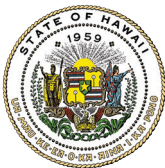


Audit of the Department of Public Safety

A Report to the Governor
and the Legislature of the
State of Hawai'i

Report No. 22-05
June 2022



OFFICE OF THE AUDITOR
STATE OF HAWAII



OFFICE OF THE AUDITOR STATE OF HAWAII

Constitutional Mandate

Pursuant to Article VII, Section 10 of the Hawai'i State Constitution, the Office of the Auditor shall conduct post-audits of the transactions, accounts, programs and performance of all departments, offices and agencies of the State and its political subdivisions.

The Auditor's position was established to help eliminate waste and inefficiency in government, provide the Legislature with a check against the powers of the executive branch, and ensure that public funds are expended according to legislative intent.

Hawai'i Revised Statutes, Chapter 23, gives the Auditor broad powers to examine all books, records, files, papers and documents, and financial affairs of every agency. The Auditor also has the authority to summon people to produce records and answer questions under oath.

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To improve government through independent and objective analyses.

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We report our findings and make recommendations to the governor and the Legislature to help them make informed decisions.

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Foreword

Our audit of the Department of Public Safety was conducted pursuant to Article VII, Section 10 of the Hawai'i State Constitution and section 23-4, Hawai'i Revised Statutes, which authorizes the Auditor to conduct post-audits of the transactions, accounts, programs, and performance of all departments, offices, and agencies of the State and its political subdivisions.

We express our sincere appreciation to the staff of the Department of Public Safety, in particular the administration and corrections offices, the wardens of the eight correctional facilities, and other individuals whom we contacted during the course of our audit for their cooperation and assistance.

Leslie H. Kondo
State Auditor

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Audit of the Department of Public Safety

Introduction

CORRECTIONAL INSTITUTIONS ARE UNIQUE among many, if not most, state facilities. They operate 24 hours a day, 365 days a year, and provide a variety of interrelated services for persons who have been charged with or convicted of committing criminal offenses. In addition to law enforcement, these services include food service, medical care, education, recreation, and vocational training. However, unlike many other organizations that are able to generally continue their day-to-day operations when staff are absent from work, there are a number of posts in a prison (referred to as “essential” or “red” posts) that, as a rule, should not be left unattended. For these essential posts, when an employee is not available to work, the employee’s shift must be covered by another employee. Even if the essential post is covered by moving another employee from a non-essential post, either leaving that post temporarily unattended or shutting it down, the absence will mean that there is one less staff member able to monitor inmates and respond to emergencies should they arise, not to mention the extra work and responsibilities for the employees who are present during that shift. Shutting down non-essential posts also means

... [T]he shift relief factors used by DPS for essential posts ... were calculated in 1970 and have not been updated to account for a number of new laws and collective bargaining agreement terms ...

What Is a Post?

A **POST** is an established staff function assigned to a particular area within a correctional facility to provide a security presence or to perform routine operations. Posts take a variety of forms, such as guarding the main entrances, staffing watch towers, and patrolling the perimeters of medium- and high-security facilities. Supervisory and support posts operate out of central control centers at the various institutions. Other posts are situated throughout an institution where inmates may be allowed to go – such as kitchens, laundries, medical clinics, recreational areas, and classrooms. Posts are set up to watch over inmate residential units, whether they be barred cells or dormitory type facilities. Still other posts have search and escort duties and bear responsibility for the safe transfer of inmates within and between institutions or other agencies.

As previously noted, a post typically operates either seven days per week or five days per week; some posts are required 24 hours every day. Typically, seven-day posts involve three eight-hour shifts so they are manned on a 24/7 basis. Five-day posts, on the other hand, generally involve only one or two eight-hour shifts.

According to the DPS Institutions Administrator, generally, seven-day-per-week posts are designated as “essential” posts and five-day-per-week posts are considered “non-essential” posts. Essential posts represent the minimum number of posts needed to provide safety for the inmates, staff, and the public. Non-essential posts are all other posts including those that provide a security presence for inmate services and programs such as the law library and substance abuse treatment programs.

temporarily putting a halt to impacted inmate programs such as drug treatment and privileges like recreation, which may heighten tensions among the inmate population and present an increased safety risk to staff.

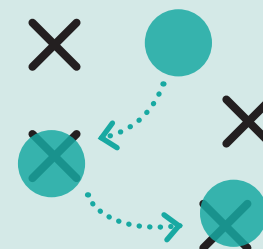
To determine the number of security staff (Adult Correctional Officers or ACOs) needed to work a facility’s security and other posts without having to close non-essential posts or rely on significant amounts of overtime, correctional institutions employ a staffing multiplier called a shift relief factor, an important metric that accounts for staff absences. The shift relief factor uses actual data about staff absences, including vacation and sick leave, training days, and other types of leave, as well as instances when staff are reassigned from a post, to determine the number of full-time positions needed to keep a post occupied for a single eight-hour work shift. The shift relief factor is an essential tool in developing and managing security staffing needs and employee schedules. However, we found that the shift relief factors used by DPS for essential posts that must be manned seven days a week and for five-day, non-essential posts were calculated in 1970 and have not been updated to account for a number of new laws and collective bargaining agreement terms that have increased the amount of leave available to employees (and likely the number of days ACOs are unavailable to cover assigned posts), directly and significantly impacting the department’s staffing needs.

In 1992, the department requested that the Legislature increase security staff positions. The request was based on an update of the department’s shift relief factor from 1.65 to 1.88 for a post manned 24 hours, 7 days per week and from 1.25 to 1.34 for a post manned 5 days per week. The department asserted that a post operating 7 days a week and requiring continuous coverage 24 hours a day under three 8-hour work shifts required one full-time equivalent (FTE) staff person plus an additional 0.88 FTE staff to ensure the post is filled each shift.

In response to this request, we issued Report No. 92-27, *A Review of a Formula for Security Staffing at the Department of Public Safety*, published in December 1992. In that report, we found that the shift relief factor proposed by the department appeared reasonable; however, because of the shortcomings in the data, there was no definitive answer as to what the shift relief factor should be. We reported that the data – manually maintained at the individual correctional facilities – were inconsistent and sometimes inaccurate. The Legislature did not amend the department’s shift relief factor during the 1993 session.

During the 1994 session, the department returned to the Legislature again requesting that security staffing be increased based on its 1992 recalculation of the shift relief factor from 1.65 to 1.88 for a 7-day-per-week post. However, the Legislature again took no action on the request. Instead, it requested our office conduct a follow-up review of the actions the department had taken in response to recommendations in Report No. 92-27 as well as those in a financial audit conducted at the same time.

In this report, Report No. 22-05, *Audit of the Department of Public Safety*, we found that the department still uses the same shift relief factor it calculated decades ago, based on 50-year-old conditions and staff leave data. We found that since we first reported these issues in 1992, little has been done to determine a shift relief factor that accurately reflects current conditions and needs. Since 1994, the department made multiple requests to the Legislature for additional ACO positions based on a higher shift relief factor, but those attempts were not based on conditions or data critical to determining appropriate staffing requirements. More importantly, the department still has not established the information and control systems necessary to support a credible revision of its outdated shift relief factor. We found that the department's current data collection efforts are inconsistent or in many cases, non-existent. This starts at the top, where we found that DPS administration has not implemented processes and procedures governing data collection, and has not made determination of a properly supported shift relief factor a priority. Until the department does so, future requests, unsupported by credible data, will likely be disregarded.



Covering the Bases

WHEN AN ACO assigned to an essential post is absent from work or temporarily reassigned to another post, each facility's watch commander has several options that include:

1. Moving an officer assigned from a non-essential post to fill the essential post;
2. Using overtime in the event there are no (or not enough) officers working in non-essential posts who are available for reassignment;
3. Once a reassignment is made, either closing the non-essential post or using overtime to fill the non-essential post; and
4. In a worst-case scenario, when there are no non-essential post staff available for reassignment and efforts to use overtime fail, the essential post is closed, reducing staff below the level considered to provide adequate safety.

Shift Relief Factor Just One Part of an Overall Staffing Analysis

WHILE AN ACCURATE SHIFT RELIEF FACTOR is crucial in determining the number of positions a facility needs to staff its security posts, it is just one component of a more comprehensive staffing analysis. The National Institute of Corrections (NIC) suggests that conducting a staffing analysis is not only critical to facility safety and security, it may also prove important for containing expenditures. According to the NIC:

Good staffing plans and practices go a long way toward achieving the jail's most important mandate: providing safety for staff, the public, and inmates. Good staffing improves a jail's ability to provide programs and services, decreases potential liability, and helps ensure that costly staff resources are used in the most efficient way.

A facility's staffing levels are based on numerous factors, some internal and some external. For example, factors that may impact staffing include the facility's design (sightlines, number of control posts, perimeter security, number and size of housing units, and controlling circulation or movement – the need to escort inmates); operational philosophy (types of inmate supervision and level of programs and services); classification levels of inmates; and level of crowding in the facility.

A staffing analysis examines all the factors identified by the agency or facility that impact staffing. More specifically, a staffing analysis:

- Studies every security post/job in a facility – according to a set of specific criteria – in order to determine why and where posts should be located, what the duties of each post should be, and when and how frequently those duties should be performed (See “What Is a Post?” on page 2).
- Examines a facility's daily operations, activities, and programs because they affect the number and kinds of posts required hour by hour.
- Calculates the number of staff required to operate the facility and the associated salary costs.

Once a staffing analysis is completed, it will reveal if staffing is deficient in several ways, including whether:

- Too few staff are provided
- The wrong type of staff are hired or retained
- Staff are assigned the wrong duties
- Staff are not properly trained
- Staff are not scheduled properly

Conducting an agency staffing analysis is a detailed, time-consuming process. According to NIC, a staffing analysis should be a matter of agency routine and should be conducted periodically – ideally, once every three years because the factors that affect staffing may change over time. However, the Institutions Division Administrator for Hawai'i's Department of Public Safety was not aware of any designated unit or group of staffers currently conducting a staffing analysis. He was also unaware of any written guidance or procedures on how to conduct a staffing analysis available to the department today.

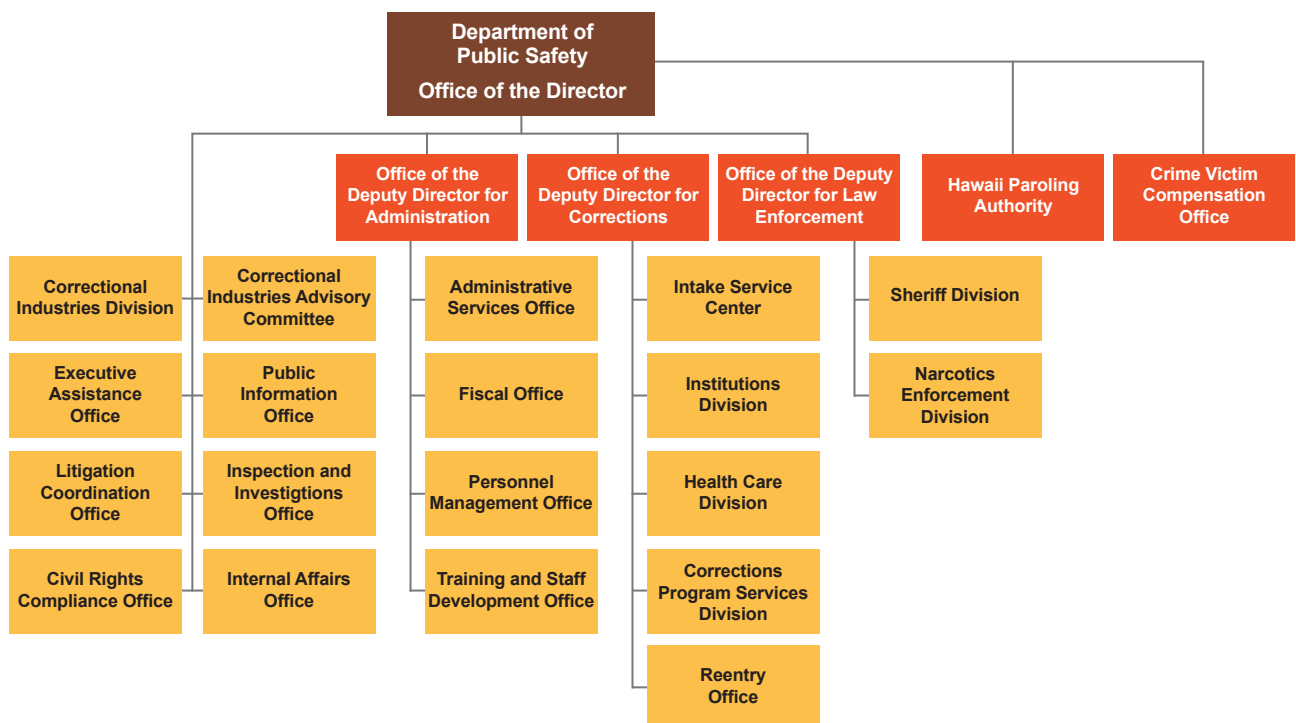
Background

Department of Public Safety

The department’s mission is “[t]o uphold justice and public safety by providing correctional and law enforcement services to Hawai‘i’s communities with professionalism, integrity and fairness.” The department’s goals include protecting individuals and property from injury and loss caused by criminal actions by providing and coordinating services, facilities, security, and legislation to preserve the peace; to prevent and deter crimes; to detect, apprehend, detain, and rehabilitate criminals; and where appropriate, to compensate victims of crime. The department is responsible for formulating and implementing state policies and objectives for correctional, security, law enforcement, and public safety programs and functions, and for maintaining all correctional facilities and services in the state.

The department is headed by a director. The director, who is appointed by the Governor, is assisted by three deputy directors, who head the administration, corrections, and law enforcement divisions. The department also has two administratively attached agencies.

Exhibit 1: Department of Public Safety Organization Chart



Source: Department of Public Safety

Office of the Deputy Director for Administration

The Office of the Deputy Director for Administration provides administrative support services for departmental functions, services, and operations. The office oversees program planning and budgeting, payroll, human resources, and other relevant functions consistent with laws, rules, and regulations. The deputy director for administration oversees the Personnel Management Office, which provides personnel staff services to assist with recruitment, retention, utilization of personnel resources, labor relations, employee relations and safety, and employment transactions and records. The Personnel Management Office also assures departmental compliance with federal and state employment laws, rules, and regulations, and negotiated collective bargaining contracts.

Office of the Deputy Director for Corrections

The Office of the Deputy Director for Corrections provides for the custody, care, and assistance in the rehabilitation of all persons incarcerated by the courts or otherwise subject to confinement based on alleged commitment of a criminal offense. The Institutions Division, which falls under the Office of the Deputy Director for Corrections is responsible for the State's system of community correctional centers (jails) on O'ahu, Hawai'i, Maui, and Kaua'i, and correctional facilities (prisons) on O'ahu and Hawai'i, and the contracts with a mainland facility and the Hawai'i Federal Detention Center.

Jails house pre-trial detainees and convicted offenders serving sentences of a year or less. Jails also provide furlough programs to assist inmates with transitioning back into the community. The community correctional centers on O'ahu, Maui, Kaua'i, and Hawai'i house both male and female inmates, while the Women's Community Correctional Center functions primarily as a prison for female offenders.

Prisons hold convicted felons sentenced to more than one year in prison. There are four Hawai'i prisons: Hālawā Correctional Facility, Waiawa Correctional Facility, the Women's Community Correctional Center, and Kūlanī Correctional Facility.

As depicted in "Key Numbers: Capacity, Populations, and ACO Positions (FY2016–FY2019)," the statewide prison population and authorized ACO positions have remained fairly constant, while the number of filled ACO positions have steadily decreased from 1,322 in FY2016 to 1,253 in FY2019.

Key Numbers: Capacity, Populations, and ACO Positions (FY2016–FY2019)

Exhibit 2: Facility Capacity and Inmate Populations FY2016 to FY2019

Exhibit 2 lists the capacity and inmate population for each of the state's eight prisons and jails for FY2016 to FY2019.

Facility	Capacity	FY2016 Population	FY2017 Population	FY2018 Population	FY2019 Population
Hawai'i Community - HCCC	226	384	328	446	393
Hālawā Correctional - HCF	1,124	1,134	806	718	776
Kaua'i Community - KCCC	128	184	194	206	169
Kūlanī Correctional - KCF	200	175	163	137	150
Maui Community - MCCC	301	461	437	481	379
O'ahu Community - OCCC	954	1,170	1,179	1,181	1,251
Women's Community - WCCC	260	297	251	237	249
Waiawa Correctional - WCF	334	260	205	283	224
Totals	3,527	4,065	3,563	3,689	3,591

Note: The decrease in population at Hālawā was largely attributed to the temporary transfer of 248 inmates to the Saguaro Correctional Center in Arizona in 2017. The inmates returned to Halawa in FY2020.

Source: Department of Public Safety

Exhibit 3: Number of Authorized/Filled ACO Positions FY2016 to FY2019

Exhibit 3 shows the number of authorized ACO positions at all eight facilities for FY2016 to FY2019.

Facility	FY2016		FY2017		FY2018		FY2019	
	Authorized	Filled	Authorized	Filled	Authorized	Filled	Authorized	Filled
HCCC	145	139	147	140	147	142	148	140
HCF	331	322	331	319	331	310	332	294
KCCC	61	61	61	60	61	59	62	57
KCF	53	51	53	50	54	52	55	53
MCCC	166	155	166	157	166	151	167	142
OCCC	411	398	411	389	411	384	412	370
WCCC	115	110	116	102	116	108	117	111
WCF	89	86	90	84	90	90	91	86
Totals	1,371	1,322	1,375	1,301	1,376	1,296	1,384	1,253

Source: Department of Public Safety

Office of the Deputy Director for Law Enforcement

The Law Enforcement Division is composed of the Sheriff Division and the Narcotics Enforcement Division.

The Sheriff Division carries out law enforcement services statewide. Its mission is to preserve the peace by protecting all persons and property within premises under the control of the Judiciary and all State facilities; serving and executing warrants and court documents; handling detained persons; and providing secure transportation for persons in custody. It also provides law enforcement services at the Honolulu International Airport.

The Narcotics Enforcement Division (NED) serves and protects the public by enforcing laws relating to controlled substances and regulated chemicals. NED is responsible for the registration and control of the manufacture, distribution, prescription, and dispensing of controlled substances and precursor or essential chemicals within the State as well as Hawaii's Medical Use of Marijuana Program. NED also investigates all drug offenses initiated in correctional facilities, and other State facilities. NED helps provide criminal narcotics investigative support and provides forensic drug analysis for Federal, State, and County law enforcement agencies upon request.

Objectives

1. Assess how the department determines the appropriate staffing of security positions at each of its correctional facilities.
2. Assess whether the department's current employee data collection system is capable of compiling information necessary to calculate an accurate shift relief factor.
3. Make recommendations as needed.

Summary of Findings

1. Without an up-to-date shift relief factor, the department is unable to determine the number of security staff positions it needs to cover security posts.
2. The department needs to establish strong internal controls for the employee data collection mechanism it uses, such as Kamakani, to ensure an accurate calculation of its shift relief factor.

Finding No. 1:

Without an up-to-date shift relief factor, the department is unable to determine the number of security staff positions it needs to cover security posts.

The shift relief factor – which the department uses to calculate its staffing needs and the Legislature has used to create and fund ACO positions – is a widely accepted tool.

Accurately determining the appropriate level of staffing on a day-to-day basis is important for any organization. However, unlike many other state organizations, the department's jails and prisons operate 24 hours a day, 365 days a year, providing services for persons who have been charged with or convicted of committing criminal offenses and requiring essential posts in those facilities to be filled every shift. Therefore, accurately and credibly determining the number of ACO positions needed to fill a correctional system's essential posts without having to regularly reassign staff and rely on overtime is no simple task. The shift relief factor takes into account when security staff are available or, stated differently, factors in the average amounts of leave (both scheduled and unscheduled), training, and other times that staff are actually unavailable to work their regular posts. Crucial to this calculation is accurately and timely capturing the number of hours employees are unavailable to work an assigned post during a snapshot of a period in time (for instance, during the most recent three-year period), including all types of leave and work-related assignments such as prisoner transport and mandatory training. How thoroughly and consistently a facility is able to collect and maintain this data will affect the accuracy of the department's staffing calculation.

To determine how many ACOs are needed to ensure that a particular post is covered every day, the shift relief factor is multiplied by the number of shifts designated for the post. For example, Hawai'i's correctional facilities' current shift relief factor of 1.65 (for a post operating 7 days a week and requiring continuous coverage 24 hours a day under three 8-hour work shifts) means that one full-time equivalent (FTE) staff plus an additional 0.65 FTE staff are needed to ensure that the post is filled each shift. In this example, the shift relief factor of 1.65 is multiplied by the total number of eight-hour shifts for this post – which is three – and the result is that 5 officers (4.95 to be precise) would be needed to fill the essential post without having to reassign staff and rely on overtime.

The shift relief factor is a widely accepted and utilized tool for determining the staffing requirements for correctional facilities. Of the 36 correctional agencies that responded to the National Institute of Corrections (NIC) survey regarding the subject of best practices in prison staffing analysis, approximately 88 percent said their agency computes a shift relief factor. However, a shift relief factor is only as good as the data on which it is based. We found the data the department

uses to calculate the current shift relief factor for its correctional facilities was collected more than five decades ago. While we are not aware of how the data was collected or whether it was accurate at the time, we do know, since that time, federal and state regulations have been enacted and collective bargaining agreements have changed along with other conditions that have increased the amount of leave ACOs are entitled to use and the amount of training ACOs must complete, significantly altering staff availability to work their assigned posts.

But the department's shift relief factor has remained unchanged, and today, its "snapshot in time" is more than a half century old.

The department's shift relief factor is significantly out of date.

As previously noted, DPS' current shift relief factor was calculated and established in 1970. Since then, new state and federal laws have been enacted that impact security staff availability by providing more and different types of leave as well as requiring additional training. Collectively, these "new" leave and training requirements, as well as additional collective bargaining agreement terms, increase the likelihood that the availability of today's ACOs to work their scheduled posts is far different than in 1970. These factors include:

1. Hawai'i Family Leave and Family and Medical Leave Act of 1993 (FMLA)

Several wardens we queried highlighted family leave (Hawai'i Family Leave and Federal FMLA) as having a significant impact on work availability for their respective facilities.

As Exhibit 4 shows, the number of ACOs who have been approved for FMLA or Hawai'i Family Leave has consistently exceeded 500 every year from 2016 to 2019. For perspective, the total number of filled ACO positions at all Hawai'i correctional facilities in FY2019 was 1,253.

a. Hawai'i Family Leave

The Hawai'i Family Leave law was enacted in 1991, providing employees with up to four weeks of unpaid leave each calendar year upon the birth or adoption of the employee's child, or to care for a child, spouse, or parent with a serious health condition.



**NIC Manuals
Contain
Recommended
Practices for
Staffing**

THE NATIONAL Institute of Corrections (NIC) was created by Congress in 1974 and is the only federal agency with a legislative mandate to provide specialized services to corrections from a national perspective. In 1988, the NIC published its *Staffing Analysis Workbook for Jails* to help improve jail operations by improving staffing practices. It became a cornerstone of NIC's training related to jail staffing and was later revised in 2003. In 2008, the NIC published *Prison Staffing Analysis: A Training Manual with Staffing Considerations for Special Populations* with the purpose of identifying the current and best security staffing analysis practices nationwide and incorporating them into a training program for correctional facilities.



**“Silver Tsunami”
on the Horizon**

A 2019 Department of Human Resources Development study, *Report to the 2020 Legislature, as required by Act 57, Session Laws of Hawaii 2019*, noted a “silver tsunami” that will hit Hawaii’s workforce for years to come. According to the report, from 2019 to 2024, the Department of Public Safety will consistently be one of the state departments with the highest number of employees eligible for retirement. By 2022, 618 employees will be eligible for retirement, more than half (339) of which will be ACOs. By 2024, 758 employees will be eligible for retirement, which will comprise 33 percent of current department staff.¹

¹ Department of Human Resources Development Report, citing retirement data from State of Hawai‘i Workforce Profile Report, 2019.

b. Family and Medical Leave Act of 1993

The federal law provides eligible employees with job-protected leave for up to 12 weeks during a 12-month period. Like the Hawai‘i Family Leave law, FMLA enables employees to take leave, either paid or unpaid, for the birth or adoption of the employee’s child, and to care for a child, spouse, or parent with a serious health condition. Employees may also use FMLA leave for serious health conditions that prevents the employee from working.

Exhibit 4: Number of Hawaii Family Leave and FMLA Approvals Given to ACOs

2016	2017	2018	2019
588*	559*	549*	545*

*Totals may include ACOs with multiple Hawai‘i Family Leave and FMLA approvals.

Source: Department of Public Safety

2. 2003 Prison Rape Elimination Act (PREA)

PREA was signed into law in 2003 and the final rule that established national standards for correctional facilities was issued by the U.S. Department of Justice in 2012. Complying with these standards requires staff training and potentially results in additional time away from assigned posts. In addition, investigations of sexual abuse and rape allegations require additional staff time.

3. Collective Bargaining Agreements

A number of provisions in the July 2017–June 2021 collective bargaining agreement regarding employee leave were not included as part of the current shift relief factor calculations. For example, the current shift relief factor calculated in 1970 is based on annual vacation and sick leave of 14 and 12 days, respectively. However, the current union contract allows up to 21 days of vacation leave and 21 day of sick leave each year. In addition, the current union contract allows employees to accrue unused vacation and sick leave which can be used in subsequent years, enabling employees to actually be out on vacation leave for more than 21 days and/or on sick leave for more than 21 days in any given year.

Vacancies can be included in a shift relief factor calculation

ACCORDING TO the department's Deputy Director for Administration, lawmakers have often asked why the department is requesting additional ACO positions when there are so many vacancies. In response, the Deputy Director for Administration explained that even if all vacancies were filled, there would still be high overtime costs because of an inaccurate shift relief factor.

By end of FY2019, the department reported 131 vacancies or 9.5 percent of the 1,384 authorized ACO positions as shown in Exhibit 4.

Exhibit 5: ACO Vacancies (FY2016 to FY2019)

Facility	FY2016		FY2017		FY2018		FY2019	
	Authorized	Vacancies	Authorized	Vacancies	Authorized	Vacancies	Authorized	Vacancies
HCCC	145	6	147	7	147	5	148	8
HCF	331	9	331	12	331	21	332	38
KCCC	61	0	61	1	61	2	62	5
KCF	53	2	53	3	54	2	55	2
*MCCC	166	11	166	9	166	15	167	25
OCCC	411	13	411	22	411	27	412	42
WCCC	115	5	116	14	116	8	117	6
WCF	89	3	90	6	90	0	91	5
Totals	1,371	49	1,375	74	1,376	80	1,384	131

Source: Department of Public Safety Vacancy Reports submitted to the Legislature

From FY2016 to FY2019, the number of authorized ACO positions remained relatively stable while the number of vacant positions went from 49 to 131, an increase of 167 percent. "So, your shift relief factor is already low. But then, you have a percentage of vacancies. It's just making it worse. So, you have no choice but to then use overtime. You got to have staffing at these posts," said the Institutions Division Administrator.

The NIC suggests that the time it takes to fill vacancies should be considered when calculating a shift relief factor. To do so, the department will need to know its staff turnover rate and other contributing variables. Turnover rate is a percentage derived by dividing the annual number of staff leaving an agency in a particular job class by the total number of authorized staff positions that are budgeted. Other variables include the average time it takes to recruit, hire, and train employees. The sum of these variables (which represents total average leave time) is then multiplied by the turnover rate. The final product represents the average time to fill vacancies for the year and is added to the net annual work hours.

Other provisions in the current union contract that may allow ACOs to be unavailable for a shift that were not included in the 1970 calculation of the shift relief factor, or even in the department's calculation in 1992 to revise the shift relief factor, include:

- Leave of absence for election or appointment to union office of up to 1 year
- Leave of absence for union education and information meetings
- Leave without pay for up to 1 year for specific qualifying reasons
- Leave for jury or witness duty
- Leave for required physical examinations

DPS relies on significant amounts of overtime to cover security posts.

According to its records, annual overtime hours for ACOs at the department's eight correctional facilities across the state rose from 376,073 hours in FY2016 to 474,648 hours in FY2019, an increase of more than 26 percent.

Exhibit 6: ACO Overtime by Facility, FY2016 to FY2019 (including holiday OT)*

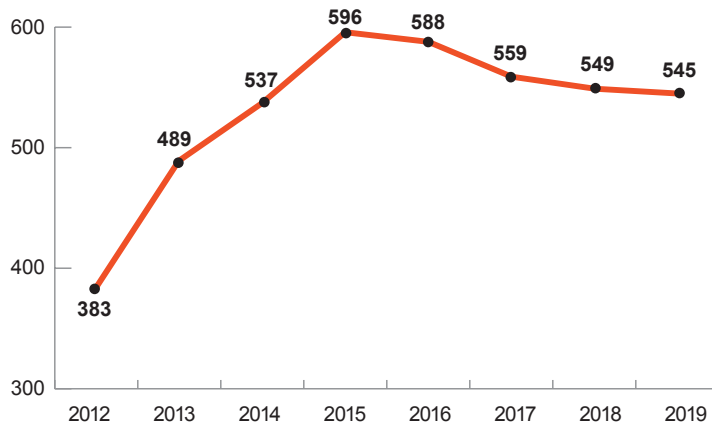
Facility	FY2016		FY2017		FY2018		FY2019	
	Total OT Hours	Total OT \$	Total OT Hours	Total OT \$	Total OT Hours	Total OT \$	Total OT Hours	Total OT \$
HCF	50,327	\$ 1,292,667	51,591	\$ 1,366,368	39,298	\$ 1,243,532	70,454	\$ 1,902,384
KCF	16,134	410,547	11,814	320,444	7,167	261,484	8,734	253,988
WCF	14,277	359,146	14,040	371,550	9,942	335,015	13,766	383,092
HCCC	67,760	1,688,223	65,003	1,712,326	56,720	1,845,939	88,499	2,426,844
MCCC	61,189	1,565,122	52,051	1,395,157	48,242	1,588,163	82,172	2,279,126
OCCC	109,907	2,802,340	137,166	3,627,722	99,514	3,312,119	151,184	4,229,125
KCCC	13,125	346,069	20,214	552,836	15,302	520,899	24,369	722,159
WCCC	43,354	1,080,193	42,712	1,112,783	18,117	586,608	35,470	930,864
Total	376,073	\$ 9,544,307	394,591	\$10,459,186	294,302	\$ 9,693,759	474,648	\$13,127,582

Source: Department of Public Safety – Financial Accounting and Management Information System (FAMIS)

*The FAMIS overtime data represents when overtime is paid versus earned. According to department policy, employees have up to two years to submit payment claims for overtime worked.

At the O'ahu Community Correctional Center (OCCC), which has the largest inmate population in the state at 1,251, in just June 2019, a total of 1,126 instances of sick leave and FMLA were taken by its ACOs, which equates to an average of 38 ACOs not available to work on each workday. In addition, another 80 ACOs did not report to work while on vacation

Exhibit 7: Number of ACOs on FMLA (FY2012–FY2019)



Source: Department of Public Safety

leave, workers' comp/light duty, leave without pay, holiday leave, unauthorized absence, and other types of leaves. This resulted in a daily average of 118 ACOs not available to work on any given day. In June 2019, OCCC had 370 filled ACO positions; based on 2019 leave information, nearly one third of OCCC's ACOs were unavailable to work their posts on any given day in June.

Because of these absences, OCCC averaged 45 instances of overtime a day, contributing to an FY2019 overtime total of \$4.23 million. But not all costs can be measured in dollars and cents. Staffing shortages at OCCC in June 2019 resulted in the closure of 1,535 posts, which means an average of 51 posts were closed every workday. Even though non-essential posts are typically the first to be closed when there are staffing shortages, this may still result in the closure of prison programs such as drug treatment and recreation.

Use of overtime to cover posts can be an indicator of a flawed shift relief factor.

According to the NIC, when overtime is regularly needed to cover posts, the most common reason is the shift relief factor has been miscalculated or was calculated using outdated data. This conclusion was echoed in a 2019 staffing report for the Washington State Department of Corrections which noted that high levels of overtime expenditures is a strong indication that current custody staffing levels were insufficient. The report found that the department's shift relief factor of 1.67 was based on data that was more than 25 years old. The report also found that the true shift relief factor, based on more current data, was 1.80. Applying the updated shift relief factor to the staffing formula resulted in a requirement for an additional 250 custody staff positions above levels funded at the time of the Washington State review. The report

“The need for an accurate [shift] relief factor cannot be understated as even a minor inaccuracy in a relief factor can have a significant impact on the number of staff needed.”

— Washington Department
of Corrections Prison
Staffing Model Review,
June 2019

concluded that “[t]he need for an accurate [shift] relief factor cannot be understated as even a minor inaccuracy in a relief factor can have a significant impact on the number of staff needed.”¹

Collecting the data necessary for an accurate, up-to-date shift relief factor has not been a priority or point of emphasis for the agency.

While DPS is unable to determine its accurate staffing requirements without complete, consistent, and current data, it has recognized the need for more ACOs to reduce the amount of overtime it has been required to use to fill its security posts. In 1992, the department made a request to the Legislature for additional ACO positions by proposing to increase its shift relief factor from 1.65 to 1.88. In 2015, DPS made a similar request to the Department of Budget and Finance, basing the increased staffing on a revised shift relief factor of 2.0.

We do not know the reason or reasons both the Department of Budget and Finance and the Legislature denied DPS’ requests to include the funding for additional ACOs in the department’s budget requests; however, these requests were not based on actual data that supported revisions of the shift relief factor and may have been unpersuasive. Thirty years ago, when it first tried to increase the shift relief factor, the department lacked information and control systems that could produce reliable data needed to calculate an accurate shift relief factor. And despite repeated recommendations to develop such systems, the department has failed to fully implement them. The department simply needs to base its staffing requirements – including requests for additional ACOs – on actual, objective information, which includes an up-to-date shift relief factor calculated using actual leave and work availability data.

¹ Washington Department of Corrections Prison Staffing Model Review, June 2019.

Policy vs. Reality

THE DEPARTMENT'S current shift relief factor was not only calculated roughly a half-century ago, but its employee work availability data was based on leave policies at the time. In other words, the leave amounts ACOs can use under the existing policy (e.g., days allotted for vacation, sick, military, and bereavement leave) as opposed to the actual leave taken.

However, the NIC notes using this traditional method to calculate the shift relief factor is inaccurate since it overlooks the types of absences over and above the leave normally taken. Some of the types of absences that the traditional method does not capture include:

- Preservice and inservice training time.
- Long-term medical disability.
- Provisions of the Family and Medical Leave Act of 1993.
- Light-duty assignments required for injured staff.
- Leave without pay.
- Time away from the job while on special assignment.
- Time needed to fill a vacancy.
- Jury duty.
- Workers' compensation time off.
- Use of compensatory (comp) time.
- Unexcused absences.

According to the NIC, a more precise method of calculating the number of hours full-time staff are available to work their assigned posts, is to review the attendance records from the previous year – ideally, the previous three years – in order to ascertain the actual use of all forms of leave. Doing so will provide the most current snapshot in time of what the work availability has been for uniformed employees at a correctional facility and a more reliable shift relief factor.

According to the DPS Institutions Division Administrator, Hawai'i's calculation of the current shift relief factor follows this traditional method, which he believes provides the department with "more stability" than a three-year average.

He added that that the averaging formula is counterproductive to the legislative processes, and the inability to adjust a work force every three years. However, while the traditional method may result in a more stable number, that number is not likely to be reflective of reality. For instance, as previously noted, circa 1970, leave policies allotted for 14 days for vacation, 12 days of sick leave while significant leave categories such as Hawai'i Family Leave and Family and Medical Leave (FMLA) did not exist. Today, ACOs – like all state employees – receive 21 days of vacation and 21 days of sick leave. Under the Hawai'i Family Leave law, enacted in 1991, employees can take up to four weeks of unpaid leave each calendar year upon the birth or adoption of their child, or to care for child, spouse, or parent with a serious health condition. In addition, FMLA, a federal law, provides eligible employees with job-protected leave for up to 12 weeks during a 12-month period.

A lot has changed in 50 years; however, simply plugging in the amount of leave ACOs can use under the current policy into the calculation won't result in an accurate shift relief factor either. According to the department's available data, the number of actual days of leave ACOs take annually differs with what policies allowed in either is probably somewhere in the middle of 1970 or the late 2010s. For instance, according to the department's Kamakani General Summary Reports collected from 2016–2019, uniformed staff, including supervisors, took an average of 13.5 days of vacation, 18.3 days of sick leave, and 12.1 days of family leave, which included leave through both Hawai'i Family Leave and FMLA. Other leave categories worthy of note were Leave Without Pay (6.2 days) and Comp Time (3.6), both leave categories that are not accounted for in the traditional method of calculating the shift relief factor.

The following is a brief description of the department's actions and inaction over the past 30 years.

1992

DPS proposed revising its shift relief factor from 1.65 to 1.88. Since the department's proposed change, if fully funded, would have added almost 200 ACO positions at an annual cost exceeding \$5 million, the Legislature requested that the Office of the Auditor review the department's calculation of the revised shift relief factor. Report No. 92-27, *A Review of a Formula for Security Staffing at the Department of Public Safety*, published in December 1992, raised issues regarding the department's methodology and the data DPS used in its shift relief factor calculations. For instance, the report noted that the department's practice of maintaining leave data on standard paper attendance forms was problematic. Not only was the information difficult to access, but manually maintained leave and attendance forms were being handled in ways that were inconsistent, incomplete, inaccurate, and improper. Ultimately, the differing approaches of utilizing the available data resulted in different shift relief factor calculations by DPS and a consultant hired by our office. The department's calculation was 1.88 for a 7-day post while the consultant calculated a shift relief factor of 2.10 but cautioned that until the data shortcomings are addressed, there would be "no definitive answer as to what the shift relief factors should be."

Among the recommendations made in Report No. 92-27 was one to implement information systems to keep track of each category of lost time and any resultant overtime.

1994

Two years later, we published Report No. 94-18, *A Follow-Up Review of Security Staffing in the Department of Public Safety*. The report noted that DPS' proposed shift relief factor of 1.88 appeared to be reasonable enough at the time to warrant testing; however, it remained only an estimate because of the lack of supporting data. While control and training relating to the use of leave records had improved, access to leave information remained difficult. For example, the report noted that official leave records were still being kept manually at each institution. While the department had embarked on a large and sophisticated mainframe-based system to replace the manual process, the system never became fully operational and was abandoned.

Report No. 94-18 recommended, among other things, that the department continue to give high priority to developing and implementing information and control systems that would produce

reliable data for determining the shift relief factor. We also recommended that the department continue its efforts to maintain accurate leave records and timesheets. In this regard, we urged the department to pursue the development of an automated system to replace its current manual processes for recording leave time.

2000

In February 2000, we published Report No. 00-05, *Management and Financial Audit of the Department of Public Safety*, in response to a legislative request for a management and financial audit of the department in the face of facility overcrowding, lack of inmate services, insufficient staffing, and excessive use of overtime. In Report No. 00-05, we found that the director had not adequately planned for facility needs as identified in earlier audit reports and by national accrediting organizations. Among other things, the report noted that flaws in the department's staffing formula identified in our 1992 audit report had yet to be addressed. For instance, we found the department's current and proposed shift relief factors utilized questionable leave data.

DPS has also made repeated requests for additional positions based on its 1992 re-calculation of the shift relief factor.

2013

The Kūlani Correctional Facility was closed in FY2010 but was reopened four years later in an effort to return Hawai'i inmates to the state. According to the former department director, when Kūlani was reopened, the department's initial budget request was based on a higher shift relief factor. However, the former department director said the Department of Budget and Finance rejected the proposed higher shift relief factor and told the department to continue using the 1.65 shift relief factor. As a result, when Kūlani reopened in July 2014, the Legislature approved funding for the same number of positions (76) at the facility as it had before it closed in 2010.

2015

In its FY2015 budget request, the department noted that it had been plagued by staffing shortages caused in large part by absences. It pointed out that its 1.65 shift relief factor for seven-day posts was adopted in the 1970s when employees used far fewer vacation and sick days. In addition, ACOs were required to undergo training in specialty areas such as mental health awareness, suicide prevention, use of force, and prevention of sexual abuse of inmates, factors not accounted for in the 1.65 shift relief factor. The department

reported that in FY2014, ACOs took an average of 32 hours of leave per month. As a result, the department had not been able to fill its essential posts at the various correctional facilities without the use of overtime. According to the department, to further minimize the use of overtime, the facilities had to divert ACOs from program posts, resulting in a reduction of program activity.

The department proposed a shift relief factor of 2.01 for its 7-day-per-week essential posts – an adjustment that would require 151 additional uniformed staff positions. According to the request, the revised shift relief factor was calculated based on relief factors that included vacation leave, sick leave, military leave, special assignments and many other factors agreed to under the collective bargaining agreement at the time. According to the then-department director, the Department of Budget and Finance reportedly rejected the proposal and questioned whether it was cheaper to pay wages and benefits for an additional 151 ACOs or to simply pay overtime to the existing ACOs and have “the EUTF (Employer-Union Trust Fund) go broke.”

2020

Department administrators said, in the aftermath of a March 2019 riot at Maui prison the department sought to increase the number of ACOs throughout its correctional facilities. According to department officials, DPS had hoped to amend its shift relief factor to 1.88 for all correctional facilities statewide but was advised by the Office of the Governor to apply it only to Maui Community Correctional Center as a pilot project, which would result in 15 additional ACO positions.

House Bill (HB) No. 2200 (Regular Session 2020) contained funding for the additional positions based on the application of the 1.88 shift relief factor to the Maui facility. However, the final version of the bill – HB No. 2200, House Draft 1, Senate Draft 1 – which was eventually passed by the Legislature and became law without the governor’s signature, did not include funding for the 15 new positions.

Calculating a current and accurate shift relief factor – instead of using an outdated one or proposing an adjusted shift relief factor that was calculated with incomplete or old data – will not ensure decision-makers will approve future requests for additional staffing. However, without information and control systems in place, the department will be limited in its ability to support its case for additional positions through a data-based, credible method to determine the number of ACOs needed to cover posts without having to regularly resort to using overtime.

The current Department Director noted that updating the shift relief factor was not presently a department priority and that there were other priorities such as filling vacancies and monitoring other types of leave like workers' compensation. With regard to the department's current leave and attendance data tool, known as Kamakani, the Director noted that use and application varied from director to director; some placed great emphasis on Kamakani and others placed no emphasis on it at all. At the time of our interview, the Director stated that the department is presently trying to develop something more formal but did not have any specific details. The Director was hesitant to make changes to Kamakani pending the transition to the new time and attendance system currently being implemented by the state's Office of Enterprise Technology Services.

We also interviewed the Institutions Division Administrator, who has held the position since 2008 and has been with the department for nearly 40 years. The Administrator was identified by the department as the management-level person who is most familiar with the shift relief factor. The Administrator was not aware of any designated unit or group of staffers currently conducting a staffing analysis. The Administrator believed that the department has the ability to collect all the data necessary to accurately calculate a shift relief factor, but that it would take a lot of work because the process is not automated. The Administrator was not aware of any written guidance or procedures to conduct a staffing analysis available to the department today.

In response to questionnaires sent to the wardens of the eight correctional facilities, none of them had ever been informed by the department that the data in Kamakani would be used to help calculate an updated shift relief factor.

In lieu of developing a new data collection mechanism, the department might consider re-purposing its existing Kamakani program. However, management will need to take definitive steps to correct operational weaknesses we identified and provide clear messaging to staff. According to the U.S. Government Accountability Office, management's philosophy and operating style – which is often referred to as the “tone at the top” – can either be a driver or a barrier for internal control. Without the leadership and guidance of a strong and clear direction, employees may not see the importance of certain practices or ideals, like the importance of keeping accurate data. Therefore, if re-purposing Kamakani to collect data specific to calculating a shift relief factor as opposed to managing overtime is to be realized, department management must make clear to all levels of the agency that this goal is a priority. Management must clearly communicate its objectives and goals to its wardens and



Internal Control

ACCORDING TO the U.S. Government Accountability Office, internal control is a process used by management to help an entity achieve its objectives. This includes the plans, methods, policies, and procedures used to fulfill the mission, strategic plan, goals, and objectives of the entity. Internal control is the first line of defense in safeguarding assets. In short, internal control helps managers achieve desired results through effective stewardship of public resources. Further, management communicates quality information down and across reporting lines to enable personnel to perform key roles in achieving objectives, addressing risks, and supporting the internal control system. In these communications, management assigns the internal control responsibilities for key roles.

other department personnel. Management must then establish proper internal controls that will help to ensure that the facilities are collecting the data accurately and consistently. Such data could support an updated shift relief factor.

Finding No. 2:
The department needs to establish strong internal controls for the employee data collection mechanism it uses, such as Kamakani, to ensure an accurate calculation of its shift relief factor.

In 1999, the department implemented department-wide accountability reporting called Kamakani, which required each correctional facility to submit monthly reports of employee leave data and was intended by the then-director to be a tool to curb overtime. According to the former director, information being submitted on overtime was based on payroll data, which, because of the way the payroll system operated, was about a month-and-a-half late. In addition, since the reports only accounted for overtime expenses, they did not provide any insight on *the reasons for which* overtime was being incurred. Because there are dozens of ways that overtime can be incurred in correctional facilities, the former director wanted to understand how much each factor contributed to the overall problem. And, since overtime usage decisions are made by correctional facilities' line managers on a shift-by-shift basis, he wanted a means to provide data to help them identify and resolve problems in real time.

According to the former director, in order to understand the cause or causes of overtime, they needed to understand how each factor contributed to the overall problem. "Then," the former director said, "we can start to look at what we can and what we can't control."

In 2003, the former director left the position to become the warden at the Waiawa Correctional Facility, but he recalled that Kamakani's reporting requirements were maintained by his successor at least through 2005, when he retired from Waiawa.

In 2012, the former director rejoined the department as its Director, and he found that Kamakani reporting had fallen by the wayside and reinstated the system during his three-year tenure. He also found that in addition to providing insight into the facilities' overtime usage, the data already being produced could also be used to calculate an up-to-date and

accurate shift relief factor to better understand what the department's staffing needs should be.

According to the former director, to ensure that the wardens took Kamakani seriously, he required them to submit weekly reports to his office. In addition, once a week, one of the wardens would be randomly selected to present the report to and answer questions from a panel composed of the former director, an executive assistant, three deputy directors, and the department's administrative services officer. If the panel was unsatisfied with the briefing, the warden could be asked to appear again the following week. However, the department neither communicated the former director's intentions for Kamakani's goals and objectives to its wardens nor did it issue any mandates or other administrative actions to ensure Kamakani reports were consistent, correct, or submitted on time. In addition, a majority of wardens told us the department did not provide written guidance, which would help ensure that the data collected would be accurate and consistent.

After the former director's retirement in 2015, it appears that Kamakani was dropped as a department-wide reporting requirement sometime after and is now used by wardens at their discretion.

Lack of internal controls contribute to inconsistent reporting of employee data in Kamakani reports.

We reviewed how the data for Kamakani is collected, compiled, and reported in an effort to assess whether the reports included complete, accurate, and timely information. The review was intended to assess whether all aspects of Kamakani reporting could be retained in a possible transition to a system with a focus on collecting employee leave and absence data (i.e., work availability) that are key in calculating a shift relief factor.

As previously noted, the department did not issue written procedures or step-by-step instructions on how to collect, input, and verify the data for Kamakani reports. According to a former deputy director, who joined the department as a performance-based management coordinator in 2012, each facility's Kamakani report is different. Reports from jails differ from those from prisons, facilities on the Neighbor Islands differ from those on O'ahu, and the Women's Community Correctional Center differs from the others. According to the former deputy director, she had to "clean up" the reports, addressing missing and misidentified fields, before submitting them to the Director for review.

Staff positions responsible for aggregating the various data for the reports differ from facility to facility. For example, at Kaua'i Community Correctional Center, which is the smallest facility, an

accounting clerk prepares the report. At Hālawā, the chief of security is responsible for compiling most of the information. An administrative lieutenant at the Women’s Community Correctional Center prepares its Kamakani reports.

We also found inconsistencies in reporting. At one facility we visited, when an ACO calls in sick, but no overtime was generated as a result (i.e., another ACO working on the same shift is reassigned to the vacant post or the vacant post is closed) the absent ACO’s hours are not included in the sick leave totals in the general summary report, which should account for all leave taken. When we pointed out this reporting inconsistency, which contributes to the underreporting of sick leave totals, the staff assigned to input data for the facility’s Kamakani reports explained they did not have any policies and procedures for preparing the Kamakani reports and did the best they could to figure it out on their own. In addition, at this facility and at another we visited, the work done by the person preparing the Kamakani reports was not reviewed by other staff or a supervisor. We were told that this lack of a control, i.e., a second review or reconciliation of the leave data, was because of limited staffing.

The only Kamakani-related policy that we could identify was one requiring branch administrators and wardens to submit reports on a monthly basis; however, no one at the department was assigned to ensure that all eight facilities were consistently submitting Kamakani reports on a timely basis. Consequently, five of the department’s eight facilities have failed to submit these reports for months, even years, at a time.

Exhibit 8: Five of Eight Department Correctional Facilities Were Missing Kamakani General Summary and Overtime Distribution Reports

Facility	Missing General Summary Reports	Missing OT Distribution Reports
HCF	4 th quarter of FY2016	4th quarter of FY2016
KCCC	FY2017	
MCCC	FY2016, FY2017, FY2018, and month of July 2018 for FY2019	FY2016, FY2017, and FY2018
WCCC	Partial year data for FY2016, FY2018, and FY2019	Partial year data for FY2016 and FY2019
WCF	FY2017, FY2018 and FY2019	FY2017, FY2018 and FY2019

Source: Office of the Auditor

Recording of Data to Kamakani Is Largely a Manual Process

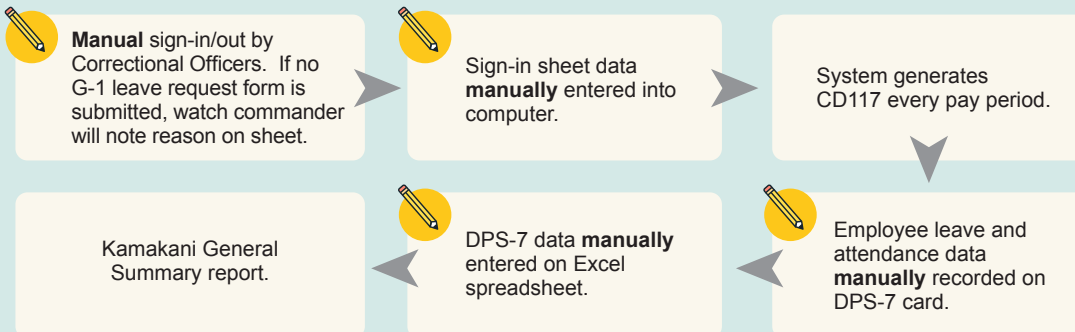
THE COLLECTION, compilation, and reporting of employee leave data for Kamakani's general summary reports are largely manual processes. The work is tedious and, as with any other manually intensive process, it is susceptible to a higher degree of human error.

We found that the department uses the following hard-copy forms to record and report employee work hours, leaves of absence, days off, and leave balances:

- **Sign-in Report** – used by employees to manually sign in at the beginning of his/her shift and sign out at the end of the shift.
- **Leave of Absence Form G-1**– used by employees to request the number of hours and type of leave.
- **Individual Time Sheet Form D-55** – used to record the number of hours for overtime, night differentials, and other premiums.
- **Attendance and Leave Record Form DPS-7** – the number of hours worked (regular or overtime), leave hours earned and used, compensatory hours earned and used, and the balances at the end of each month.
- **Attendance Summary Report Form CD117** – computer-generated report for each employee per pay period showing the hours worked including overtime, and leave hours taken.

Following is a flowchart and sample of one of the forms used by the department.

Exhibit 9: Flowchart of data for Kamakani General Summary reports



Source: Office of the Auditor flowchart based on department interviews, time and attendance forms, and on-site observations

LEAVE RECORD																																	
	H	V	S	T	F	C	M	B	A	L	X																						
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31		
2021	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	Used	CTZ
Jan.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Feb.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Mar.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Apr.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
May	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Jun.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Jul.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Aug.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Sep.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Oct.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Nov.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL
Dec.	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL	FL

Source: Women's Community Correctional Facility

The Institutions Division Administrator acknowledged this largely manual process raises concerns about the veracity of the reported data.

According to the NIC, virtually all criminal justice organizations, including correctional facilities, are driven by information. In *Running an Intelligent Jail: A Guide to the Development and Use of a Jail Information System*, published in 2013, the NIC writes, “From initial intake to final release, virtually all key decisions are largely driven by the availability, quality, and careful analysis of data to support the variety of decisions made by jail administrators and personnel. Jails should consider themselves as information-processing organizations and active users of information technologies.”

The NIC believes that access to accurate, high-quality data that can be presented in the appropriate formats is a precondition of effective management support in the jail system. And for most jails, this requires a jail management information system that is adequate to support all routine inmate-processing activities. According to the NIC, managers should understand the strategic importance of using such systems to measure a jail’s performance, particularly in today’s fiscal environment.

According to the NIC, nearly all correctional agencies automate personnel records pertaining to issues such as attendance and payroll. Automated data recording can make staffing data available to management on an ongoing basis. It also enables agency staffing experts to continually monitor where the needs are, where the staff resources are, what patterns of change are occurring, and how shift relief factors rise and fall. The ultimate goal is to keep all staffing information in a database which, if updated regularly, can produce a range of accurate reports to inform decision-making about staffing.

For Kamakani, that has not been the case as data collection, compilation, and reporting is primarily done on a manual basis and is more susceptible to human error. This underscores the need for written guidance to ensure procedures are followed and the process is working as designed. Five of DPS’ eight correctional facilities have not been consistently submitting leave data to the department. We did not analyze the data from the three facilities that submitted all reports to determine whether the data is accurate, timely, and consistent; however, a majority of the eight wardens we spoke with said DPS did not provide guidance regarding Kamakani reporting – documented or otherwise – leaving staff at some prisons to figure it out on their own. As we noted above, staff at one facility responsible for inputting leave data told us that, if an ACO called in sick but no overtime was generated, the ACO’s sick leave would not be included in the facility’s overall sick leave total. Therefore, without written procedures, management has no assurance the reports are being submitted as intended or that the data is complete and accurate.

Nearly 30 years ago, we recommended that DPS implement information systems to keep track of each category of lost time and any resultant overtime. Our 1992 report also questioned the department's attempt to update its shift relief factor due to concerns about the data used in its calculations. In a follow-up report two years later, we noted that the department still lacked an information system that could deliver needed data on a reliable, timely, and readily usable basis. We also found the base for applying the shift relief factor remained questionable and recommended the department continue to give high priority to developing one that would produce reliable data for determining the shift relief factor. In 1999, DPS introduced Kamakani, an idea by the then-DPS director that was intended to collect employee data to manage the department's overtime issues and potentially calculate an updated shift relief factor. But Kamakani was never adequately supported by department management or embraced by its wardens and today is more of an afterthought than an important data-collection tool and driver of decision-making.

While Kamakani, with adequate controls put in place, could be the data collection tool that the former director envisioned and the basis for a management information system the NIC refers to – a means to address the department's overtime issues while also collecting the accurate data necessary to calculate a credible shift relief factor – full development and implementation of such a system will require the agreement and commitment of the director and the wardens to make *and* keep such an effort a department priority. From there, management must establish the objectives of the data collection effort, design an internal control system to allow for the objectives to be achieved, including documented policies and procedures, and internally communicate to department personnel the information needed to achieve the objectives. Without management's commitment to compiling the leave data – and, more importantly, making that commitment a department priority – the department will struggle to support future proposed increases in the shift relief factor or staffing with actual data. Management must develop clear and consistent policies and procedures for collecting, compiling, and reporting the leave data.

According to the department, the State's Office of Enterprise Technology Services (ETS) is in the process of converting the department to the new Hawai'i Information Portal payroll system (HIP). In June 2020, the State announced it had launched a new digital time and leave system in which timesheets and leave requests will be submitted electronically by state employees. ETS is helping to coordinate this project, which will enable quick access to records, and data and analytics and allow for informed decisions and workforce management. The project schedule called for phasing in groups of state employees from 2020 through 2021.

The Director stated that he recognizes the shortcomings of the Kamakani leave data and that it should be modernized and automated. However, he added that the department does not plan on making any changes or improvements to the current data collection process until it first determines what HIP may be able to do as far as the types of data it is capable of collecting. The Director could not provide an estimated timeframe as to when this might occur.

Meanwhile, DPS' security staffing levels are still determined by a shift relief factor based on 50-year-old data and conditions. Since then, the department has been unsuccessful in attempts to increase staff based on its 1992 revision of the shift relief factor, which itself is based on data that is decades old. While we understand the department's urgency to fill ACO vacancies, we note that it is equally imperative that it develop and implement information systems that collect current, accurate and complete leave data in order to provide credibility to its staffing analysis and shift relief factor calculations. This in turn, provides stronger support for its staffing requests.

Conclusion

We found that the work availability data used to calculate the current shift relief factor for Hawai'i correctional facilities were derived from a much different time than today and merits the need for recalculation. However, the department must first ensure it has the means to collect, compile, and maintain complete, reliable employee leave and absence data in order to do it. That will require the department to make employee data collection a priority for the purpose of calculating an accurate shift relief factor for each of its facilities and eventually, to conduct a more complete staffing analysis.

In addition, a staffing analysis report would likely be more accepted if the methodology employed is credible.² If the report is to be reviewed by decisionmakers such as the Legislature and the Governor, then describing the staffing analysis procedures will assure them the analysis is based on sound methodology. This also applies when the analysis involves re-calculating shift relief factors.

Although decisionmakers are eventually responsible for balancing the needs of security and cost containment, it is the agency that is responsible for presenting an accurate and credible picture of its staffing situation, to enable governing bodies to make an informed decision.

² National Institute of Corrections, *Prison Staffing Analysis: A Training Manual with Staffing Considerations for Special Populations*, December 2008.

Recommendations

The Department Should:

1. Update its shift relief factor using actual ACO leave and attendance data (instead of calculating the shift relief factor based on the amount of leave an ACO is legally entitled to use). In addition to when ACOs are out on scheduled and unscheduled leave, the data should include the number of hours (or days) ACOs are unable to work at their assigned posts because of required training or other temporary reassignments, among other things.
2. Prioritize the collection of accurate and timely ACO leave and attendance data needed to calculate an accurate and up-to-date shift relief factor and communicate that priority as well as the purpose and objective of collecting the data to correctional facility wardens and other department personnel who are responsible for the leave and attendance data.
3. Develop policies, procedures, and processes to ensure each correctional facility operated by the department collects and compiles complete and consistent time and attendance data necessary to compute an accurate and up-to-date shift relief factor.
4. Develop an automated process or processes to collect and compile the leave and attendance data needed to calculate an accurate and up-to-date shift relief factor. If the department re-purposes the existing Kamakani tool to collect and compile the leave and attendance data needed to compute its shift relief factor, we recommend that the department consider Kamakani to be an interim measure to determine its actual staffing requirements. An automated process or processes is needed to replace the current process or processes that require department personnel to manually copy and input leave and attendance information from certain forms to other forms.

Appendix A: Prior Audits

We have conducted a number of performance audits relevant to personnel management and overtime in Hawai‘i’s prisons and jails as well as several financial audits of the Department of Public Safety that examine prison overtime and personnel management issues.

Report No. 92-26, *Financial Audit of the Department of Public Safety*, conducted by a public accounting firm, found the department failed to exercise adequate control over the use of leave and payment of overtime, resulting in excessive overtime costs. The financial audit also disclosed a lack of exercise of proper controls over the review and approval of employee scheduling, overtime, timesheets, attendance records, and leave records at correctional facilities.

Report No. 92-27, *A Review of a Formula for Security Staffing at the Department of Public Safety*, was a study in response to Section 5 (152) of the Supplemental Appropriations Act of 1992 (Act 300). Legislators were concerned about the department’s proposed shift relief factor which, if fully funded, would add almost 200 uniformed staff at an annual cost exceeding \$5 million. The study found the revised shift relief factor proposed by the department appeared reasonable, however, the data manually maintained at the individual correctional facilities used in calculating the shift relief factor was found to be inconsistent and sometimes inaccurate.

Report No. 94-18, *A Follow-Up Review of Security Staffing in the Department of Public Safety*, was conducted pursuant to the Legislature’s directive to conduct a follow-up review on actions taken by the department from January 1993 to August 1994 in response to the recommendations on security staffing in our two 1992 reports (Report Nos. 92-26 and 92-27). The department requested to increase the shift relief factor from 1.65 to 1.88 which would result in 152 additional staff at an annual cost exceeding \$4.1million. We found the department had not yet fixed responsibility for security staffing at a senior management level and the proposed shift relief factor remained only an estimate because firm supporting data was lacking.

Report No. 00-05, *Management and Financial Audit of the Department of Public Safety*, was requested by the Legislature in the face of facility overcrowding, lack of inmate services, insufficient staffing, and excessive use of overtime. We found the director of public safety failed to provide the leadership and guidance needed to efficiently staff facilities and control the department’s extraordinary overtime costs. Flaws in the department’s staffing formula identified in our 1992 audit had yet to be addressed. The department’s sick leave abuse program initially reduced overtime, but overtime costs subsequently increased every year.

Report No. 02-10, *Financial Audit of the Department of Public Safety*, conducted by a public accounting firm found that the department continued to experience unusual patterns of sick leave and overtime costs were significant. Uniformed staff were taking an average of 27 sick leave days, significantly higher than the average of ten days for all state employees. A sample of 25 corrections officers and medical and food service staff with highly unusual overtime compensation found that approximately 40 percent of their total compensation was related to overtime, and some employees were paid more for overtime than for their regular salaries and wages.

Report No. 06-05, *Financial Audit of the Department of Public Safety*, conducted by a public accounting firm found that ineffective internal controls allowed significant overtime to remain unchecked. The department's current policies and procedures allowing for an employee to be paid two years after the work was performed and uninhibited sick leave usage continued to increase overtime costs.

Appendix B: Scope and Methodology; GAGAS Compliance Statement

We conducted this audit pursuant to section 23-4, Hawai‘i Revised Statutes (HRS), which requires the Auditor to conduct post audits of the transactions, accounts, programs and performance of all departments, offices, and agencies of the State and its political subdivisions. We initially started this self-initiated audit in November 2015. However, the project was suspended in December 2016. In February 2020, we restarted the audit, eventually revising its scope and objectives. Our work was suspended intermittently due to the COVID-19 pandemic. We completed our work in May 2021.

Our audit focused on the department’s processes for determining the proper security staffing level at each facility and an assessment of the employee data collection system which is necessary to calculate an accurate shift relief factor. To achieve our audit objectives, we obtained and reviewed the security post and work position plans for Hawai‘i’s correctional facilities, prior audits examining the shift relief factor, and conducted interviews with department staff, management, current and former directors, and the wardens at all eight of the department’s prisons and jails. We reviewed pertinent policies and procedures, reports, documents, and applicable laws and regulations. We conducted site visits at one large and one small correctional facility to observe and document the employee data collection process. We researched best practices for conducting staffing analyses and calculating the shift relief factor.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Office of the Auditor's Comments on the Department of Public Safety's Response to the Audit Findings

WE TRANSMITTED a draft of this report to the Department of Public Safety (department) and met via video conference with the Director, the Deputy Director, and other department employees to discuss the draft. The department subsequently provided us with its written comments to the draft report, most of which were not raised during the exit conference. Those comments are included in their entirety as Attachment 1. However, we are compelled to note that the purpose of the exit conference, which we explained, was to discuss the draft report, specifically any concern or disagreement the department may have with the draft. The department's decision to withhold comment and express its concerns about the draft report for the first time in its written comments did not allow us to discuss those concerns and, more importantly, to correct confusion the department seems to have about the audit findings. That said, we revised the report based on and because of the department's written comments, which we note below.

In his preliminary remarks, the Director contends that the report's conclusions and recommendations are "no different" from prior audits. The Director, however, is misinformed. While we did review the department's staffing formula in 1992, that report was a study – not an audit – requested by the Legislature because of the large increase in the department's budget request for security staffing. With the assistance of a consultant, we reported that the shift relief factor proposed by the department "appears reasonable" based on the data available to the department at the time. However, that conclusion is not the same as the current finding.

In this audit, we found that, without an up-to-date shift relief factor, the department does not know the number of security positions it needs to operate its correctional facilities. Said differently, it is our conclusion that the department's current shift relief factor, which is a key tool used to determine the necessary number of security positions, does not account for changes in statutory requirements, collective bargaining agreements, and other developments since 1992. The department's continued use of the same shift relief factor does not appear to be reasonable.

The Director is correct that our finding about the department's need to establish strong internal controls to ensure facilities collect and compile accurate, timely, and consistent data to calculate a shift relief factor is no different from our conclusion in 1992. And that is exactly the problem. At that time, we reported that the leave data was manually maintained at the individual facilities and that the facilities were recording leave data inconsistently and sometimes inaccurately. We stressed the need for the department to establish management controls over the data, specifically recommending that the department implement an information system to collect the data necessary to calculate the shift relief factors for its posts at each facility. Now, almost 30 years later, little has changed: We found that the department still has not developed a tool to collect and compile the needed data and, perhaps even more concerning, that the department still has no policies or procedures relating to collecting the needed data. Each facility continues to compile the data inconsistently, and most facilities do not even compile the Kamakani report.

Auditor's Role Versus Management's Responsibilities

The Director's comment that we did not come to any conclusion about whether the shift relief factor should be higher highlights his misunderstanding of management's responsibilities. It is not our responsibility to determine the proper shift relief factor – or conclude that the current one is too low. We are not responsible for operating the department's correctional facilities. Our job is to objectively assess the department's performance, including management's actions, and to offer recommendations for improvement where opportunities or deficiencies are identified. Implementation of our recommendations will not cure all the challenges the department is facing and has faced for many years; but is, we believe, necessary to address these challenges.

Determining the appropriate number of staff positions to cover the security posts at each facility without regularly closing posts, reassigning staff, or resorting to overtime is the department's job. And, as we report – as we did 30 years ago – the department cannot perform that responsibility until it is able to consistently collect accurate leave data and other information.

It is also the Director and his management team's responsibility to create the appropriate control environment, starting with the "tone at the top." They must demonstrate a commitment to calculate an accurate, up-to-date shift relief factor, which requires collecting and compiling the data needed to do so. Management is responsible for developing appropriate policies, procedures, and other internal controls that help to ensure the department is working effectively and as management intended. Those policies, procedures, and controls should not only help ensure the facilities to collect data uniformly, but they should also

enable management to hold staff accountable for that work. The lack of substantive progress in those efforts – after almost 30 years – clearly reflects the lack of management’s commitment.

The Shift Relief Factor Is Only One Component of a More Comprehensive Staffing Analysis

The department expressed disappointment that our audit did not include a more comprehensive staffing review that, according to the department, would have addressed the unique operations of its prisons and jails. The audit was to assess how the department determines the appropriate number of positions needed to staff its security posts, which is one component of a more comprehensive staffing review. While we agree on the need for a comprehensive staffing analysis, that was not the objective of our audit – for a number of good reasons.

A comprehensive staffing analysis includes post planning and other factors that influence staffing such as facility layout, inmate classifications, methods and schedule of daily operations, and inmate programs and activities. This type of analysis is an exercise conducted by a correctional agency or facility. Management should regularly review its facilities’ staffing requirements as part of a comprehensive analysis. It simply is not the responsibility of an auditor, who does not have sufficient expertise to know, for instance, the appropriate number and location of security posts needed to safely operate a facility. In addition, if we were to assume management’s job, we would be precluded from a future audit of management’s performance of its responsibilities since we would be auditing ourselves.

The Department Does Not Know the Number of Security Staff Positions Needed to Cover Existing Security Posts at Its Facilities

The department disagreed with the wording of the report’s first finding. However, while the department agrees that its shift relief factor is outdated, the department nevertheless asserts that the wardens know the staffing requirements to operate their respective facilities safely and that wardens can close non-essential posts, re-assign security officers, and transfer inmates to other facilities, among other things, to address daily staffing needs.

The department’s comments reflect a serious misunderstanding of the finding. We are not reporting that the department is not adequately securing its facilities. Instead, we point out that without an up-to-date and accurate shift relief factor, the department is unable to determine the number of correctional officer positions it needs to cover security posts in its facilities. The department just does not know how many positions it needs at each of its facilities; it only knows how many positions it

needed 30 years ago. As a result, wardens must routinely resort to “band-aid” solutions to cover security posts in their facilities: closing posts, suspending inmate programs, re-assigning staff, and excessive overtime.

The Shift Relief Factor Should be Calculated Using the Number of Hours that Security Staff is Unavailable to Work at Their Scheduled Security Posts

In its comments, the department asserts that we did not consider “regular ‘real world’ occurrences” such as unplanned posts created because inmate population increases, inmate movements, inmate medical issues, facility construction projects, and court hearings. The department also notes that “no one can accurately predict how many security staff will show up on a given day” and when staff do not come to work, the department must close posts and implement other “triage” measures.

The shift relief factor should be calculated using the actual time when security staff are unable to cover their regularly assigned posts – because staff is assigned elsewhere, is on vacation, sick, or other leave, attending training, injured, or for any other reason. It includes those “regular ‘real world’ occurrences” described by the department as well as the other times its security staff does not come to work.

The department, however, insists that it is more appropriate to calculate the shift relief factor using “known hours of leave,” i.e., the amount of leave employees are entitled to use – not the amount of leave employees actually use. The department’s method of calculating a shift relief factor is not the current best practice. (See “Policy vs. Reality” on page 17.) More importantly, the department’s methodology, which itself ignores the regular, real-world occurrences described by the department, will not provide the department with an accurate understanding of the number of correction officer positions its facilities need to operate without resorting to the triage measures currently used by the department.

According to the department, if it uses actual leave data to calculate the shift relief factor, the shift relief factor will be fluid, i.e., it will change as the actual time its security staff are unavailable to cover their regularly assigned posts changes, which the department believes will be “counterproductive” to the legislative process. This position suggests that the department does not have sufficient faith in the Legislature to understand the shift relief factor, the collective bargaining agreements, and other relevant considerations.

In our opinion, the department's concerns are misplaced and its perspective short-sighted. By ignoring both the actual absences as well as other times when staff are unable to cover their regularly assigned posts, the department will never know the number of security staff positions that needs and will continue to rely on wardens triaging to cover security posts. Suspending inmate programs, such as visitation, because staff must be reassigned to cover essential security posts, relying heavily on overtime, and implementing other band-aid solutions to cover staff absences should not be the department's long-term approach. Additional job stresses likely increase security risks, increase absenteeism, hurt morale, and even expose the state to potential liability.

Our report also points out that using the average of three years of data will provide an accurate and realistic reflection of the availability of uniformed staff at correctional facilities. The National Institute of Corrections states that updating the shift relief factor periodically, using the most recent data available, is of critical importance given that the data, such as employee leave and absences as well as vacancies, changes over time. Calculating the shift relief factor should be a consistent exercise and not an isolated, one-time event.

We believe that an accurate staffing factor will provide the Legislature with a clearer understanding of the department's staffing needs and allow the Legislature to make informed decisions in its appropriation of public funds.

Necessity of Accurate and Continuous Data Collection

Our report makes clear the department must first establish a data collection system that provides current, complete, and accurate data that helps ensure its current and future calculations of its shift relief factor are credible. In response to that finding, the department claims that the state's new digital time and leave system – Hawai'i Information Portal (HIP) – will collect leave data and can generate reports by facility. The department transitioned to HIP in August 2021, which was after the completion of our audit fieldwork. Therefore, we were unable to assess whether HIP is capturing all the data necessary to calculate an accurate shift relief factor or can generate the facility-specific reports referenced in the department's written comments. However, in response to the department's comments, we have amended one of our recommendations to make clear that the department should first assess whether an electronic data collection method is feasible before considering repurposing a method such as Kamakani, which involves a manual process to reduce the risk of human error.

We are compelled to note our concern about the department's apparent belief that HIP is the solution to the data collection issues we identified in this audit and similarly reported almost 30 years ago. While HIP may require each facility to report staff leave data more uniformly and may allow the department to compile more timely reports, HIP likely does not collect all the data that is necessary to calculate the shift relief factor. As we have explained in the report and in this response, the shift relief factor is based on the average amount of time, either in days or hours, that security staff is unable to cover their regularly assigned posts, for whatever the reason; it is not limited to the vacation, sick, and other types of leave. According to the department, every day, there are numerous types of unplanned posts that must be staffed depending on, for instance, population increases, inmate movements, programmatic needs, medical issues, and court hearings. It is our understanding that HIP may not capture the time department staff is re-assigned to unplanned posts and are unable to cover their regularly assigned posts. If true, the department must develop a system to collect the data which is needed to calculate an accurate shift relief factor that HIP does not capture.

It is equally important to emphasize that the department must develop and document clear policies and procedures to direct staff on the collection of data and the calculation of an accurate shift relief factor; the department must develop controls to ensure that staff adhere to those policies and procedures. In addition, the Director and his management team must lead the department's efforts to update its shift relief factor. As the Director noted in his comments, in 1992, we reported the need to establish strong internal controls to ensure facilities collect and compile accurate, timely, and consistent data to calculate a shift relief factor. After almost 30 years, we found that nothing has changed. It is critical that the Director and his management team set the appropriate "tone" that conveys to the entire department the importance of the shift relief factor, including management's commitment to collecting the data needed to update the relief factor.

Kamakani Part of the Solution?

Our report also points out that repurposing Kamakani, which was primarily intended to collect data for the purpose of managing overtime issues, to collect data for the primary purpose of calculating a shift relief factor is a readily available option for the department provided it establishes an internal control system. The department asserts that Kamakani is an internal management tool and was never intended to be a tool to calculate the shift relief factor. However, the department told us that it used Kamakani leave data to support a shift relief factor of 2.01 in FY2014 when it asked the Legislature for additional correctional staff positions.

Finally, after considering the department's comments, we made minor changes and clarifications in our report, none of which affected our findings and conclusions. Specifically, we re-wrote Finding No. 1. While we believe the finding, as initially worded, is accurate, we amended it to emphasize the importance of an up-to-date shift relief factor in determining the number of security staff needed. In addition, we deleted a detailed description of the department's New Attendance Program, which attempted to address ACOs' leave without pay incidents, after the department informed us that it recently ended the program.

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November 24, 2021

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Re: Response to Draft Audit Report of the Department of Public Safety

Dear State Auditor Kondo:

Thank you for providing us with a draft report of your audit of the Department of Public Safety (PSD), dated November 2021. Please accept this letter as PSD's comment and response to the draft report. It is our hope that you will consider our input before finalizing your audit report and attach this letter to the final report for a fair and balanced perspective.

Preliminarily, we want to point out that the subject audit took six (6) years to complete (from 2015 to 2021). Initially the scope of the audit focused on the use of overtime, but in 2021 the focus shifted to the calculation of the staffing of security positions using the shift relief factor (SRF). Yet despite the extraordinary length of time to complete the audit report, the conclusion and recommendation are no different from the prior audits. As with the prior audits, this audit found that the SRF is outdated and recommended that PSD develop an automated process to collect and compile leave and attendance data to calculate an accurate SRF.

Considering that the audit was extensive and substantial data was provided to the auditor's team, we expected a more comprehensive staffing review addressing the unique operations of the jails and prisons. Further, despite the audit finding that "the new state and federal laws have been enacted that impact job availability by providing **more** and different types of leave as well as requiring **additional** training," the audit did not make any conclusion regarding whether these additional leaves and training requirements would result in a higher SRF.

We agree with the conclusion that the data used to calculate the current SRF factor for Hawaii correctional facilities were derived from a much different time (1970s) than today and merits the need for recalculation. The 1994 audit review (Report No. 94-18) noted that PSD's proposed SRF of 1.88, an increase from 1.65, appeared **reasonable**. It is

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obvious that if a recalculation of the current SRF is accurately done, which we intend to do, and takes into consideration the “new” state and federal leave and training requirements referenced in your audit report that did not exist in the 1970s, the SRF will be much higher. A higher SRF means additional new security positions. We also agree that developing and implementing information systems that collect accurate and complete leave data is important in calculating the SRF.

We note, however, that the long delay in completing the report makes the audit recommendation not immediately useful. During the six-year period, so much has changed, including the COVID-19 pandemic, which affected PSD’s priorities.

First, as you already know, the COVID-19 pandemic has had a significant impact in the State’s budget. In the past several fiscal years, the State abolished and unfunded many vacant positions. Last year the Legislature initially deleted 291 of our vacant positions, including 160 adult correctional officer (ACO) positions or 11% of our total ACO position counts. Although we successfully convinced the Legislature to not abolish vacant positions, the Legislature did not appropriate funds. We later requested and received emergency appropriation to fund the vacant ACO positions. At this time, we do not intend to request additional security positions based on an outdated SRF. It would be ill-advised to make such a request when the State is experiencing an economic meltdown due to the COVID-19 pandemic.

Second, the COVID-19 pandemic has drastically altered the staffing requirements of our correctional facilities. All facilities have had short-staffing problems related to COVID-19. The recommendation to collect accurate leave data for a three-year period when we are in a pandemic is not practical. Using leave data during a pandemic to assess staffing requirements post-pandemic will result in an inaccurate staffing requirements.

As to the recommendation to develop an automated system to replace the current manual processing for recording leave time, we believe this recommendation ignores the fact that the State has launched a new digital time and leave system in 2020 – the Hawaii Information Portal (HIP) – whereby employees submit timesheets and leave requests electronically. PSD went live in August 2021.

Given the State’s economic condition, the primary focus of the current PSD administration is to ensure that the existing ACO vacant positions are not abolished and to fill them immediately to increase the number of available staff per shift. When the State’s budget improves and security vacancies are filled, PSD intends to utilize the automated HIP system to calculate an accurate and up to date SRF to provide credibility and support to additional security staffing we plan to request.

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Finding No. 1: The department is unable to determine the number of ACOs needed to ensure health and safety of its prisons and jails, without requiring the regular use of overtime.

Response: This finding is inaccurate, overly broad, and an oversimplification of the many variables needed to staff a correctional facility on a daily basis.

The scope of the revised audit was limited to the SRF. The auditor did not conclude that the SRF is the only factor that affects the daily staffing requirements. The SRF relies on leaves and absences to calculate a “shift,” but there are many important factors that must be considered to get an accurate calculation of staffing requirements other than the SRF. The first and foremost determinant of staffing needs is the number of available posts needed to operate a facility, which is different from the calculation of staffing for purposes of a “shift” relief. Post assignments and prioritization of posts, facility plant layout, inmate classification, inmate movement patterns, operational needs based on programs and specific incidents, are just some of the many factors that affect staffing requirements. Accordingly, Finding No. 1 should be limited to the SRF. We propose the following statement:

Proposed Finding No. 1: The department is unable to determine the correct number of ACOs needed to operate its prisons and jails based on an outdated SRF.

We strongly disagree with Finding No. 1 as currently written. First, the statement “[t]he department is unable to determine the number of ACOs needed to ensure health and safety of its prisons and jails,” is inaccurate, misleading, and inflammatory. PSD uses the SRF and post assignments to determine staffing needs, among many other factors. This audit has concluded that the SRF is a “widely accepted tool.”

Although an **outdated** SRF will generally not provide an accurate staffing requirement, it is incorrect and irresponsible to assume that wardens do not know their staffing needs to ensure the health and safety of their respective facilities. The audit did not provide support for this conclusory statement. Other than the review of the SRF, which is limited to the staffing of “shifts,” the audit did not investigate the many factors that must be considered in assessing an accurate calculation of facility staffing needs (e.g., posts assignments and prioritization of posts, facility plant layout, inmate classification, inmate movement patterns, types of facility (low, medium, high security), operational and programmatic needs, and other staffing needs to respond to specific incidents, etc.).

Further, this finding fails to recognize that there are other measures available to the wardens to address daily staffing needs and ensure the health, safety, and security of the prisons and jails. These measures include but are not limited to the closing of non-

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essential posts, re-assignment of security officers from other facilities, movement of inmates to other facilities, and use of emergency hires, just to name a few.

Second, the statement “[t]he department is unable to determine the number of ACOs needed to ensure health and safety of its prisons and jails, **without requiring the regular use of overtime**,” is wholly inaccurate. Overtime is used for many operational reasons unrelated to the SRF. The creation of extra posts based on daily operational needs, vacancies, attrition rates, are just some of the many factors that must be considered in deciding the appropriate staffing needs on a day-to-day basis. Several extra unplanned posts are created daily based on population increase, inmate movements, programmatic needs, mental and medical health issues, transportation duties for court hearings and hospitalizations, manning of CIP projects, and others. These factually regular “real world” occurrences were not taken into consideration by the audit.

Further, although leaves and absences are factors included in the SRF, no one can accurately predict how many security staff will show up on a given day. This is especially true during this COVID-19 pandemic where absences are considerably much higher and unpredictable than the pre-pandemic period.

Finding No. 1 also incorrectly assumes that overtime is the only available option to address staffing issues. As stated above, closing of non-essential posts, re-assignment of security officers from other facilities, movement of inmates to other facilities, and use of emergency hires are other options available to the wardens and have been used.

For additional comments to Finding No. 1, please see attached memo from Michael J. Hoffman, Institutions Division Administrator.

Finding No. 2: The department needs to establish strong internal controls for the employee data collection mechanism it uses, such as Kamakani, to ensure an accurate calculation of its shift relief factor.

Response: This is already being done using the automated HIP system. The HIP system can generate queries that will provide leave details at each facility. The emphasis given to Kamakani program in the audit report and the recommendation to repurpose Kamakani to ensure accurate calculation of the SRF are misplaced. Kamakani is an internal management tool to review data regarding the various functions and programs within each respective correctional facility; it was never intended to be a tool to calculate the SRF. It is also not practical to repurpose Kamakani, which is based on the manual collection of data, when the new automated HIP system allows PSD to generate queries that will provide accurate leave details for each facility.

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For additional comments to Finding No. 2, please see attached memo from Michael J. Hoffman, Institutions Division Administrator.

Recommendations: PSD is already utilizing the new HIP system to collect and compile an automated leave and attendance data needed to calculate an accurate and up to date SRF. If necessary, PSD can address any limitations in the HIP system to account for other types of leaves that are not currently captured. However, as stated above, collecting leave data during the COVID-19 pandemic will not provide an accurate SRF calculation post-pandemic.

Thank you for the opportunity to provide our comment and response to the draft audit report.

Sincerely,



Max N. Otani
Director


c: Tommy Johnson
Deputy Director for Corrections


Michael J. Hoffman
Institutions Division Administrator

Enclosure

November 23, 2021

TO: Max Otani, Director

THROUGH: Tommy Johnson 
Deputy Director for Corrections

FROM: Michael J. Hoffman 
Institutions Division Administrator

SUBJECT: Auditor's Report – Rebuttal and Comments

Upon reviewing the Auditor's Report there are some corrections and rebuttal offered regarding their two findings and 4 recommendations. I have attached a copy of the Auditor's Report and highlighted the areas of rebuttal and/or corrections. I have listed page number, quoted the report language and the comments and/or corrections made.

Finding No. 1, The Department is unable to determine the number of ACOs needed to ensure health and safety at its prisons and jails, without requiring the regular use of overtime.

Page 2, last two (2) sentences in the box labeled as "What is a Post?" It reads, "Essential posts represent the minimum number of posts needed to provide safety for the inmates, staff, and the public. Non-essential posts are all other posts including those that provide a security presence for inmate services and programs such as the law library and substance abuse treatment programs."

It should be noted, law library is a constitutional mandate as a part of the provision requiring the State to provide access to the courts. Even though the post may be "non-essential", the services must be provided regardless of the designation of the post. This still requires staffing to provide the mandated access to the courts. Another nuance uncaptured related to the operation of an institution.

Page 2, second paragraph in the body of the report. It reads, "The Department of Public Safety (DPS) Institutions Division Administrator said as a general rule, the seven-day-per-week posts are designated as an essential post and five-day-per-week posts are considered non-essential posts."

It should be noted, "general rule" may be an inappropriate term or quote to include in this report. In general, you may find that most essential posts run 24 hours a day seven (7) days a week. Stating that it is a general rule may indicate something other than the reality of posting. Important posts such as Transportation, Court Logistics Officers, Rovers for Court video hearings and others that relieve the regular duty Officer (RDO) in an essential post for one day do not run 24/7 but are essential. The RDO may only have two days designated as an essential reliever and have three days where they are

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non-essential. These posts do not run 24-7 but are designated as essential posts and filled accordingly.

Page 3, #3 in the box labeled "Covering the Bases" states, "Once a reassignment is made, either close the non-essential post or use overtime to fill the non-essential post, and..."

It should be noted, due to union agreements, if a non-essential post is closed, you cannot backfill the non-essential post with overtime. If you do, a premium of 4 hours will be paid to the employee moved off the non-essential post.

Page 8, #1 states, "The department is unable to determine the number of ACOs needed to ensure the health and safety at its prisons and jails without requiring the regular use of overtime.

It should be noted, the statement is false and misleading. Wardens and Commanders are very aware of the numbers of ACOs needed to provide the health and safety without requiring the regular use of overtime. The report forgets to include security, which is the underlying driver of the auditor's report since that is where the shift relief factors are applied and most of the required overtime is generated.

Posts were identified to manage and operate the facilities. This is the basis for best outcomes. When staff do not come to work, how that process is managed, requires posts to be closed and triage implemented. It isn't as easy as a shift relief factor fixing all the variables weighing on this issue. For the statement to be made that, "The Department is unable to determine the number of ACOs needed to ensure health and safety at its prisons and jails, without requiring the regular use of overtime." is unfair and misleading.

The numbers for staffing are directly related to posts. Posts are needed to carry out the function of security, safety, and health. The more posts you have the higher requirement for staffing. The department went into an agreement with UPW to control overtime. They agreed to designating essential and non-essential posting. In the event staff shortages were prevalent, the facility could fill the essential posts by closing and moving the employee from the non-essential post to fill the essential post. Since the essential posts are mirrored to the midnight shift staffing, you are basically going to lock down the facility if you only staff at the "essential" level.

The essential and non-essential designated posts identified in the schedule has staffing numbers fixed through the Bargaining Unit agreement. Commanders can hire above the essential posting; however, budgets and operating costs are always weighing on the

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decisions as to how much latitude a Commander has and must decide how many overtimes will be utilized that are above your baseline "essential" posts. If the non-essential posts get closed to move the employee to an essential post, and the numbers do not cover all the essential designated posts, overtime must be applied. This system can only work and is based on how many employees on any given day show up for work.

Overtime and shift relief factors are related, but it is common knowledge posts drive staffing requirements. Shift relief factors drive the number of ACOS needed to fill those posts in relation to authorized and unauthorized leave. By applying the mathematical formula of known hours of leave for an employee to create the shift relief factor will only work in the event those numbers utilized remain constant and accurate. A known example would be an employee earns 21 days of vacation a year and can have up to 720 hours of vacation on the books. The shift relief factor would utilize 21 days or 168 hours even though you can certainly have an employee take above the 168 hours. In other words, upping your shift relief factor may in fact add more staff available on any given day, you still may not have enough staff to cover the posts if the employees are taking more hours available to them than what was calculated to identify the shift relief factor. The auditor suggests utilizing the NIC NAWH shift relief factor equation, however that will change from year-to-year dependent on the actual numbers of employees out as opposed to utilizing the standard hours an employee can take. Even though it is averaged out on a three-year basis, if employees exceed those numbers or they are inconsistent from year to year, you will have a shift relief factor, but a skewed understanding of the actual shift relief factor needed to eliminate overtime. In other words, overtime will never go away with all the variables that play on why employees do not have to be at work. The crushing example is the Family Medical Leave Act (FMLA). It is evident that a facility can have many employees on FMLA, upwards of 50% of the authorized staffing levels. This means on any day; it is possible 50% of your staffing can call out on leave and remain out for the identified frequency and duration under which FMLA was approved. So, even though you may have numbers averaged out over a three-year period, it will do nothing for you when these type of excess absenteeism bouts occur. Some of these times are identifiable such as holiday seasons, main sporting events, community affairs and activities etc., but again, it was a number devised based on an average, not specific times that don't fit into the "averaged" analysis. The shift relief factor is attempting to gauge an overall average, but it is common to have anomalies that do not reflect the actual numbers of staff you will need in certain times and situations. Covid is the epitome of this. I can only imagine what our three-year shift relief factor would be coming out of 2020, 2021, 2022. If the pandemic comes under control, the numbers would be so high they wouldn't be relative for the following three-year period. It is of my opinion the department would have more stability in a fixed shift relief factor based on what leave an employee can take as

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opposed to what is taken averaged over a three-year period. The averaging formula is counterproductive to legislative processes, and the inability to adjust a work force every three years. Due to union agreements, we do not have the ability to lay off workers due to a calculation that would indicate we have to high of a shift relief factor and legislative processes are not forgiving on establishing and funding new positions that would be required adjustments every three years.

Page 15, second paragraph states, "ACOs who did not report for work during the required action period are suspect to another incident investigation and can be charged with more leave without pay incidents. ACOs accumulating 15 incidents within a two-year period are forced to resign with the stipulation that they will not seek re-employment with the department. The schedule of incident/required action is applied continuously for a period of two years retroactive from the date of the most current violation."

It should be noted the New Attendance Program (NAP) memorandum of agreement, which held in abeyance the CBA Articles 37.17, 37.04, 37.05 and 38A.11, expired recently. PSD now applies those Articles that were held in abeyance under the NAP agreement.

Page 20, second paragraph states, "The Administrator was not aware of any written guidance or procedures to conduct a staffing analysis available to the department today."

It should be noted, I was aware of the National Institute of Corrections (NIC) staffing analysis tool revised 2008. It had been given to all the Chiefs of Security, but we were never instructed to conduct an actual analysis to propose different staffing levels or shift relief factors.

Page 20, last paragraph talks about resurrecting the Kamakani and re-purposing it for the collection of data specific to calculating a shift relief factor as opposed to managing overtime..."

It should be noted, the Auditor's report consistently states the manual collection of the data in the Kamakani makes the information unreliable. It is inconsistent for this recommendation of re-purposing the Kamakani since the data will still be collected in the same manner and the agency will be left with the next auditor's report stating the data is unreliable.

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The Kamakani report was never intended to be a tool for calculating a shift relief factor, but rather an internal working document or management tool for Administrators to have collected data for different facets of the institution, fully knowing it wasn't perfect, to review and identify anomalies in the various narrative, general summary data, program operations, and expenditure areas of the institution. It gave an understanding of the spikes and valleys as comparison to what was "normally" seen from the month to month collected data.

In conclusion to Finding #1, "The Department is unable to determine the number of ACOs needed to ensure health and safety at its prisons and jails, without requiring the regular use of overtime." I offer up the following:

The Wardens and Commanders know what staffing should be like to run a safe, secure, and healthy jail and/or prison. In a perfect world, all the posts would be filled on all three watches 24 hours a day, 7 days a week, regardless of "how" the shift relief factor is calculated, but that is not a reality. There are too many variables that weigh on the ability to solve the absentee issues of staff. I agree an adjusted shift relief factor calculation taking into consideration the changes in factors that have occurred since the last calculation in 1970 would add more staff to the same problem but will not fix the requirement of utilizing overtime when staff do not regularly show up for work in random and unknown patterns. Without controls over the various plethora of worker leave benefits, programs, and union agreements, shift relief factors in of themselves will not fix the problem of worker shortages and ultimately utilizing overtime.

Finding No. 2, The department needs to establish strong internal controls for the employee data collection mechanism it uses such as Kamakani, to ensure an accurate calculation of its shift relief factor

Page 22, first paragraph. It states, "According to the former director, information being submitted on overtime was based on payroll data, which, because of the way the payroll system operated, was about a month-and-a-half late. In addition, since the reports only accounted for overtime expenses, they did not provide any insight on the reasons for which overtime was being incurred..."

It should be noted the Kamakani report collected data on various categories that could, but not necessarily, result in the use of overtime. Categories were broken down into the general summary report which accounted for all hours of data within categories and data on overtime hours that were utilized due to the categorized leave. Actual payroll numbers may have come in a month later, but the actual numbers accounted to the overtime categories were real time data taken from sign in sheets. Data collected were

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real time numbers for the month of reporting. Actual paid out fiscal expenditures were a month later due to overtime and some base pay being paid after the fact of working it.

Page 22-23, last paragraph of page 22 and first continued paragraph on page 23, is inaccurate in the information stated. The Kamakani report when first initiated had a definition/instruction sheet. My best recollection of the document defined the terms, how it was to be reported, i.e., by days, hours etc., and where to look for the data. The continued second paragraph on page 23 states, "However, the department neither communicated the former director's intentions for Kamakani's goals and objectives to its wardens nor did it issue any mandates or other administrative actions to ensure Kamakani reports were consistent, correct or submitted on time."

It should be noted there were employees specifically brought into the department to manage and oversee Kamakani. The form was the same for every facility and the submittal dates were the same, i.e., the 15th of the following month of the required reporting period. All Wardens were brought before a committee to go over their submitted information and questioned on the information within their report. There was a computer program all Wardens had to go into and sign off on the data that was submitted as being reviewed and accurate. I believe the auditor's report is reflective of what the state of the program was in at the time they began to do their audit. By then, and as stated in the Auditor's report in the second paragraph on page 23, states, "After the former director's retirement in 2015, it appears the Kamakani was dropped as a department-wide reporting requirement sometime after and is now used by the wardens at their discretion."

The Kamakani had been dropped as a formal reporting tool as far back as 2008. It was resurrected back in 2011 and dropped again in 2015 and left to the discretion of the Wardens. The Auditor's report started in 2015. Many of the Wardens were not around during the conception of the Kamakani and 6 new Wardens were promoted since 2014. It isn't surprising to hear they were not familiar or do not have full knowledge of the reporting document. Again, I reiterate, the report was to be an internal management tool to review data regarding the various functions and programs within each respective correctional facility.

The 4 recommendations:

The recommendations in the Auditors report does not change PSD's problems with attendance. From my understanding and experience, vacancies are an unknown factor that disrupts the ability and exasperates the problem of getting a firm handle on affirming a shift relief factor and ultimate use of overtime. The following are the Auditor's 4 recommendations.

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1. Update the shift relief factor using actual ACO leave and attendance data (instead of calculating the shift relief factor based on the amount of leave an ACO is legally entitled to use). In addition to when ACOs are out on scheduled and unscheduled leave, the data should include the number of hours (or days) ACOs are unable to work at their assigned posts because of required training or other temporary reassignments, among other things.

I believe your shift relief factor would be better known by utilizing this methodology, however the term "unscheduled" will be so inconsistent, the changes will bring instability in the calculations. Vacancies are not factored in and even if they were the unpredictability of them will distort the data even more since they are not static.

2. Prioritize the collection of accurate and timely ACO leave and attendance data needed to calculate an accurate and up-to-date shift relief factor and communicate that priority as well as the purpose and objective of collecting data to correctional facility wardens and other department personnel who are responsible for the leave and attendance data.

This is presently being explored. Since the start of the Auditor's report, the State has created and implemented an automated system to collect and track time and attendance data. This is the Hawaii Information Portal.

3. Develop policies, procedures, and processes to ensure each correctional facility operated by the department collects and compiles complete and consistent time and attendance data necessary to compute an accurate and up-to-date shift relief factor.

This is presently being done with the implementation of the automated Hawaii Information Portal.

4. Develop an automated process or processes to collect and compile the leave and attendance data needed to calculate an accurate and up-to-date shift relief factor. If the department re-purposes the existing Kamakani tool to collect and compile the leave and attendance data needed to compute its shift relief factor, we recommend that the department consider Kamakani to be an interim measure to determine its actual staffing requirements. An automated process or processes is needed to replace the current process or processes that requires department personnel to manually copy and input leave and attendance information from certain forms to other forms.

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This is presently being done through the Hawaii Information Portal. The Hawaii Information Portal program is automated and will have the ability to track data in real time making it unnecessary to re-purpose the Kamakani report.