

OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII
NO. 1 CAPITOL DISTRICT BUILDING
250 SOUTH HOTEL STREET, SUITE 107
HONOLULU, HAWAII 96813
TELEPHONE: 808-586-1400 FAX: 808-586-1412
EMAIL: oip@hawaii.gov

To: House Committee on Corrections, Military & Veterans

From: Cheryl Kakazu Park, Director

Date: February 8, 2023, 9:00 a.m.
State Capitol, Conference Room 430

Re: Testimony on H.B. No. 1132
Relating to the Hawaii Correctional System Oversight Commission

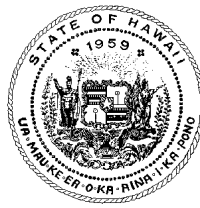
Thank you for the opportunity to submit testimony on this bill, which would, among other things, require the Correctional System Oversight Commission to take measures to maintain confidentiality in investigations. The Office of Information Practices (OIP) takes no position on the substance of this bill, but offers comments on the effect of the confidentiality provision.

The provision requiring the Commission to take measures to maintain confidentiality in investigations, on bill page 3, requires the Commission to hold executive sessions under the Sunshine Law “as necessary” to maintain confidentiality in investigations, including witness identities. The provision does not provide the Commission with an additional exception to the Sunshine Law’s open meeting requirements beyond those already provided for Sunshine Law boards in general, so the Commission must rely on the executive session purposes listed in section 92-5, HRS, as its basis for holding such an executive session. In other words, **the effect of this proposal is to require the Commission to hold an executive session for its discussion of an investigation whenever the Sunshine Law authorizes it to do so; it does not authorize the Commission**

to hold an executive session that would not otherwise be authorized by the Sunshine Law. Potentially relevant purposes for which an executive session is authorized under the Sunshine Law include “[t]o investigate proceedings regarding criminal misconduct” and “[t]o consider sensitive matters related to public safety or security,” as well as consultation with a board’s attorney and consideration of information made confidential by law or court order. Thus, this measure would require the Commission to discuss an investigation in executive session whenever one of those purposes, or any other authorized purpose, applies.

Thank you for considering OIP’s testimony.

JOSH B. GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
KA 'OIHANA HO'OPALEKANA LEHULEHU
1177 Alakea Street
Honolulu, Hawai'i 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 1132
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT
COMMISSION

By
Tommy Johnson, Director

House Committee on Corrections, Military & Veterans
Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Wednesday, February 8, 2023; 9:00 a.m.
CR 430 and Via Videoconference

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 1132, which seeks to extend the term of the Oversight Coordinator for the Correctional System Oversight Commission and to also broaden the Coordinator's authority with the following recommendations.

PSD recommends the legislature consider amending Section 1 to a four-year term, which is more in line with other boards and commissions such as the Chairman of the Hawaii Paroling Authority (§ HRS 353-63). It is also recommended that the legislature consider requiring the Coordinator to be confirmed by the Senate. Given the unique nature of the duties and responsibilities of the position coupled with the authority vested in the Coordinator, requiring senate confirmation would be appropriate.

With respect to Section 3 of this measure, which seeks to amend §HRS Section 353L-7(c), PSD has no concerns as the Oversight Coordinator already has the ability to request information, records, and the Coordinator and any

Testimony on HB 1132
House Committee on Corrections, Military & Veterans
February 08, 2023
Page 2

member of the Commission already have the authority to enter any correctional facility unannounced.

Thank you for the opportunity to provide testimony on HB 1132.

JOSH B. GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
HAWAII PAROLING AUTHORITY
Ka 'Ākena Palola o Hawai'i
1177 Alakea Street, First Floor
Honolulu, Hawaii 96813

EDMUND "FRED" HYUN
CHAIR

GENE DEMELLO, JR.
CLAYTON H.W. HEE
MILTON H. KOTSUBO
CAROL K. MATAYOSHI
MEMBERS

COREY J. REINCKE
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL 1132
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

by
Edmund "Fred" Hyun, Chairman
Hawaii Paroling Authority

House Committee on Corrections, Military & Veterans
Representative Mark J. Hashem, Chair
Representative Cory M. Chun, Vice Chair

Wednesday, February 8, 2023 – 9:00 a.m.
Conference Room 430

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Hawaii Paroling Authority (HPA) supports HB 1132, which seeks to extend the term of the Oversight Coordinator for the Correctional System Oversight Commission and to also broaden the Coordinator's authority with the following recommendation.

- HPA recommends the legislature consider amending Section 1 to a four-year term, which is more in line with other boards and commissions such as the Chairman of the Hawaii Paroling Authority (§ HRS 353-63). It is also recommended that the legislature consider requiring the Coordinator to be confirmed by the Senate. Given the unique nature of the duties and responsibilities of the position, coupled with the authority vested in the coordinator, requiring Senate confirmation would be appropriate.

Thank you for the opportunity to provide testimony on HB 1132.



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

TO: The Honorable Mark J. Hashem, Chair
The Honorable Cory M. Chun, Vice Chair
House Committee on Corrections, Military & Veterans

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1132, Relating to the Hawaii Correctional System Oversight Commission
Hearing: Wednesday, February 8, 2023; 9:00 a.m.
State Capitol, Room 430

Chair Hashem, Vice Chair Chun, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (the Commission) **strongly supports** House Bill 1132, Relating to the Hawaii Correctional System Oversight Commission, which strengthens our ability to carry our Legislative directives as found in Act 179/SLH 2019.

The Commission's mandate, codified in Chapter 353L, HRS, includes four core functions: 1) investigating complaints at correctional facilities and facilitating a transition to a rehabilitative and therapeutic model of corrections; 2) establish maximum inmate population limits for each correctional facility and formulate policies to prevent overcrowding; 3) monitor, review and make recommendations about the comprehensive offender re-entry program and parole services; and, 4) ensure that the comprehensive offender reentry system under chapter 353H is working properly.

Senate Bill 455 addresses three areas that will improve the work of the Commission:

1. Extend the term of the Oversight Coordinator from two to six years. Much of the work of the Commission is delegated by Act 179 to the Oversight Coordinator. Hawaii's criminal justice and correctional systems are unique to our State and requires intimate knowledge to address the requirements of Chapter 353L. It is through gaining that knowledge and developing working relationships with elected and appointed officials, private entities, and their staff that will make the Commission successful. Staff longevity is in the best interest of the Commission.
2. Section 353L-3, HRS, mandates the Commission "have jurisdiction over investigating complaints at correctional facilities..." and Section 353L-7 (d), HRS, requires the Oversight Coordinator when conducting investigation complaints to "maintain confidentiality in respect to all matters and the identities of the complainants or witnesses..." The Commission has jurisdiction over investigating complaints but no

clause demanding confidentiality. This disconnect means the Oversight Coordinator cannot discuss investigations with the Commission as a whole in a confidential manner. Rather, Hawaii's sunshine laws would require the discussion take place at a public meeting. Exceptions can be made to hold a meeting closed to the public under Section 92-5(8), HRS, if the purpose is "to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to state or federal law, or a court order."

3. Effective oversight of a correctional system requires unfettered access to facilities, including entering without notice to inspect the site. Section 353L-7 currently limits that unfettered access to the Oversight Coordinator only pursuant to an investigation of a complaint. As an independent Commission, our staff should be able to access and inspect facilities on demand. Section 3 of this measure makes access universal.

The proposed amendment as written in Section 2 of this bill was opposed by the Office of Information Practices (OIP) and the Civil Beat Law Center as being too broad and we agree with their assessment. Our intent was to limit the scope of meetings closed to the public strictly to discussion of active investigations of complaints which are required to be confidential under Section 353L-7(d). There was also concern expressed about what information would be released after an investigation is completed. We intend to make available on our website a summary of the complaint, what was discovered in the investigation and our conclusions/recommendations without violating the confidentiality of the complainant or witnesses.

To resolve these concerns, we suggest the following amendments which have been reviewed and agreed to by OIP and the Civil Beat Law Center.

Amend Section 2 by replacing Page 1, lines 16 through Page 2, line 3 with the following:

"(1) Oversee the State's correctional system and have jurisdiction over investigating complaints at the correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model[;], provided that when an investigation is concluded, the commission shall publish a summary of the investigation, without information that would identify the complainant or witnesses, and any action taken by the commission in response;"

Delete the proposed amendments found on Page 3, lines 3 through 11, and replace the period found at the end of the sentence on Page 3, line 2.

Add a new SECTION 3 with the following:

SECTION 3. Section 353L-3 is amended by adding a new subsection (c) to read as follows:

"(c) In addition to the purposes described in section 92-5(a) or any other applicable exemption from part I of chapter 92 and in accordance with the procedures for holding an executive session meeting pursuant to section 92-4, the commission may hold a meeting closed to the public to discuss with the oversight coordinator a complaint investigated pursuant to subsection (b)(1) when necessary to maintain confidentiality as required by subsection 353L-7(d)."

Renumber the subsequent bill sections as 4, 5, and 6. To avoid confusion, attached is a new draft of House Bill 1132 incorporating the above.

In closing, we would like to bring to your attention that even though the Commission was formed in 2019, funds were not released until 2022, preventing staff hires and greatly impeding progress in achieving the Commission's mandate. In July 2022 Christin M. Johnson was hired as the Oversight Coordinator, bringing with her an abundance of experience in oversight of jails, prisons and police. Since her hiring, the Commission has made substantial steps in achieving its goals. We are very grateful to have someone of her caliber joining us.

In summary, we urge your support of this measure to support the mandate of the Hawaii Correction System Oversight Commission. Thank you for the opportunity to testify.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

ATTACHMENT

A BILL FOR AN ACT

RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 353L-2, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 “(a) The governor shall appoint an oversight coordinator
4 from a list of three nominees submitted by the commission. The
5 oversight coordinator shall be a person qualified by training
6 and experience to administer the Hawaii correctional system
7 oversight commission and shall be well-versed in criminal
8 justice reform and maintain a firm commitment to the
9 correctional system's transition to a rehabilitative and
10 therapeutic model. The oversight coordinator shall serve a
11 [~~two-year~~] six-year term.”

12 SECTION 2. Section 353L-3, Hawaii Revised Statutes, is
13 amended by amending subsection (b) to read as follows:

14 “(b) The commission shall:

15 (1) Oversee the State's correctional system and have
16 jurisdiction over investigating complaints at the
17 correctional facilities and facilitating a

.B. NO.

1 correctional system transition to a rehabilitative and
2 therapeutic model[~~r~~], provided that when an
3 investigation is concluded, the commission shall
4 publish a summary of the investigation, without
5 information that would identify the complainant or
6 witnesses, and any action taken by the commission in
7 response;

8 (2) Establish maximum inmate population limits for each
9 correctional facility and formulate policies and
10 procedures to prevent the inmate population from
11 exceeding the capacity of each correctional facility;

12 (3) Work with the department of public safety in
13 monitoring and reviewing the comprehensive offender
14 reentry program, including facility educational and
15 treatment programs, rehabilitative services, work
16 furloughs, and the Hawaii paroling authority's
17 oversight of parolees. The commission may make
18 recommendations to the department of public safety,
19 the Hawaii paroling authority, and the legislature
20 regarding reentry and parole services; and

21 (4) Ensure that the comprehensive offender reentry system
22 under chapter 353H is working properly to provide

.B. NO.

1 programs and services that result in the timely
2 release of inmates on parole when the maximum terms
3 have been served instead of delaying the release for
4 lack of programs and services.”

5 SECTION 3. Section 353L-3 is amended by adding a new
6 subsection (c) to read as follows:

7 “(c) In addition to the purposes described in section 92-
8 5(a) or any other applicable exemption from part I of
9 chapter 92 and in accordance with the procedures for
10 holding an executive session meeting pursuant to
11 section 92-4, the commission may hold a meeting closed
12 to the public to discuss with the oversight
13 coordinator a complaint investigated pursuant to
14 subsection (b) (1) when necessary to maintain
15 confidentiality as required by subsection 353L-7(d).”

16 SECTION 4. Chapter 353L-7, Hawaii Revised Statutes, is
17 amended by amending subsection (c) to read as follows:

18 “(c) [~~In an investigation, the~~] The oversight
19 coordinator may make inquiries and obtain information as
20 the oversight coordinator thinks fit, enter without notice
21 to inspect the premises of an agency or correctional

.B. NO.

1 facility, and in an investigation hold private hearings in
2 accordance with chapter 91.”

3 SECTION 5. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that
5 were 5 begun before its effective date.

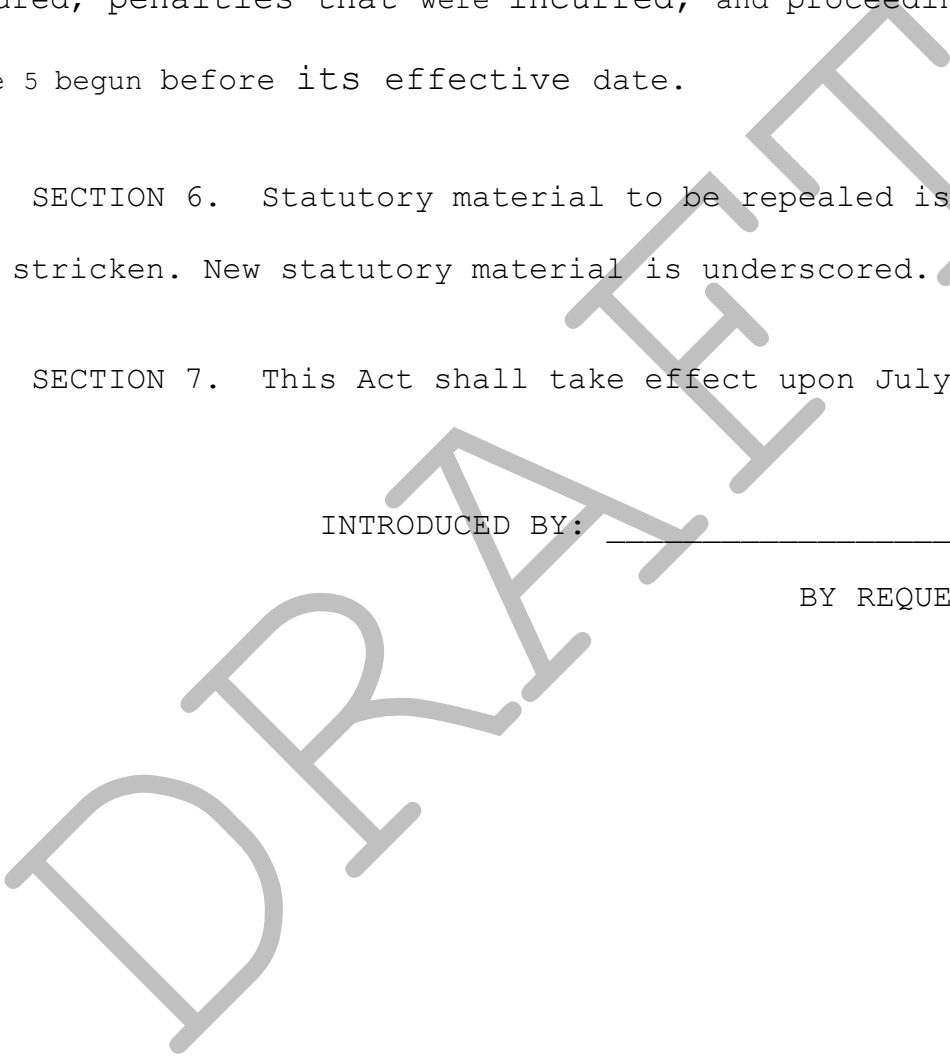
6 SECTION 6. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon July 1, 2023.

9
10
11

INTRODUCED BY: _____

BY REQUEST



COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Rep. Mark J. Hashem, Chair

Rep. Cory M. Chun, Vice Chair

Wednesday, February 8, 2023

Room 430

9:00 AM

STRONG SUPPORT FOR HB 1132 - HI CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

Aloha Chair Hashem, Vice Chair Chun and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the 4,058 Hawai`i individuals living behind bars¹ and under the “care and custody” of the Department of Public Safety/Corrections and Rehabilitation on any given day. We are always mindful that 965 of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for this opportunity to testify in strong support of this measure and mahalo for introducing this important bill. SB 455 extends the term for the Hawai`i Correctional System Oversight Commission (HCSOC) Coordinator from two years to six years. This is so important to the transition Hawai`i is making to a rehabilitative and therapeutic model. Corrections has many moving parts and a six-year term would give the Coordinator time to start making the necessary changes to accomplish the Governor’s goal.

The other agency that also has six-year terms is the Public Utilities Commission in acknowledgement of the work it takes to transition from a fossil fuel system to a clean and renewable energy system. Both these agencies are creating the path for Hawai`i’s sustainable future for our families.

Community Alliance on Prisons is delighted that Hawai`i finally has a professional coordinator to oversee our correctional system.

¹ Department of Public Safety, Weekly Population Report, January 30, 2023.

https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-30_George-King.pdf

The other part of this bill is the authorization for the Commission to conduct investigative hearings of complainants in Executive Sessions. One of the important aspects of oversight is communication with the staff downtown as well as staff working in our jails and prisons throughout Hawai'i nei. It is, therefore, important that the Commission conduct investigations that are confidential to protect the people coming forward with information.

Community Alliance on Prisons supports these confidential investigations to protect whistleblowers, however, **provided that when an investigation is concluded, the commission shall publish a summary of the investigation, without information that would identify the complainant or witnesses, and any action taken by the commission in response.**

Traditionally, it has been difficult to get information from the department, therefore, this change will promote much-needed transparency for the community since this is a publicly-funded agency.

An article by Michele Deitch², the expert in Oversight explains:

Prisons and jails in this country are among the most opaque public institutions in our society. We have erected massive walls and razor wire fences around these buildings, placed them in remote corners of each state, limited public access to these spaces, and restricted information that can reveal what is happening inside the walls. We lack reliable data pertinent to the health, safety, and well-being of people in custody, and cannot even assess the relative safety or danger of any particular facility. Information about deaths in custody remains elusive in many states. Even data about the spread and toll of Covid-19 behind bars is spotty and unreliable, and is virtually nonexistent in local jails. In contrast to our peer nations, most states in this country lack oversight mechanisms that can prevent harm in prisons and jails by allowing independent officials to routinely monitor conditions of confinement.

For decades, we relied on our federal courts to provide that oversight. In the 1970s and 1980s, many states' prison systems operated under the scrutiny of federal judges who had found conditions in the correctional facilities in violation of the Eighth Amendment prohibition against cruel and unusual punishment. Cases in Texas, Arkansas, New York City, and Alabama, among other places, revealed and seared into our collective memories appalling practices such as the use of brutal prisoners as guards to control cellblocks; torture devices that deliver electric shocks to the genitals; "hitching posts" to restrain prisoners in the fields, and rampant violence and overcrowding in dilapidated facilities. Long-term court oversight of the detailed consent decrees in these and other cases ensured the dismantling of those practices, often through regular inspections conducted by court monitors and special masters, and by the ongoing threat of contempt fines for agencies that resisted reform.

^{2 2} Independent Oversight Is Essential for a Safe and Healthy Prison System, Michele Deitch, November 3, 2021.

<https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>

But there are several reasons that court oversight is insufficient to fill the gap and promote transparency. First, court oversight is reactive, occurring only after problems have hit constitutional rock bottom; it does not prevent those problems in the first place. Second, increasingly narrow interpretations of the Eighth Amendment by the Supreme Court, and the restrictions imposed by [the Prison Litigation Reform Act \(PLRA\)](#) passed by Congress in 1996, vastly reduce the likelihood of successful lawsuits (the PLRA also limits the extent of ongoing court oversight following a rare judgment against a prison agency). Third, court oversight is timebound, lasting only as long as it takes to remedy the problem, even though conditions can (and do) easily backslide after the court's supervision ends. Finally, the objective of court oversight is to raise institutional conditions to constitutional minima, not to help the agency implement best practices, or work towards a more humane culture. The courts continue to be essential as a backstop against the worst punitive excesses, but we fool ourselves if we think they can fundamentally change prison culture and transform prisons and jails into places that respect human dignity. One need only look at [the horror that is Rikers Island](#) to realize that even court-sanctioned consent decrees do not always solve deep-seated problems.

Since the passing of the Prison Reform Litigation Act (PLRA) correctional systems have become even more closed. Litigation was one way the public could find out what is happening in these institutions. We mention this because we don't ever want to see Hawai'i go backwards and hide publicly-funded information about how our jails and prisons operate while they house our family and friends.

We cannot underscore enough the importance of this Commission in moving Hawai'i toward a rehabilitative and therapeutic model. Mahalo for caring enough about Hawai'i to support overseeing the system that has done so much harm to our families. We can change this, and Ms. Johnson and the Oversight Commission are the great leaders Hawai'i needs to help us get there!

Amending the statute as suggested, will ensure that publicly-funded institutions will not operate in the dark,

Community Alliance on Prisons urges the committee to pass this measure onto FIN with a strong recommendation for passage.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

700 Bishop Street, Suite 1701
Honolulu, HI 96813

Office: (808) 531-4000
Fax: (808) 380-3580
info@civilbeatlawcenter.org

House Committee on Corrections, Military & Veterans
Honorable Mark J. Hashem, Chair
Honorable Cory M. Chun, Vice Chair

**RE: Testimony Opposing H.B. 1132, Relating to the
Hawaii Correctional System Oversight Commission**
Hearing: February 8, 2023 at 9:00 a.m.

Dear Chair and Members of the Committee:

My name is Brian Black. I am the Executive Director of the Civil Beat Law Center for the Public Interest, a nonprofit organization whose primary mission concerns solutions that promote governmental transparency. Thank you for the opportunity to submit testimony **opposing the expansive and unjustified confidentiality in H.B. 1132.**

In discussions with a representative of the Hawaii Correctional System Oversight Commission about the intended scope of the confidentiality provision, amended language (see second page) would address the Law Center's concerns. As drafted, however, the confidentiality provision is too broad.

This bill provides complete confidentiality for any "investigation" by the Hawaii Correctional System Oversight Commission.

Under the Sunshine Law, "investigation" has a broad meaning. Boards may form permitted interaction groups that are not subject to the open meetings provision to "investigate" any matter related to board business, but there are limitations and reporting requirements for such investigations. HRS § 92-2.5(b)(1). The Sunshine Law also provides for closed-door sessions for "criminal misconduct" investigations. *Id.* § 92-5(a)(5). Unlike the existing Sunshine Law provisions, the proposed Commission provision has no limitations, no reporting requirements, and thus no public oversight.

The proposed confidentiality also permits the Commission to take any "other measures, as necessary, to maintain the confidentiality regarding all matters in the investigation." The Commission may argue that such vague language permits withholding public records regarding an investigation. The public records law already provides numerous grounds for withholding records regarding an investigation, especially to protect the identity of complainants and witnesses. *E.g.*, OIP Op. No. F22-01. Those exceptions, however, are narrowly tailored to balance the relevant investigatory and privacy interests with the public interest in disclosure.

To focus the bill on the apparent intended scope, the Law Center supports the Commission's proposed amendments. Specifically, instead of adding a (b)(5) to HRS § 353L-3, a new subsection (c) would grant the Commission a separate exemption from the Sunshine Law that permits closed-door meetings to discuss the Commission's investigation of complaints. And to ensure sufficient access for the public to understand what the Commission is doing, the Commission would be required to publish summaries of its investigations; the summaries would not include the identity of any complainant or witness.

Amended (b)(1) for 353L-3

The commission shall:

(1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model; provided that when an investigation is concluded, the commission shall publish a summary of the investigation, without information that would identify the complainant or witnesses, and any action taken by the commission in response.

New subsection (c) for 353L-3

(c) In addition to the purposes described in section 92-5(a) or any other applicable exemption from part I of chapter 92 and in accordance with the procedures for holding an executive session meeting pursuant to section 92-4, the commission may hold a meeting closed to the public to discuss with the oversight coordinator a complaint investigated pursuant to subsection (b)(1).

There is no justification for the broader exemption as originally drafted.

Thank you again for the opportunity to testify **opposing** H.B. 1132 unless amended.

HB-1132

Submitted on: 2/7/2023 10:35:46 AM

Testimony for CMV on 2/8/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorenn Walker	Hawai'i Friends of Restorative Justice	Support	In Person

Comments:

COMMITTEE ON CORRECTIONS, MILITARY & VETERANS

Honorable Representative Mark J. Hashem, Chair

Honorable Cory M. Chun, Vice Chair

HEARING DATE: Wednesday, February 8, 2023

TIME: 9:00 AM, Via Videoconference & Conference Room 430

STRONG SUPPORT FOR HB1132 RELATING TO HAWAI'I CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

Hawai'i Friends of Restorative Justice (HFRJ) supports this bill to make the Hawai'i Correctional System Oversight Commission more effective by lengthening the term, and broadening the powers, of the Commission's Coordinator.

[HFRJ](#) has worked for many decades to improve access to justice for those harmed by crime and injustice. Our state suffers from the state's failure to adopt policies that address [increasing desistance](#) of people who commit crime. Our state has instead focused mostly on punishment which the [US Justice Department](#) admits is not an effective way to deter crime.

The Corrections Oversight Commission and its Coordinator can provide the necessary guidance our state needs to evaluate its almost exclusive use of punishment (incarceration and parole) in responding to wrongdoing. The Commission and its Coordinator instead can help find ways to increase the criminal desistance of those exposed to the system, and prevent further harms caused by the system that is supposed to benefit the community.

Public funding that supports the carceral system must be properly evaluated for effectiveness. This bill furthers that purpose and can strengthen the credibility of our criminal legal system and help make our community safer by potentially reducing crime and injustice.

Please contact Lorenn Walker, JD, MPH at lorenn@hawaii.edu if you have questions about our support for this bill.

HB-1132

Submitted on: 2/6/2023 10:17:47 AM

Testimony for CMV on 2/8/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill to extend the tenure of the Director of the Correctional Oversight Commission term from two to six years. The Commission must have an ED in order to fulfill the mandate of the legislature. A two year appointment potentially would mean lengthy periods of time without an ED while a search went on. We are fortunate currently to have a highly qualified person in that role--finally. To have to start over in a year would severely damage oversight.

Please pass HB1132. Thank you for hearing this bill.

HB-1132

Submitted on: 2/7/2023 5:49:11 AM

Testimony for CMV on 2/8/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

Strong support for HB1132.

LATE

HB-1132

Submitted on: 2/7/2023 10:28:08 AM

Testimony for CMV on 2/8/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writng in strong support of HB1132. This bill stipulates a six-year term for the Coordinator of the Hawaii Correctional System Oversight Commission. This allows the new Coordinator to establish a firm foundation of oversight and implementation of the Commission’s mandate to transition Hawaii’s archaic and problem-plagued correctional system to a more rehabilitative and therapeutic model.

In the first year of the Coordinator’s term, it was discovered that Hawaii’s correctional facilities were tolerating many violations of federal corrections law and endangering the lives and well being of the imprisoned population. It was also surprising that many prison officials and employees were not even aware of the laws they were violating. While it may be uncomfortable for public safety officials and the legislators who support the status quo, the Coordinator’s role is to improve the system for the incarcerated as well as the correctional employees and, at the same time, safeguard the State from financial liability that might arise from these many violations.

I believe that only someone who is aware of correctional systems research and evidence-based programs in other states and who has the vision to implement changes can be successful. I am doubtful that this task can be left to anyone who has been in the correctional system their entire careers and may not have ability to transcend old school thinking and allegiances.

Lastly, confidentiality of the identities of those contacting the Oversight Commission is essential to protect them from retaliation.

Please pass HB1132 to allow the Coordinator to continue her valuable work to help create a more rehabilitative correctional system. This is the best way to protect public safety.

Mahalo for your consideration.

Diana Bethel

LATE

HB-1132

Submitted on: 2/8/2023 4:42:46 AM

Testimony for CMV on 2/8/2023 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

Support