Director which was reported in the press this fall. DOC administration is chided for not responding in defense of the medical director's argument that she was being restricted in the performance of her duties and in the implementation of the U.S. District Court's Consent Decree. The report concludes that "such inaction confirms the view of staff that orders by division heads and even rulings of the Federal District Court can be overridden--at least by the administration at Halawa." [emphasis supplied].

You should be aware, however, that the consent decree in Spear v. Ariyoshi covers conditions of confinement only at the Women's Community Correctional Center and Oahu Community Correctional Center. It has nothing to do with Halawa--in fact, Halawa Medium Security Facility was not even open when the Consent Decree was entered. Since the Branch Administrator

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at Halawa controls only Halawa Correctional Facilities, we believe that the passage may convey an erroneous impression that Halawa's administration ignores federal court orders and feels it is above the law. We believe this is a false impression, which certainly adds to our burdens in defending the many inmate lawsuits which we face.

The law library at Halawa:

On page 41 of the report, the following passage is set forth:

Along the same line, the DOC and a Deputy Attorney General recently lost their effort to deny a law library to inmates at the Halawa High Security Facility on the grounds that the prisoners were too dangerous and unmanageable to be allowed "to browse in a law library" and, according to the Deputy Attorney General, because they, "lack the social skills to pull it off." (Honolulu Star-Bulletin, November 18, 1988). We dispute the contention that Hawaii's inmates are too dangerous and that they lack the skills to do legal research since every maximum security prison on the mainland routinely allows inmate access to legal materials. In the Control Unit of the U. S. Penitentiary at Marion, Illinois, the most secure unit in the most secure prison in the country, with over one-third of the inmates housed therein for having killed prison staff or other inmates, every inmate has access to basic legal materials kept on each tier of the cellblock. These mini-law libraries meet constitutional requirements and inmates simply request materials which can be read and reviewed in their cells. Since the Halawa high security inmates have few opportunities to engage in any time consuming and lawful activity, this required feature of secure confinement should be supported, not opposed by the DOC.

The quotation attributed to the deputy attorney general is from a letter to opposing counsel in the law library case. The deputy was responding to the attorney's suggestion that inmates at the High Security Facility be allowed to act as lawyers for other inmates. What was actually said was:

Once again, I must emphasize that mutual inmate legal assistance is not a practical solution in a high security facility (and probably not in a medium security setting either). Most of these guys really

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are not competent to be "counsel substitutes". Moreover, they lack the social skills to pull it off. When you and I decide to be uncivil to each other, we merely send nasty letters. These guys try to kill each other. For example, your client, Mr. Utu, helped murder Clarence Freitas in OCCC...

Letter, Thomas D. Farrell to Rachel Shimazu, November 10, 1988, page 5.

This misquotation is important because the report leaves the reader with the impression that DOC resisted providing access to a law library to high security inmates because they lack the social skills to use the library effectively. That is not the case at all. Indeed, it is our position in the law library case (as reflected in several documents which we have filed with the Court) that inmates can obtain effective access to the courts through the use of a law library. If the Court finds otherwise, we may be ordered to pay for lawyers for them, too!

We are also concerned that the report cites the federal penitentiary at Marion as an example of what Halawa should have done. Marion has been sued repeatedly over its law library program, and lost two of the three cases which reached the United States Court of Appeals. Corgain v. Miller, 708 F.2d 1241 (7th Cir. 1983); Caldwell v. Miller, 790 F.2d 589 (7th Cir. 1986). The third case, Campbell v. Miller, 787 F.2d 217 (7th Cir. 1986), involved inmates in the control unit at Marion--the federal equivalent of the Special Holding Unit at Halawa High Security Facility. In Campbell, the Seventh Circuit approved a system whereby a few basic reference books (but no caselaw) were available in the unit and could be requested and reviewed by the inmate in his cell. This was supplemented by an "exact cite paging system" whereby the inmate would specify the name of the case and its citation, and a xerox copy would be provided to him within 8 days. The authors are truly mistaken if they believe that the Marion system would pass constitutional muster with Hawaii's federal judges (who are not bound by the Seventh Circuit's decisions). We know: Halawa operated a Marion-like system prior to obtaining its full collection of law books. The senior federal judge in this district expressly found it to be unconstitutional. Utu v. Falk, Civil No. 88-0577 (D.Haw. 1988). The federal courts have made it clear that nothing short of direct physical access to a fully-stocked law library will satisfy the Constitution, and their list of what a prison law library must contain has a price tag in excess of \$60,000.

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Since the report cites this problem as an instance of where the administration should be "proactive" rather than "reactive" we think a bit of history should be added. Halawa High Security operated an exact-cite paging system for many years. In 1987 an inmate asked the federal court to find that the paging system was inadequate, and that he should have direct access to a law library. Kahalewai v. Oku, Civil No. 85-1503 (D. Haw. 1985). On September 30, 1987, the senior federal judge refused to grant such an order saying, "the procedures followed by the Defendant with respect to access to a law library. . . are consistent with procedures which have been found acceptable by other courts." Order Denying Motions for Appointment of Counsel and for Preliminary Injunction, filed September 30, 1987, page 7. Six months later, in another inmate case, a federal magistrate decided just the opposite and recommended that the federal judge issue an injunction similar to the one which Kahalewai had been denied. Smith v. Sandin, Civil No. 88-060, Allen v. Sakai, Civil No. 86-0577 (Consolidated Cases) Report and Recommendation, filed March 21, 1988. Another federal judge agreed with the Magistrate, and in July he granted the injunction, finding the paging system to be unconstitutional.

The law did not change in those few months. Neither the Attorney General nor DOC administration could have anticipated this result. Shortly thereafter, a third federal judge found the paging system inadequate. Sims v. Falk, Civil No. 88-0348 (D. Haw. 1988). Completing the circle, the same federal judge who originally found the paging system adequate, found the combination of a pilot library and a paging system (the Marion system) unconstitutional, less than a year after his contrary decision in Kahalewai. Utu v. Falk, supra.

Department Legal Counsel:

On pages 51-52, the report recommends that the Director appoint an attorney as his special assistant to provide advice and guidance to DOC, and assist in the implementation of court orders, review of policies and procedures, staff training, and development of the inmate grievance system. The report makes conflicting statements about the role this person would play in litigation. First it says "such a person would not be involved in litigation, a function that obviously must remain with the Department of Attorney General." Report, page 51. It later says, however, "We believe that the DOC's interests would be better served if it had its own legal counsel to manage and monitor legal proceedings." Report page 52.

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To ensure consistency of advice in State government and to preserve the integrity and independence of the legal advisory process (i.e., calling the shots as we see it rather than as the client wants us to see it), we believe that attorneys in State government should generally be centralized in the Department of the Attorney General.

However, we believe that the report does allude to an important point which is not fully developed in the report: the Attorney General's office has been too consumed in prison litigation to provide the level of legal services which DOC requires. The explosion of inmate litigation is not unique to Hawaii. Across the country, over one third of the federal civil docket consists of inmate cases. Recent appellate decisions have made it increasingly difficult to dispose of these cases with simple procedural motions. We find that we are required to engage in time-consuming discovery, lengthy evidentiary hearings and full-blown trials. Some statistics help put this in perspective. In October of 1986 there were 44 active inmate cases in our office. Today, there are over 110 active inmate cases. To put this into further perspective, between 1981 and 1986 there were no trials scheduled. In 1987 there were two trials scheduled. Between October of 1988 and June of 1989 there are 25 trials scheduled.

We are trying to address this problem in a number of ways. First, an additional deputy and paralegal have been authorized for corrections. We are trying to hire people to fill these positions, but are having difficulty in attracting qualified candidates because our salaries are not competitive. In the interim, we have assigned deputies who usually represent the Department of Human Services to assist the Corrections deputy. We have also asked DOC to establish a non-lawyer liaison to assist us in performing some of the functions identified by the authors of the study. Finally, we have recommended that the Department revise the inmate grievance process so that it could be certified by the Department of Justice in accordance with the Civil Rights of Institutionalized Persons Act. Under this act, an inmate may not file a lawsuit until he has exhausted the certified grievance process. Other states which have instituted a certified grievance system have experienced dramatic reductions in inmate litigation. To be frank, another reason for inmate litigation is that many inmates have little else to do. We support and encourage the efforts of the Department to improve and expand inmate educational and work programs. We are hopeful that the Legislature will be supportive of the Department's requests for funding to support this expansion and improvement.

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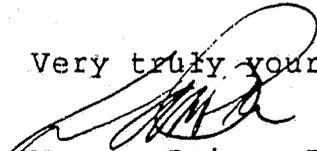
Security and Control:

The report characterizes Hawaii's inmate population as "mellow." "The majority of prisoners, even at Halawa, are not the violent predators with strong gang affiliation found in so many mainland states." Report, page 78. Accordingly, the report recommends "less emphasis on hardware and high security," id., and that the administration at Halawa "develop plans to gradually relax the degree of control throughout the institution," Report, page 74. We find these recommendations highly disturbing. Although we do not profess to be experts in the field of penology, we have extensive knowledge of the history of Hawaii's prisons, having been intimately connected with their operations for many years.

In the late 1970s and early 1980s, the facilities which are now OCCC and Halawa were out of control. At both facilities there were inmate gangs, organized primarily on ethnic lines, who fought brutal wars for control of the trade in illicit drugs. A number of inmate murders occurred. The National Guard was called in twice at OCCC. A major riot occurred at Halawa. Inmates were strong-armed, guards were intimidated and corrupted, prisoners died from tainted drugs, a number of guns were in the facilities, and general chaos reigned. Beginning with the OCCC shakedown in December 1981, Hawaii's prison administrators began a long and difficult battle to regain control of their facilities. New security policies were instituted, including the blanket strip search. These policies, which the authors believe should be relaxed, have been cited by many DOC personnel as producing what the report now characterizes as a "mellow" prison population. The report presents no evidence that criminals in Hawaii are by nature less violent or predatory. We do not believe they have been touched by the Aloha spirit. Rather, we believe that careful attention to security and control produces the salutary conditions that the report describes. Relaxing the degree of control may well result in a reversion to the deplorable conditions that existed in the late 1970s. We would rather defend security policies than wrongful death actions. Endangering the lives of inmates and staff is too high a price to pay.

Thank you again for the opportunity to comment on this report.

Very truly yours,

  
Warren Price, III  
Attorney General

WP:TF:11

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**APPENDICES**

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## Appendix A

### QUESTIONNAIRE RESULTS HAWAII STATE DEPARTMENT OF CORRECTIONS SURVEY Conducted during August 1988 \*

#### I. Methodology and Survey Instrument

The questionnaire, which did not ask for the identity of the respondent, consisted of multiple-choice questions followed by an open-ended request for comments. The first eight questions sought to establish the respondent's background in terms of pay, rank, educational achievement, age, sex, place of employment in the Hawaii Department of Corrections (DOC), years of work in corrections, and nature of work. The basic instrument was developed by the National Academy of Public Administration for a study it completed on the Federal Bureau of Prisons (BOP) in 1987. The survey form was modified only to the extent necessary to make it applicable to Hawaii. For example, questions having to do with mobility were eliminated since, unlike the BOP, the DOC has no program of regular rotation. Questions on overtime were added.

The latest available payroll roster of regular employees (excluding temporary hires) provided the universe from which each fourth name was selected to provide a 25 percent sample. Any employee so selected who has already been interviewed was passed over so as to achieve the widest range of input. Since some of the smaller facilities has so few employees relative to Oahu Community Corrections Center, a second random run was made through the payroll roster to slightly augment their numbers so as to provide a more comparable representation of attitudes and experience from other islands and in other types of facilities.

Selected respondents received the questionnaire through their facility via the Department of Corrections. After completing the questionnaire it was mailed directly back to the Legislative Auditor in a stamped envelope provided to respondents to preclude any person from seeing their responses.

\* Administration of the survey and tabulation of results by the staff of the Office of the Legislative Auditor.

II. Sample Distribution and Response

<u>Facility</u>	<u>Distribution</u>	<u>Responses</u>	<u>Rate</u>
Halawa Medium and Maximum	65	26	40%
Oahu Community Corrections Ctr.	129	64	50%
Hawaii Youth Corrections Facility	25	17	} 56%
Women's Community Corrections Ctr.	19	11	
Waiawa Corrections Facility	15	8	
Kulani Corrections Facility	20	11	
Kauai Community Corrections Ctr.	17	} 28	
Maui Community Corrections Ctr.	21		
Hawaii Community Corrections Ctr.	17		
Departmental headquarters	14	8	
did not identify facility		1	
	342	174	51%

NOTE: Distributed data exclude the seven questionnaires returned unopened because selectees were no longer DOC employees.

III. Results

Attached is the complete questionnaire with percentage of all responses written in above or beside each choice. Due to rounding, they do not always total 100. Numbers circled in the left margin indicate the total of responses for each question.

IV. Cross-Tabulations

Lacking the time and funds to establish a computerized program for so small a sample with so complex a questionnaire, only three cross-tabulations were run by hand. These sought to ascertain if responses differed by facility, by sex, and by pay level. Instead of citing the results according to the five choices offered in each question, the small numbers required that the choices be reduced to three -- e.g., agree, neutral, and disagree rather than strongly agree, agree, neutral, disagree, and strongly disagree. All data cited here are percentages of those responding to each question. The number of responses vary because not every respondent completed an answer for every question.

### III. FULL QUESTIONNAIRE WITH TOTALS

#### EMPLOYEE SURVEY OF THE DEPARTMENT OF CORRECTIONS

We need your help. The State Legislature asked the State Auditor to make a study of the Department of Corrections so as to assist it during its initial year as a completely independent department. We have brought onto our team for this effort the former head of the Federal Bureau of Prisons, Norman Carlson, and an internationally known professor in the field of corrections, Dr. David Ward.

Along with our staff, they will have interviewed the department's upper-level management and as many other personnel as possible. However, the large number of employees and the short time available make it impossible for us to talk with as many of you as we would like to do. Yet we do need to gain a better picture of how people in all sections of corrections view their jobs, their mission, their working conditions, the supervision and cooperation they experience. This is where you can help greatly.

From a roster of DOC employees, your name has been selected at random to receive this questionnaire. This form does not ask for your name, and there is no way to identify who answered it and mailed it back. All we ask is for your opinions. For lack of up-to-date addresses on all employees, we have sent this questionnaire to you through your work place. But you should mail it back directly to us in the stamped envelope included. No one will know if you answered or what opinions you have indicated.

This questionnaire was developed by the National Academy of Public Administration and was used by the Federal Bureau of Prisons for its employees with very useful results. Along with the interviews of managers and the results of various analyses, all of the questionnaires received back will be tabulated and used in the report to the Hawaii State Legislature by our consultants, Norman Carlson and Dr. David Ward. Copies of the final report will be supplied to the department and your unions and will be made available for you to look at, too.

Please do not take time from your job to complete this form. Complete it after work and mail it back as soon as possible so that your opinions can be included within the totals. What you say can be quite helpful for improving your department. Thank you.



Clinton Tanimura  
Legislative Auditor

## HAWAII DEPARTMENT OF CORRECTIONS

INSTRUCTIONS

- o Circle the answer on this sheet which is closest to your response to each question.
- o Circle only one answer for each question.

The following information is needed to help us with the statistical analyses of the data. All of your responses are strictly confidential. Individual responses will not be seen by anyone in the Department of Corrections, and no means of identification is included for the Legislative Auditor.

1.	What is your current pay grade?	<u>In percentage</u>
1	SR 10 or below	7.5
2	SR 11 to SR 13	10.0
3	SR 14 or 15	17.0
4	SR 16 or 17	24.0
5	SR 18 or 19	18.0
6	SR 20 to 23	7.5
7	SR 24 to 29	9.0
8	SR 30 or above	0.0
9	Don't know*	8.0
	*salary classification by other systems	
2.	What is your highest level of education?	<u>In percentage</u>
1	Less than high school graduate	1
2	High school graduate	22
3	Attended technical, vocational, business school after graduating from high school	35
4	Associate Degree	15
5	Bachelors Degree	19
6	Masters or Doctoral Degree	9

3. Which grouping includes your age?	<u>In percentage</u>
1 Less than 20 year old	0
2 20 thru 29 years old	15
3 30 thru 39 years old	37
4 40 thru 49 years old	25
5 50 years or above old	23
4. Are you a supervisor?	
1 Yes	44
2 No	56
5. What is your sex?	
1 Male	75
2 Female	25
6. Listed below are the institutions and offices of the DOC. Circle the name of your institution or office.	
1 Halawa Medium Security Facility	} 15
2 Halawa High Security Facility	
3 OCCC	37
4 Women CCC	} 48
5 Waiawa	
6 Hawaii Youth Correctional Facility	
7 Kulau Correctional Facility	
8 Hawaii CCC	
9 Maui CCC	
10 Kauai CCC	

## 7. What is your length of service with DOC?

1	Less than 1 year	9
2	1 thru 4 years	40
3	5 thru 9 years	32
4	10 thru 14 years	9
5	15 thru 19 years	5
6	20 years and over	5

## 8. What is your current assignment in DOC? Please circle one of the seven possibilities.

1	Adult Correctional Officer or Youth Correctional Officer	55
2	Social Worker or Resident Manager	10
3	Support functions, such as personnel, financial management, computer operations, legal/administrative systems, medical services, facilities management.	13
4	Program support such as education, recreation, psychology services, safety/occupational health, food services and industry.	10
5	Middle or upper management	6
6	Clerical Support	6

A. EMPLOYEE SURVEY RESPONSES, HAWAII DEPARTMENT OF CORRECTIONS (N=174)  
AND U.S. BUREAU OF PRISONS (N=805) (in percentages)

1. I am satisfied with my opportunities for promotion.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	29	12	59
BOP	51	15	34

2. I think promotions are fairly given.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	24	19	57
BOP	26.5	24	49

3. The people I work with generally do a good job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	57	32	12
BOP	80	11	14

4. The people I work with are improving their job performance.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	54	18	29
BOP	61.5	25	13

5. We have enough staff to do the right job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	16	2	82
BOP	24.5	10	66

6. I use my skills and abilities on the job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	81	14	5
BOP	88	5	7

7. I like my work.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	88	5	7
BOP	84	9.5	6

8. My workload is excessive.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	51	23	25
BOP	53.5	24	22.5

9. I am kept informed of how I am doing on the job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	46	10	43
BOP	55	15.5	29

10. I am required to get approval for decisions I should be able to make myself.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	43	8	49
BOP	33	21.5	45

11. I am able to get the training I need.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	37	14	48
BOP	45	20	35

12. I would file a discrimination complaint if I felt I had been discriminated against.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	72	20	9
BOP	54	21	25

13. I know whom to contact in order to file a discrimination complaint.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	77	2	21
BOP	86	6	9

14. I am not given enough work.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	7	2	91
BOP	4	9	86

15. I am satisfied with my job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	52	33	15
BOP	67	18	16

16. I think discrimination complaints are handled effectively.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	19	52	30
BOP	31	46.5	23

17. When problems in my work unit arise everybody works together to solve them.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	45	9	45
BOP	50	16	36

18. I am satisfied with the feedback I get about my performance.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	43	13	44
BOP	43	19	38

19. If I perform poorly in my job, my supervisor shows me how to improve my performance.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	36	26	38
BOP	42	22	36

20. I am satisfied with my immediate supervisor

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	61	16	23
BOP	62	20	18

21. My co-workers encourage each other to give their best effort

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	32	40	8
BOP	43	23	34

22. I never seem to have enough time to get the work done.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	26	36	38
BOP	40	23	36

23. I am told promptly when there is a change in policy, procedures, rules or regulations that affects me.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	35	25	41
BOP	47.5	16	37

24. I am satisfied with my present job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	59	27	13
BOP	68	18	15

In general I am treated fairly in regard to the following:

25. Promotions.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	38	29	33
BOP	48	23	29

26. Training.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	43	22	35
BOP	53	20	28
27. Awards.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	21	44	35
BOP	35	26	39
28. Job assignments.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	55	13	32
BOP	57	20	23
29. Discipline.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	60	17	23
BOP	60	25	16
30. My agency is making affirmative action efforts to increase the employment of minorities and females.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	30	54	17
BOP	64.5	28	8.5
31. The best qualified employees are selected for vacant positions.	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	17	27	56
BOP	21	25	53

32. My performance has been effectively evaluated in the last 12 months.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	56	13	30
BOP	56	15	30

33. My agency is accomplishing its mission in a productive manner through the effective use of people.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	25	30	44
BOP	41	25	34

34. I feel free to raise questions about specific promotion actions.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	35	22	42
BOP	37	21	42.5

35.\* All employees have an equal opportunity to work overtime.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	51	12	37

36.\* Overtime pay is part of my expected annual income.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	51	15	35

\*Item appears only in Hawaii survey.

37.\* Having to work overtime is an undesirable part of my job.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	42	8	51

38.\* Awarding overtime increases loyalty.

	<u>Agree</u>	<u>Neutral</u> (don't know, sometimes, not sure)	<u>Disagree</u>
DOC	15	27	58

39. How are female employees generally treated where you work compared to male employees?

	<u>DOC</u>	<u>BOP</u>
Treated better	29	34
Treated the same	60	51.5
Treated worse	11	14.5

40. In general, the current level of conflict which exists in your work setting is:

	<u>Low</u>	<u>Moderate</u>	<u>High</u>
DOC	24	38	37
BOP	33.5	37	30

41.\*\*In general, the current level of cooperation which exists in your work setting is:

	<u>Low</u>	<u>Moderate</u>	<u>High</u>
DOC	34	48	19
BOP	21	39	40

42. In general, to what extent does the supervision you receive contribute to conflict in your work setting?

	<u>None</u>	<u>A little</u>	<u>Some</u>	<u>A lot</u>	<u>Very much</u>
DOC	26	22	32	12	8
BOP	25	20	31	16	7.5

\*Item appears only in the Hawaii survey.

\*\*Similar but different wording in BOP survey.

43. In general, to what extent does the supervision you receive contribute to cooperation in your work setting?

	<u>None</u>	<u>A little</u>	<u>Some</u>	<u>A lot</u>	<u>Very much</u>
DOC	14	26	36	17	7
BOP	10	20	40	23	6

44.\* To what extent does the way persons communicate or share information contribute to cooperation in your work setting?

	<u>None</u>	<u>A little</u>	<u>Some</u>	<u>A lot</u>	<u>Very much</u>
DOC	10	22	29	17	21

How satisfied are you with the following aspects of your job?

	<u>Dissatisfied</u>	<u>Not sure</u>	<u>Satisfied</u>
45. The pay I receive:			
DOC	76	7	17
BOP	51	12.5	37
46. The benefits I receive:			
DOC	52	11	37
BOP	35	20	45
47. The job security I have:			
DOC	12	16	71
BOP	12	15	73
48. Working conditions or the environment in which I work:			
DOC	31	41	28
BOP	37	20	53
49. The amount of stress I experience on the job:			
DOC	48	22	30
BOP	51	27	23
50. The morale of my co-workers:			
DOC	60	15	25
BOP	45	21	34

\*Item appears only in the Hawaii survey.

	<u>Dissatisfied</u>	<u>Not sure</u>	<u>Satisfied</u>
51. Opportunities for personal growth and development:			
DOC	52	20	29
BOP	37	22	40
52. The amount of respect provided by the job:**			
DOC	44	21	35
BOP	20	31	38.4
53. A sense of worth while accomplishment in my work:**			
DOC	23	15	62
BOP	34	17	59.5
54. The people I talk to and work with on my job:			
DOC	10	59	31
BOP	12	24	63
A. Highest level of <u>education</u> ?		<u>DOC</u>	<u>BOP</u>
High school or less		23	23.5
Attended tech, voc, business school after graduating from high school		35	23
Associate degree		15	12
Bachelors degree		19	29
Masters or Doctoral degree		9	11
B. Age?		<u>DOC</u>	<u>BOP</u>
Less than 30 years old		15	21
30 through 39		37	20
40 years or older		48	57.5
C. Length of Service		<u>DOC</u>	<u>BOP</u>
Less than a year		9	11
1 through 4 years		40	32
5 through 9 years		32	24
10 or more years		19	32.5

B. HDC RESPONSES BY FACILITY		<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
1. Satisfied with promotion opportunities.				
Halawa		41	4	56
OCCC		21	10	70
all others		29	16	55
2. Promotions are given fairly.				
Halawa		37	15	48
OCCC		10	13	76
all others		29	22	49
3. People do a good job.				
Halawa		74	26	0
OCCC		45	41	13
all others		60	25	14
4. People are improving on job.				
Halawa		74	19	7
OCCC		49	17	34
all others		51	19	30
5. We have enough staff.				
Halawa		19	0	81
OCCC		22	1	76
all others		9	2	89
6. I use my skills on job.				
Halawa		85	11	4
OCCC		73	18	9
all others		84	13	2
7. I like my work.				
Halawa		92	4	4
OCCC		87	4	9
all others		86	7	7
8. My workload is excessive				
Halawa		14	30	30
OCCC		49	15	36
all others		52	28	20

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
9. I am kept informed on job.			
Halawa	59	0	41
OCCC	36	4	60
all others	50	19	31
10. Must needlessly get approval for actions taken.			
Halawa	38	8	54
OCCC	48	3	49
all others	40	8	51
11. I get needed training.			
Halawa	26	15	59
OCCC	33	12	55
all others	44	15	40
12. I would file discrimination complaint if necessary.			
Halawa	81	19	0
OCCC	67	22	10
all others	70	20	10
13. I know whom to contact for such a complaint.			
Halawa	85	0	15
OCCC	70	1	20
all others	80	4	17
14. I am not given enough work to do.			
Halawa	0	0	100
OCCC	12	1	86
all others	5	2	93
15. I am satisfied with my job.			
Halawa	40	22	7
OCCC	43	42	15
all others	52	32	15
16. Discrimination complaints are handled effectively.			
Halawa	30	41	30
OCCC	14	48	38
all others	19	58	23

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
17. Everyone works to solve problems			
Halawa	52	4	44
OCCC	49	4	47
all others	40	14	45
18. Satisfied with feedback on my work.			
Halawa	56	7	37
OCCC	39	7	53
all others	43	19	38
19. My supervisors show me how to improve my work.			
Halawa	38	27	35
OCCC	27	17	56
all others	40	35	26
20. I am satisfied with supervisor.			
Halawa	65	12	23
OCCC	61	6	33
all others	59	24	17
21. Co-workers encourage each other.			
Halawa	52	48	0
OCCC	21	35	44
all others	32	43	25
22. Not enough time to get work done.			
Halawa	30	26	44
OCCC	15	28	57
all others	33	43	24
23. Promptly told of policy changes.			
Halawa	57	11	32
OCCC	27	28	45
all others	36	29	36
24. Satisfied with present job.			
Halawa	69	23	8
OCCC	55	28	16
all others	59	29	12

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
25. Treated fairly on promotions.			
Halawa	38	23	38
OCCC	26	27	47
all others	43	37	20
26. On training.			
Halawa	30	26	44
OCCC	45	16	39
all others	49	22	28
27. On awards.			
Halawa	31	27	42
OCCC	15	36	48
all others	26	50	24
28. Job assignments.			
Halawa	67	4	30
OCCC	49	10	40
all others	54	18	29
29. On discipline.			
Halawa	73	8	19
OCCC	54	18	28
all others	63	18	18
30. Agency has taken affirmative action to hire females.			
Halawa	44	41	15
OCCC	24	59	17
all others	29	55	17
31. Best qualified get vacant positions.			
Halawa	33	26	41
OCCC	11	15	74
all others	18	33	49
32. My performance is effectively evaluated.			
Halawa	59	7	33
OCCC	54	7	39
all others	58	20	21

33. My agency is accomplishing its mission effectively.	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
Halawa	48	19	33
OCCC	13	25	61
all others	26	39	35
34. I can question promotions.			
Halawa	44	26	30
OCCC	24	16	60
all others	44	22	34
35. All employees get equal chance for overtime work.			
Halawa	50	12	38
OCCC	30	15	55
all others	64	13	23
36. I depend on overtime work.			
Halawa	50	19	31
OCCC	73	9	18
all others	35	16	49
37. Overtime is undesirable feature.			
Halawa	19	4	78
OCCC	45	10	45
all others	45	6	49
38. Overtime increases loyalty.			
Halawa	22	33	44
OCCC	17	17	66
all others	11	29	61
39. Female employees are treated:	<u>Better</u>	<u>Same</u>	<u>Worse</u>
Halawa	12.5	75	12.5
OCCC	40	48	12
all others	24	66	10
<u>Amount of conflict/cooperation</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>
40. Conflict at work:			
Halawa	46	42	12
OCCC	19	27	54
all others	24	45	31

	<u>Low</u>	<u>Moderate</u>	<u>High</u>
41. Degree of worker cooperation:			
Halawa	15	42	42
OCCC	43	44	13
all others	31	56	13
42. Degree of supervision contributes to conflict:			
Halawa	44	44	11
OCCC	42	30	27
all others	50	31	19
43. Degree of supervision contributes to cooperation:			
Halawa	15	44	41
OCCC	48	32	20
all others	42	38	20
44. Degree can discuss problem with supervisors and get help:			
Halawa	11	33	56
OCCC	38	31	31
all others	33	27	39
Degree of satisfaction:	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
45. With pay:			
Halawa	70	7	22
OCCC	82	6	12
all others	73	5	22
46. With benefits received:			
Halawa	50	12	38
OCCC	53	9	38
all others	50	12	38
47. With job security:			
Halawa	7	4	89
OCCC	12	25	63
all others	17	15	68
48. With working conditions:			
Halawa	7	37	56
OCCC	47	36	17
all others	31	44	25

	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
49. With amount of job stress:			
Halawa	15	37	48
OCCC	59	14	27
all others	51	23	26
50. With co-worker morale:			
Halawa	12	15	73
OCCC	80	8	12
all others	59	20	20
51. With opportunities for growth:			
Halawa	33	19	48
OCCC	67	15	18
all others	48	23	29
52. With respect provided by job:			
Halawa	23	35	42
OCCC	67	16	17
all others	30	17	52
53. With sense of accomplishment:			
Halawa	15	11	74
OCCC	39	14	47
all others	12	11	77
54. With people met on the job:			
Halawa	0	41	59
OCCC	10	71	19
all others	10	63	28

C. HDC RESPONSES BY SALARY LEVEL OF RESPONDENT		<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
1.	Satisfied with promotion opportunities.			
	below SR-16	28	14	59
	SR-16 to SR-19	25	10	65
	above SR-19	46	12	42
2.	Promotions are given fairly.			
	below SR-16	21	26	53
	SR-16 to SR-19	19	12	69
	above SR-19	43	18	39
3.	People do a good job.			
	below SR-16	60	28	12
	SR-16 to SR-19	54	31	15
	above SR-19	68	29	4
4.	People are improving on job.			
	below SR-16	50	24	26
	SR-16 to SR-19	52	16	32
	above SR-19	61	14	25
5.	We have enough staff.			
	below SR-16	14	2	85
	SR-16 to SR-19	15	2	83
	above SR-19	18	0	82
6.	I use my skills on job.			
	below SR-16	81	10	8
	SR-16 to SR-19	77	20	4
	above SR-19	93	7	0
7.	I like my work.			
	below SR-16	88	5	7
	SR-16 to SR-19	90	4	6
	above SR-19	86	4	11
8.	My workload is excessive			
	below SR-16	52	19	29
	SR-16 to SR-19	47.5	22.5	30
	above SR-19	57	21	21

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
9. I am kept informed on job.			
below SR-16	49	10	41
SR-16 to SR-19	43	4	53
above SR-19	39	29	32
10. Must needlessly get approval for actions taken.			
below SR-16	43	7	50
SR-16 to SR-19	46	5	49
above SR-19	25	11	64
11. I get needed training.			
below SR-16	40	14	47
SR-16 to SR-19	36	12	52
above SR-19	50	14	36
12. I would file discrimination complaint if necessary.			
below SR-16	75	20	5
SR-16 to SR-19	68	20	12
above SR-19	61	29	11
13. I know whom to contact for such a complaint.			
below SR-16	71	3	25
SR-16 to SR-19	80	1	18
above SR-19	89	0	11
14. I am not given enough work to do.			
below SR-16	10	3	87
SR-16 to SR-19	4	0	96
above SR-19	11	4	86
15. I am satisfied with my job.			
below SR-16	51	33	16
SR-16 to SR-19	53	36	11
above SR-19	61	29	11
16. Discrimination complaints are handled effectively.			
below SR-16	20	58	22
SR-16 to SR-19	12	47	41
above SR-19	32	57	11

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
17. Everyone works to solve problems			
below SR-16	43	13	43
SR-16 to SR-19	42	5	53
above SR-19	54	18	29
18. Satisfied with feedback on my work.			
below SR-16	41	15	44
SR-16 to SR-19	44	6	49
above SR-19	46	29	25
19. My supervisors show me how to improve my work.			
below SR-16	47	22	31
SR-16 to SR-19	25	29	46
above SR-19			
20. I am satisfied with supervisor.			
below SR-16	69	9	22
SR-16 to SR-19	56	16	28
above SR-19	54	29	18
21. Co-workers encourage each other.			
below SR-16	40	40	21
SR-16 to SR-19	22	43	35
above SR-19	39	29	32
22. Not enough time to get work done.			
below SR-16	22	39	39
SR-16 to SR-19	24	30	46
above SR-19	46	36	18
23. Promptly told of policy changes.			
below SR-16	41	22	36
SR-16 to SR-19	33	26	41
above SR-19	32	36	32
24. Satisfied with present job.			
below SR-16	60	12	19
SR-16 to SR-19	54	35	11
above SR-19	59	32	11
25. Treated fairly on promotions.			
below SR-16	37	39	25
SR-16 to SR-19	32	22	46
above SR-19	61	25	14

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
26. On training.			
below SR-16	47	24	29
SR-16 to SR-19	43	17	40
above SR-19	54	25	21
27. On awards.			
below SR-16	26	47	28
SR-16 to SR-19	18	36	46
above SR-19	32	46	21
28. Job assignments.			
below SR-16	65	12	23
SR-16 to SR-19	49	9	42
above SR-19	50	21	29
29. On discipline.			
below SR-16	58	15	27
SR-16 to SR-19	62	12	26
above SR-19	57	36	7
30. Agency has taken affirmative action to hire females.			
below SR-16	27	53	20
SR-16 to SR-19	30	53	16
above SR-19	32	57	11
31. Best qualified get vacant positions.			
below SR-16	21	29	50
SR-16 to SR-19	16	19	65
above SR-19	18	36	46
32. My performance is effectively evaluated.			
below SR-16	64	12	24
SR-16 to SR-19	54	12	33
above SR-19	50	25	25
33. My agency is accomplishing its mission effectively.			
below SR-16	25	31	44
SR-16 to SR-19	23	28	48
above SR-19	36	25	39

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
34. I can question promotions.			
below SR-16	34	15	51
SR-16 to SR-19	36	20	44
above SR-19	46	32	21
35. All employees get equal chance for overtime work.			
below SR-16	54	8	37
SR-16 to SR-19	47	11	42
above SR-19	46	36	18
36. I depend on overtime work.			
below SR-16	49	12	40
SR-16 to SR-19	59	14	27
above SR-19	23	19	58
37. Overtime is undesirable feature.			
below SR-16	46	4	49
SR-16 to SR-19	46	6	48
above SR-19	25	21	54
38. Overtime increases loyalty.			
below SR-16	15	27	58
SR-16 to SR-19	10	23	67
above SR-19	18	14	68
39. Female employees are treated:	<u>Better</u>	<u>Same</u>	<u>Worse</u>
below SR-16	21	66	14
SR-16 to SR-19	39	52	10
above SR-19	7	82	11
<u>Amount of conflict/cooperation:</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>
40. Conflict at work:			
below SR-16	27	41	32
SR-16 to SR-19	24	31	45
above SR-19	25	43	32
41. Degree of worker cooperation:			
below SR-16	27	58	16
SR-16 to SR-19	42	46	12
above SR-19	25	43	32

	<u>Low</u>	<u>Moderate</u>	<u>High</u>
42. Degree of supervision contributes to conflict:			
below SR-16	52	25	22
SR-16 to SR-19	40	37	22
above SR-19	64	29	7
43. Degree of supervision contributes to cooperation:			
below SR-16	46	32	22
SR-16 to SR-19	37	44	19
above SR-19	43	29	29
44. Degree can discuss problems with supervisors and get help:			
below SR-16	29	29	42
SR-16 to SR-19	33	32	35
above SR-19	32	32	36
Degree of satisfaction:	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
45. With pay:			
below SR-16	71	8	20
SR-16 to SR-19	81	3	16
above SR-19	70	7	22
46. With benefits received:			
below SR-16	51	14	36
SR-16 to SR-19	54	6	39
above SR-19	50	11	39
47. With job security:			
below SR-16	12	15	13
SR-16 to SR-19	12.5	20	67.5
above SR-19	14	11	75
48. With working conditions:			
below SR-16	31	37	32
SR-16 to SR-19	34	45	21
above SR-19	29	39	32
49. With amount of job stress:			
below SR-16	47	22	31
SR-16 to SR-19	53	21	27
above SR-19	32	24	44

	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
50. With co-worker morale:			
below SR-16	54	17	29
SR-16 to SR-19	71	8	21
above SR-19	46	18	36
51. With opportunities for growth:			
below SR-16	46	22	32
SR-16 to SR-19	42	16	22
above SR-19	39	18	43
52. With respect provided by job:			
below SR-16	33	18	49
SR-16 to SR-19	54	21	26
above SR-19	25	21	54
53. With sense of accomplishment:			
below SR-16	21	10	69
SR-16 to SR-19	26	14	60
above SR-19	11	11	79
54. With people met on the job:			
below SR-16	10	57	33
SR-16 to SR-19	10	65	24
above SR-19	4	54	43

D. HDC RESPONSES BY SEX OF RESPONDENT		<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
1.	Satisfied with promotion opportunities.			
	Male/Female	30/26	12/13	58/62
2.	Promotions are given fairly.			
	Male/Female	23/23	17/23	60/53
3.	People do a good job.			
	Male/Female	58/53	30/32	11/15
4.	People are improving on job.			
	Male/Female	55/51	18/19	27/30
5.	We have enough staff.			
	Male/Female	14/17	2/2	84/81
6.	I use my skills on job.			
	Male/Female	83/74	14/17	3/9
7.	I like my work.			
	Male/Female	86/91	6/4	8/4
8.	My workload is excessive			
	Male/Female	50/49	23/23	27/28
9.	I am kept informed on job.			
	Male/Female	44/53	11/11	46/36
10.	Must needlessly get approval for actions taken.			
	Male/Female	46/35	6/4	48/61
11.	I get needed training.			
	Male/Female	38/36	16/9	47/55
12.	I would file discrimination complaint if necessary.			
	Male/Female	71/72	19/28	11/0

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
13. I know whom to contact for such a complaint.			
Male/Female	77/77	2/4	21/19
14. I am not given enough work to do.			
Male/Female	5/11	2/0	93/89
15. I am satisfied with my job.			
Male/Female	54/47	32/38	13/15
16. Discrimination complaints are handled effectively.			
Male/Female	18/17	51/57	31/26
17. Everyone works to solve problems			
Male/Female	46/45	10/9	44/47
18. Satisfied with feedback on my work.			
Male/Female	41/49	11/19	48/32
19. My supervisors show me how to improve my work.			
Male/Female	34/38	29/29	38/43
20. I am satisfied with supervisor.			
Male/Female	61/61	16/15	23/24
21. Co-workers encourage each other.			
Male/Female	31/32	44/32	26/36
22. Not enough time to get work done.			
Male/Female	26/26	35/37	38/37
23. Promptly told of policy changes.			
Male/Female	38/32	21/34	41/34
24. Satisfied with present job.			
Male/Female	59/61	27/26	14/13
25. Treated fairly on promotions.			
Male/Female	33/46	30/26	36/28

	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
26. On training.			
Male/Female	50/28	17/32	33/40
27. On awards.			
Male/Female	22/26	42/37	36/37
28. Job assignments.			
Male/Female	52/62	13/13	36/26
29. On discipline.			
Male/Female	60/60	16/19	24/21
30. Agency has taken affirmative action to hire females.			
Male/Female	30/30	54/55	17/15
31. Best qualified get vacant positions.			
Male/Female	18/15	24/30	58/55
32. My performance is effectively evaluated.			
Male/Female	53/67	15/13	32/20
33. My agency is accomplishing its mission effectively.			
Male/Female	26/26	32/26	43/49
34. I can question promotions.			
Male/Female	37/34	24/15	39/51
35. All employees get equal chance for overtime work.			
Male/Female	56/38	9/23	35/38
36. I depend on overtime work.			
Male/Female	57/36	16/11	27/53
37. Overtime is undesirable feature.			
Male/Female	42/40	7/11	51/49

38. Overtime increases loyalty.	<u>Agree</u>	<u>Neutral</u>	<u>Disagree</u>
Male/Female	17/9	27/19	55/72
39. Female employees are treated:	<u>Better</u>	<u>Same</u>	<u>Worse</u>
Male/Female	34/11	58/68	8/20
<u>Amount of conflict/cooperation:</u>	<u>Low</u>	<u>Moderate</u>	<u>High</u>
40. Conflict at work:			
Male/Female	21/37	45/24	34/39
41. Degree of worker cooperation:			
Male/Female	35/28	47/57	19/15
42. Degree of supervision contributes to conflict:			
Male/Female	47/47	33/30	20/23
43. Degree of supervision contributes to cooperation:			
Male/Female	38/50	38/30	24/20
44. Degree can discuss problems with supervisors and get help:			
Male/Female	33/30	29/32	38/38
Degree of satisfaction:	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
45. With pay:			
Male/Female	80/70	5/7	15/24
46. With benefits received:			
Male/Female	53/48	10/13	37/39
47. With job security:			
Male/Female	14/11	17/15	68/74
48. With working conditions:			
Male/Female	34/28	38/49	28/23

	<u>Dissatisfied</u>	<u>Neutral</u>	<u>Satisfied</u>
49. With amount of job stress:			
Male/Female	48/47	20/26	32/28
50. With co-worker morale:			
Male/Female	59/62	16/6	25/32
51. With opportunities for growth:			
Male/Female	53/53	20/15	27/32
52. With respect provided by job:			
Male/Female	46/34	20/18	35/48
53. With sense of accomplishment:			
Male/Female	23/17	14/15	63/67
54. With people met on the job:			
Male/Female	11/4	59/61	30/35

Appendix B

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OFFICE OF THE AUDITOR  
STATE OF HAWAII

STATE OF HAWAII  
DEPARTMENT OF CORRECTIONS  
OAHU COMMUNITY CORRECTIONAL CENTER  
CORRECTIONS OFFICERS PETITION  
APRIL 20, 1988

Responsibilities and duties have increased but pay has remained low. Let it be known that this petition represents the changes that need to be made to raise the employee morale, reduce high turn-over and for the general good of the facility as well as staff. This petition was formed for the general benefit of all corrections officers who work in the state of Hawaii and their respective facilities. The undersigned want and agree to the following:

#### Salary Increase

That our respective legislators approve an across the board salary increase of \$400 more per month for all corrections officers from ACO 3s to lieutenants and \$200 more a month for new hires. This salary increase is reasonable and comparative to that of deputy sheriffs and police officers pay, but still much lower than the national average for corrections officers pay. This salary increase should be on or before January 1, 1989. This amount is needed because corrections officers are now under paid and have been for along time now. An increase of the amount above would reduce the high turn-over, sick leave and over time significantly. A salary increase of 15% each and every other year thereafter. This amount or more would keep corrections officers up with the high cost of living and inflation which has been ever increasing year after year. The 15% is the minimum amount needed for a cost of living allowance in the state of Hawaii.

#### Separate Bargaining Unit

That our respective legislators approve a bargaining unit made up of corrections officers only. Separate from all other state employees. That corrections officers will be known as professionals in this new bargaining unit.

#### Night Differential Pay

That the legislature approve legislation to increase the night differential pay to \$1.00 an hour for each hour of a corrections officers actual work performed from 6:00PM to 6:00AM

#### The Right to Strike

That the respective legislature approve a law that would allow all corrections officers in the state of Hawaii a constitutional right to strike and picket.

#### Uniforms

The employer issue uniforms for all corrections officers after passing their probation. Have employer issue replacement uniforms for normal wear and tear at no cost to the employees. Have the employer furnish work shoes and other needed accessories to the employee or give an allowance for such items. Such as with HPD and deputy sheriffs.

#### Insurance

That the employer pay for the employees medical and dental insurance. That all corrections officers, after passing their probation, be given 100% full medical and dental insurance which covers all prescription medicines and all vision services.

#### Holding Back of Staff

That the department of corrections and its administration agree not to hold any corrections officer over his or her eight hour work shift if that officer does not wish to work over. Unless the facility is very short staffed to pose a security risk then those particular modules that are short will be locked down for the rest of that watch before holding any one over. If any corrections officer must be held back only those with the lowest seniority will be held over. Seniority must be taken into consideration. Any supervisor who does not go by seniority when holding an ACO back will be suspended for thirty days with out pay. In the event there is a riot then the entire facility shall be held back.

### Selective Hiring

That our administration and the personnel department along with the department of corrections agree to set up higher standards, policies and procedures regarding the hiring of new corrections officers. That the personnel department do back ground investigation checks on potential correctional officers before hiring them. Hire respective individuals with only good qualities, attitudes and behaviors. Individuals that can handle the job mentally and physically. Conduct a criminal investigations check on corrections officers present and future. Don't hire any one with a prior criminal record and terminate any one who is presently employed that has a criminal record. Conduct a psychiatric evaluation on all corrections officers present and future. Any officer found to be mentally incompetent by a psychiatrist is to be terminated. Any prospective employee found to be mentally incompetent is not to be hired by any correctional facility in the state of Hawaii.

### Training of New Corrections Officers

New corrections officers must satisfactorily complete formalized basic corrections officers training at the Corrections Training Center, shortly after entrance on duty. Failure to satisfactorily complete all required physical training and examinations in accordance with the standards and policies of the department of corrections will be grounds for mandatory removal from this position. Probation for new corrections officers shall be extended for one full year with a satisfactorily completion on the job.

### Physical Agility Test

New corrections officers must satisfactorily complete a basic corrections officers physical agility test before being hired. Failure to satisfactorily complete this test will result in a mandatory removal from this position.

### Height Proportionate to Weight

New corrections officers shall all be physically fit and satisfactorily past a physical examination with their height proportionate to their weight.

### Drug Screening

All new corrections officers will be given a mandatory drug test by blood. Satisfactory completion of drug screening is a condition of employment. Failure to undergo drug tests or positive findings indicating the use of illegal drugs will eliminate a candidate from consideration of employment in any correctional facility in the state of Hawaii. Drug screening shall be given to all employees who work for a correctional facility. Present employees will undergo drug tests at least once every six months at random on an equal basis. These tests shall be standard procedure and conducted in a secured drug screening place out side the facility. Drug tests for present employees shall be given with out the employees knowing in advance. A drug screening method that is conducted by a drug screening laboratory or doctors specializing in drug screening with a 100% accurate method of screening shall be used. Any employee who tests positive for any type of illegal (nonprescribed drugs) shall be terminated automatically by the administration. Any employee who refuses to take a drug test for any reason whatsoever shall be terminated.

### Facility Transfers

Set up a policy on facility transfers to make it much esier and faster, where a corrections officer can transfer to another state facility or an out of island facility if he or she wants to later. Officers with the most seniority would have first choice in transfers to other prisons.

### Narcotics Dogs

That the department of corrections have their own drug sniffing dogs. Such dogs will be used during shake downs at the different facilities to find drugs. Also one would be stationed at the front entrance of each facility to catch any one bringing in drugs. The dogs will also be a deterrent for any one thinking of bringing in drugs. This will give more reassurance of a drug free facility and a safer working environment. Any one suspected of having drugs on them by the narcotics dogs will be enough reasonable cause to strip search that person or persons. Any one caught bringing in any kind of illegal drugs is to be arrested and prosecuted. Any employee caught bringing in any kind of illegal drugs is to be arrested, prosecuted and terminated.

### Permanent Watches

That corrections officers at O.C.C.C. be given permanent watches to work, abandon rotating watches. Have ACOs choose which watch they would prefer working. Go by seniority when setting permanent watches and days off for corrections officers and supervisors. Set up a policy where corrections officers can switch to a different watch if they wish to later by PMA. Continue to rotate posts every three months, posts must be rotated equally and fairly.

### Notification of Write-ups

After a decision has been reached on an inmates write-up the adjustment committee, program committee, or person in authority to make a decision on the write-up shall properly notify the originator of the write-up as to the outcome of that particular write-up. What action has been taken if any and the sanction imposed. The date or dates the sanction was or is to be carried out. Also the names of the staff members who made the decision and sanctions imposed. If for some reason the originator feels that the decision and or sanctions are too lenient or unjust the originator may have the right to grievance the decision and sanction to the branch administrator.

### Promotion Potential

Set up a policy on facility promotions. Have the department of corrections establish new policies with the personnel department where corrections officers have a better opportunity to get into upper management jobs as positions open. Set up a policy to hire employees within the facility pertaining to lieutenants, captains and upper level management. Create a policy regarding promotions with more emphasis based on a persons experience and seniority.

### Favoritism

Abolish favoritism within the facility and conduct internal investigations on all supervisor who condone such behavior. Suspend any supervisor for sixty days with out pay for favoritism for the first offense and terminate for a second offense. Favoritism shall mean the special treating of another employee over other employees.

### Modules

That the captains and lieutenants make daily checks of all modules on all watches. That all modules shall fall under security and that the lieutenants will be in charge of the modules. This will booster employee morale and give them a sense of stronger leadership within the modules.

### Over-Time

Over-Time days shall not be limited unless it effects all of the facilities in the state of Hawaii. Over-Time shall be given to all corrections officers fairly and equally.

Parking

That the department of corrections improve the parking conditions at O.C.C.C. to have the proper number of parking stalls for the number of employees working here.

Emergency Hire

Set a limit on emergency hire corrections officers where they can not work over six months with out passing and meeting the same standards and tests as permanent hire corrections officers. Any emergency hire corrections officers who fails a written or physical agility test shall be terminated.

Administration

That the administration and the department of corrections agree on setting up policies and procedures that will enable corrections officers and supervisors to participate and help in the facilities planning, operations policies, rules and other facility changes. Where corrections officers will be able to give suggestions, in put, voice there opinions and recommendations on future facility policies or operational changes within there respective facilities. In the event a future specific rule or policy change is disputed a vote by a show of hands of corrections officers, during 2nd. watch briefing, will be conducted prior to that rule or policy change, majority rules in this case.

END OF PETITION

Appendix C

MINNESOTA DEPARTMENT OF CORRECTIONS  
SALARY PLAN, JULY 1988

	<u>Minimum Annual Salary</u>	<u>Maximum Annual Salary</u>
Commissioner of Corrections*		
Deputy Commissioner for Corrections	50,822	67,442
Assistant Commissioner for Policy and Planning for Corrections	49,026	65,104
Warden (State Prisons)	47,335	62,849
Superintendents (Correctional Facilities)	40,987	62,849
Ombudsman for Corrections	38,043	50,822
Deputy Ombudsman	34,034	45,665
Correctional Education Coordinator	39,505	52,597
Correctional Fiscal Director	39,505	52,597
Corrections Field Service Director	42,491	56,480
Correctional Industries Program Coordinator	36,644	49,026
Correctional Facility Industries Director	36,644	49,026
Correctional Hearings Officer Supervisor	35,308	47,335
Cell Hall Director	31,550	42,491
Captain	31,550	42,491
Correctional Counselor (Officer) 1	20,379	21,527**
Correctional Counselor (Sr. Officer) 2	22,133	27,081
Correctional Counselor (Sergeant) 3	25,557	31,090
Correctional Counselor (Lieutenant) 4	28,251	38,043
Correctional Caseworker 1	24,471	33,450
Correctional Caseworker 2	28,063	38,607
Correctional Program and Policy Monitor	31,153	41,405
Correctional Marketing Specialist	31,550	42,491
Correctional Juvenile Program Director	31,550	42,491
Correctional Internal Affairs Investigator	28,063	37,208
Correctional Inmate Personnel Specialist	23,678	31,153
Correctional Information Center Supervisor	27,269	38,043
Correctional Industries Supervisor	30,443	31,550
Correctional Detention Program Manager	34,034	45,665

\* Set by Governor

\*\*After 6-month probation, completion of one corrections class at the college level and recommendation by supervisor, all CCI's move into CCII category.