



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, March 3, 2023 at 10:00 A.M.

Conference Room 211 & Via Videoconference

by:

Dr. Erin E. Harbinson

Director, Criminal Justice Research Institute

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 210, S.D. 1, Relating to Criminal Justice Data Sharing

Purpose: Establishes a Criminal Justice Data Sharing Working Group to make recommendations for a statewide criminal justice data repository. (SD1)

Judiciary's Position:

The Criminal Justice Research Institute respectfully submits the following comments on Senate Bill No. 210, S.D. 1.

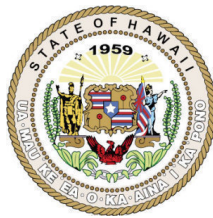
Senate Bill No. 210, S.D. 1 seeks to establish a data working group to create a centralized repository of information to improve data sharing across criminal justice agencies. The Criminal Justice Research Institute is tasked with creating a centralized statewide criminal pretrial justice data reporting and collection system (HRS § 614-3) and is engaged with several agencies to assess the data landscape of the state's criminal justice system. As such, we are familiar with many of the information systems criminal justice agencies use and the barriers to sharing this information and using it for research. As acknowledged in Senate Bill No. 210, S.D. 1, there is

no centralized repository of all criminal justice information. To some extent, this may be appropriate because of the operational nature of these systems, in which case it may be suitable for certain information to be kept confidential or separate from other agency users. However, this disconnect results in barriers for better information sharing and for conducting research. To overcome these barriers would require a cooperative effort among multiple agencies to balance information and research goals with operational goals.

The Criminal Justice Research Institute met with the Honolulu Prosecutor's office to ensure that our work is not duplicative, and it is our understanding that this initiative would be a separate endeavor to improve information sharing, whereas our efforts are focused on working from information systems to extract and aggregate data for research purposes pursuant to reporting requirements established under law. More centralized information could improve the ability for researchers to analyze criminal justice data, but we defer to the agencies involved and the Legislature to establish these priorities within the operational and resource constraints that currently exist. We are partnering with the Department of the Attorney General's Hawai'i Criminal Justice Data Center to extract aggregate data for research purposes, but we are unfamiliar with all of their platforms designed for information sharing and defer to them and the Legislature in regards to chairing this working group. We are committed to collaborating on efforts designed to improve criminal justice data, and will share our work in this area to support any initiatives like this should they move forward.

Thank you for the opportunity to comment on this measure.

JOSH GREEN
GOVERNOR



JORDAN LOWE
DIRECTOR

MICHAEL S. VINCENT
Deputy Director
Administration

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'opalekana Lehulehu

1177 Alakea Street
Honolulu, Hawaii 96813
(808) 587-2562

Vacant
Deputy Director
Law Enforcement

No.

TESTIMONY ON SENATE BILL 210, SD 1
RELATING TO CRIMINAL JUSTICE DATA SHARING
Before the Senate Committees on Judiciary and Ways and Means
Friday, March 3, 2023; 10:00 a.m.
State Capitol Conference Room 211, Via Videoconference

WRITTEN TESTIMONY ONLY

Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Keith-Agaran, and members of the Committees:

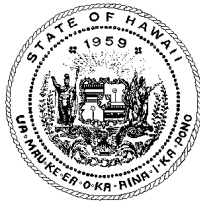
The Department of Law Enforcement (DLE) strongly supports this bill.

This bill establishes a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository.

Currently the Hawaii Criminal Justice Data Center (HCJDC) administered by the Attorney General operates the criminal history record information system, the statewide Automated Fingerprint Identification System, the statewide Sex offender and Other Covered Offender Registry, and the Adult Criminal Conviction Information Web Site. However, the criminal justice data elements and systems identified in this bill are not generally shared among law enforcement agencies in the state. The working group is needed to help guide state and county law enforcement agencies as they work to meet ever increasing demands on law enforcement agencies to share information and develop law enforcement operations and analysis related systems capable of sharing essential information among the law enforcement agencies in the State.

Thank you for the opportunity to testify in support of this bill.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
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TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William F. Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE BILL 210, SENATE DRAFT 1
RELATING TO CRIMINAL JUSTICE DATA SHARING

by

Tommy Johnson, Director

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

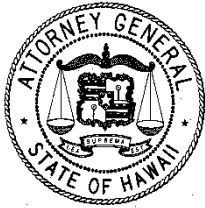
Friday, March 3, 2023; 10:00 a.m.
State Capitol Conference Room 211 and Via Video Conference

Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Keith-Agaran, and members of the Committees:

The Department of Public Safety (PSD) strongly supports Senate Bill (SB) 210, Senate Draft (SD) 1, which proposes to establish a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository.

PSD appreciates the Legislature's inclusion of its recommended amendments reflected in SB 210, SD1, which was amended to specify the Attorney General, or the Attorney General's designee, shall serve as the chair of this working group.

Thank you for the opportunity to provide testimony comments in support of SB 210, SD 1.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

S.B. NO. 210, S.D. 1, RELATING TO CRIMINAL JUSTICE DATA SHARING.

BEFORE THE:

SENATE COMMITTEES ON JUDICIARY AND ON WAYS AND MEANS

DATE: Friday, March 3, 2023

TIME: 10:00 a.m.

LOCATION: State Capitol, Room 211

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Philip D. Higdon, Administrator,
Hawaii Criminal Justice Data Center, at (808) 587-3341)

Chairs Rhoads and Dela Cruz and Members of the Committees:

The Department of the Attorney General (Department) is in strong opposition of this bill. We respectfully request that it be held.

The purpose of this bill is to establish a criminal justice data-sharing working group, chaired by the Attorney General or the Attorney General's designee, to make recommendations for a statewide criminal justice data repository.

The Department strongly opposes this bill because it is completely duplicative of the work the Department does through its Hawaii Criminal Justice Data Center.

Pursuant to chapter 846, Hawaii Revised Statutes, the Data Center (Data Center) of the Department is statutorily responsible for collecting, storing, and disseminating adult criminal history in the State of Hawaii. Each state and county criminal justice agency is required to submit pertinent criminal justice data to the Data Center's Criminal Justice Information System via direct data entry or interfaces to their records/case management systems. The pertinent criminal justice data includes, but is not limited to, arrest, prosecution, adjudication, probation, parole, and custody information. The Criminal Justice Information System may be expanded to include additional information, the same as recommended on page 5, line 13, through page 12, line 2, under section 2(h) of this bill and does not recommend the creation of a new repository.

The bill is also duplicative of the Hawaii Integrated Justice Information Sharing (HIJIS) program, which is designed to build real-time criminal justice information sharing throughout the State to achieve greater efficiency, security, accuracy, and completeness of data sharing, reduce duplicate data entry, and speed up the processing and access to justice information. The HIJIS is governed by the HIJIS executive committee comprised of agency executives and leaders, including the majority of the same agencies listed in section 2(b), page 3, line 4, through page 4, line 9. The Attorney General is the chairperson of the HIJIS executive committee, which is the same structure as the working group established in the bill at page 4, lines 7-9.

As is duplicative of the bill, the HIJIS program has an established agreement between partnering agencies through an executed memorandum of agreement, which is the same as recommended in section 2(a)(1), page 2, lines 10-13. Operational and policy drivers are laid out in the HIJIS Strategic Plan and Tactical Plan, which is the same as recommended in section 2(a)(2), page 2, lines 14-16. The Tactical Plan is revisited annually to assess priorities for the planning and development of the HIJIS program. The HIJIS program mandates privacy policies for partnering agencies and user access to safeguard information. The HIJIS executive committee meetings target data collection and sharing concerns and promote discussion on current issues and possible solutions, which is the same as recommended in section 2(a)(3), page 2, lines 17-19.

While we appreciate the intent of this bill, the Department believes that it is wholly duplicative of the excellent work done by the Data Center.

The Department expresses its strong opposition and requests that the bill be held.



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

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

WRITTEN
TESTIMONY
ONLY

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 210, Senate Draft 1, Relating to Criminal Justice Data Sharing
Hearing: Friday, March 3, 2023; 10:00 a.m.
State Capitol, Room 211

Chair Rhoads, Chair Dela Cruz, Vice Chair Mike Gabbard, Vice Chair Keith-Agaran, and Members of the Committees:

The Hawaii Correctional System Oversight Commission (the Commission) **supports the intent** of Senate Bill 210, Relating to Criminal Justice Data Sharing, with the goal to develop a Criminal Justice Data repository that can be accessed by statewide criminal justice agencies. Creating a common data system will improve the timely sharing of information between police, prosecutors, attorneys, and the Courts in processing cases through the criminal justice system. This data will also help the counties and State analyze the factors driving criminal justice trends, develop and adopt policies addressing these factors, and measure the impact of policy changes.

We defer to Criminal Justice Research Institute Director Erin Harbinson, Ph.D., and Hawaii Criminal Justice Data Center Acting Administrator Philip D. Higdon as to the impact of this measure on their mandates and operations.

Thank you for the opportunity to testify on the important matter. Should you have additional questions, our 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.

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research 808-587-0666
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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

SB210 SD1 **RELATING TO CRIMINAL JUSTICE DATA SHARING**

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the Senate Committees on Judiciary and Ways and Means

Friday, March 3, 2023, 10:00 a.m.
Room 211 & Videoconference

Chairs Rhoads and Dela Cruz and Members of the Committees:

Good morning Chairs Rhoads and Dela Cruz and members of the Committees, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau (Bureau). Thank you for providing the opportunity to submit written comments on S.B. No. 210, S.D. 1, Relating to Criminal Justice Data Sharing.

The purpose of this measure is to:

- (1) Establish a criminal justice data sharing working group to address the complexities of statewide data sharing in the criminal justice system and:
 - (A) Develop a formal memoranda of agreement to be executed by participating agencies to ensure the program's continued operation and coordinated planning and development;
 - (B) Identify operational and policy drivers that will influence development priorities for the program in the short and long term;
 - (C) Identify policy, legislative, and operational issues associated with the planning, development, and implementation of the program; and

- (D) Formulate recommendations for changes in policy, operations, and legislation to facilitate data sharing;
- (2) Authorize the working group to:
 - (A) Hold informational briefings and listening sessions to gather input from the public on issues related to criminal justice data sharing within the State; and
 - (B) Request assistance and feedback from subject matter experts, as needed, to enable the working group to carry out its work;
- (3) Require the working group to provide the Legislature:
 - (A) Periodic update reports, including recommendations for any legislative or administrative action the working group deems appropriate to address data sharing concerns or to enable the working group to carry out its work; and
 - (B) No later than twenty days prior to the convening of the Regular Session of 2026, a final report, including recommendations for further actions to be implemented over the following two years, for a program start date of July 1, 2028.
- (4) Request the Bureau to provide drafting assistance to the working group;
- (5) Require the working group to convene no later than August 1, 2023;
- (6) Specify the types of data that may be shared between departments; and
- (7) Establish an unspecified sunset date for the working group.

The Bureau takes no position on the merits of this measure but submits the following comments for your consideration.

As to the request of the Bureau to provide drafting assistance to the working group, the Bureau believes that the current, broadly worded language could be interpreted to require the Bureau to draft all written documents for the working group. Consequently, the Bureau respectfully requests that the scope of the language be narrowed to state that the Bureau, upon request of the working group's Chairperson by no later than October 1st of each year, may draft proposed legislation for the working group.

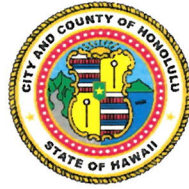
If this requested amendment is made, then the Bureau believes that the services requested under the measure would be manageable, provided that the Bureau's interim

workload is not adversely impacted by too many other studies or additional responsibilities, such as conducting studies, writing or finalizing other reports, drafting legislation, or any combination of these for the Legislature or for other state agencies, task forces, or working groups that may be requested or required under other legislative measures.

Thank you again for the opportunity to submit written comments.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR
KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR

March 1, 2023

The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
And Members of the Senate Committee on Judiciary
The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
And Members of the Senate Committee on Ways and Means
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Dear Chairs Rhoads and Dela Cruz, Vice Chairs Gabbard and Keith-Agaran, and Members of the Committees:

SUBJECT: SB 210 Relating to Criminal Justice Data Sharing

The City and County of Honolulu strongly supports SB 210. This measure is part of the City and County of Honolulu's legislative package and would establish a criminal justice data sharing working group to make recommendations for a statewide criminal justice data repository.

First, we would like to acknowledge the great work the Hawaii Intergraded Justice Information Sharing group has done in this area, our hope with this bill is to expand this project and provide resources and facilitate discussions to reduce redundancies that have caused concern during the processing of criminals from the point of initial detention through their release and probationary periods.

The development of a shared, real-time, data system will not only help with reducing time wasted with repetitive data entry, but also provide criminal justice officers with the resources they need make informed decisions when dealing with suspects, defendants, inmates, and parolees throughout the many jurisdictions.

This is an ambitious undertaking and we recognize that it will take a considerable amount of time to develop. However, we believe that these efforts must start as soon as possible. Thank you for scheduling this bill and for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Formby".

Michael D. Formby
Managing Director

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY**

**THE HONORABLE DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS**

**Thirty-Second State Legislature
Regular Session of 2023
State of Hawai'i**

March 3, 2023

RE: S.B. 210, S.D. 1; RELATING TO CRIMINAL JUSTICE.

Chair Rhoads, Chair Dela Cruz, Vice-Chair Gabbard, Vice-Chair Keith-Agaran, members of the Senate Committee on Judiciary, and members of the Senate Committee on Ways and Means, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **strong support** of S.B. 210, S.D. 1.

The purpose of this bill is to establish a criminal justice data sharing working group, to make recommendations for a statewide criminal justice data repository that provides real-time data sharing between agencies. The working group proposed under S.B. 210, S.D. 1, would include all county police and prosecutor departments, as well as the Judiciary, Attorney General, Public Defender, and Department of Public Safety, among others.

Currently, the various state and county agencies involved in Hawaii's criminal justice system all plan, design, procure, implement and operate their own individual databases and case tracking systems. For the most part, these databases work independently of one another, with little to no interface or means of transferring data between systems. This lack of data sharing creates inefficiencies, as staff are required to re-do data entry that was previously done by prior agencies (within those agencies' databases), some agencies utilize the same terminology with different definitions, and very little information can be merged efficiently from one system to the next.

Seeing the need for efficient, real-time data flow between agencies, the Department recently met with the Crime Justice Research Institute (CJRI), which was created by the Legislature in 2019 through Act 179, to learn more about their work. As it turns out, the data repository system that

would be contemplated by the working group is completely different from the data system that CJRI is currently developing. While CJRI's system is designed to accurately aggregate and compile data for research and evaluation purposes, the working group would be designing a data system that can be utilized by various agencies within the criminal justice system—in real time—for operational purposes. The Department's hope is that the system designed by the proposed working group would help to increase efficiency and accuracy, minimize duplication of work, and provide reliable up-to-date information for decision-making, starting from the time a law enforcement officer first comes into contact with an individual. In addition, the system that is ultimately created by the working group could be designed to feed directly and efficiently into the database being built by CJRI, potentially improving the quality of their data as well.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **strongly supports** the passage of S.B. 210, S.D. 1. Thank you for the opportunity to testify on this matter.

THE CIVIL BEAT
LAW CENTER FOR THE PUBLIC INTEREST

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Senate Committee on Judiciary
Honorable Karl Rhoads, Chair
Honorable Mike Gabbard, Vice Chair

Senate Committee on Ways and Means
Honorable Donovan M. Dela Cruz, Chair
Honorable Gilbert S.C. Keith-Agaran, Vice Chair

**RE: Testimony Commenting on S.B. 210 S.D. 1,
Relating to Criminal Justice Data Sharing**
Hearing: March 3, 2023 at 10:00 a.m.

Dear Chairs and Members of the Committees:

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 **commenting on S.B. 210 S.D. 1.**

This bill would form a working group to make recommendations on a statewide criminal justice data repository. This data is an important source of information for the public to understand our criminal justice system. It is critical for the working group to consider and make recommendations regarding public access to the data repository.

The Law Center respectfully requests that the Committees amend the proposal to: (1) require that the working group consider issues of public access; and (2) add a member to the working group who represents a community organization with an interest in the criminal justice system.

Thank you again for the opportunity to provide comments on S.B. 210 S.D. 1.