



**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. 2, RELATING TO CRIMINAL JUSTICE DATA SHARING.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Thursday, March 16, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Philip D. Higdon, Administrator,
Hawaii Criminal Justice Data Center

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) supports the intent of this bill and provides the following comments.

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 working group proposed by this bill is similar to the existing Hawaii Integrated Justice Information Sharing (HIJIS) Executive Committee, whose membership includes many of the same entities of the proposed working group set forth in section 2(b), page 3, line 4, through page 4, line 9.

Sharing of timely and accurate criminal justice data between agencies is critically important for public safety and the efficient administration of our criminal justice system. The Department recognizes that the various State and county agencies holding criminal justice data maintain their own separate information systems that do not communicate well with one another, if they communicate at all. The Department is committed to working with the many stakeholders that create and maintain criminal justice data to enhance data-sharing statewide.

We appreciate the intent of this bill to improve the statewide criminal justice data repository and increase data sharing between the various criminal justice agencies.

Thank you for the opportunity to testify.



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Thursday, March 16, 2023 at 2:00 P.M.
Conference Room 325 & Via Videoconference

by:

Dr. Erin E. Harbinson
Director, Criminal Justice Research Institute

Bill No. and Title: Senate Bill No. 210, S.D. 2, 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. (SD2)

Judiciary's Position:

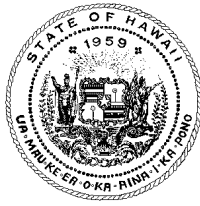
The Criminal Justice Research Institute respectfully submits the following comments on Senate Bill No. 210, S.D. 2.

Senate Bill No. 210, S.D. 2 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. 2, 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, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813

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 2
RELATING TO CRIMINAL JUSTICE DATA SHARING

by
Tommy Johnson, Director

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Thursday, March 16, 2023; 2:00 p.m.
State Capitol, Conference Room 325 and Via Video Conference

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Department of Public Safety (PSD) strongly supports Senate Bill (SB) 210, Senate Draft (SD) 2, 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 amendments reflected in SB 210, SD 2, which includes extending the effective date to encourage further discussions needed for this worthwhile project.

Thank you for the opportunity to provide testimony in support of SB 210, SD 2.

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

Research 808-587-0666
Revisor 808-587-0670
Fax 808-587-0681



LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

SB210 SD2 **RELATING TO CRIMINAL JUSTICE DATA SHARING**

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the House Committee on Judiciary and Hawaiian Affairs

Thursday, March 16, 2023, 2:00 p.m.
Room 325 & Via Videoconference

Chair Tarnas and Members of the Committee:

Good afternoon Chair Tarnas and members of the Committee, 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. 2, 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) Annual updates, 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) Authorize the Bureau to provide proposed legislation drafting assistance to the working group, upon request of the working group's chairperson by no later than October 1st of each year;
 - (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 a July 1, 2029, 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.

The Bureau believes that the services requested under the measure are 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.

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN
(ret.)
HON. RONALD IBARRA
(ret.)
TED SAKAI
MARTHA TORNEY

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

TO: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

WRITTEN
TESTIMONY
ONLY

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 210, Senate Draft 2, Relating to Criminal Justice Data Sharing
Hearing: Friday, March 16, 2023; 2:00 p.m.
State Capitol, Room 325

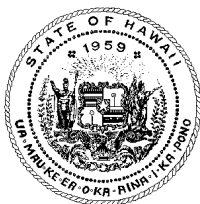
Chair Tarnas, Vice Chair Takayama, and Members of the Committees:

The Hawaii Correctional System Oversight Commission (the Commission) **supports the intent** of Senate Bill 210, Senate Draft 2, 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, defense 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.

JOSH GREEN, M.D.
GOVERNOR
KE KIA`ĀINA



STATE OF HAWAII – KA MOKU`ĀINA `O HAWAII`I
**CRIME VICTIM COMPENSATION
COMMISSION**

Ke Komikina Uku Luaahi Kalaima

1164 Bishop Street, Suite 1530
Honolulu, Hawai'i 96813
Telephone: 808 587-1143
Fax: 808 587-1146

MARI McCAIG BELLINGER
Chair

CLIFTON Y.S. CHOY
Commissioner

JO KAMAE BYRNE
Commissioner

PAMELA FERGUSON-BREY
Executive Director

TESTIMONY ON SENATE BILL 210, SD2
RELATING TO CRIMINAL JUSTICE DATA SHARING

by

Pamela Ferguson-Brey, Executive Director
Crime Victim Compensation Commission

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Thursday, March 16, 2023; 2:00 PM
Via Videoconference & State Capitol, Conference Room 325

Good afternoon Chair Tarnas, Vice Chair Takayama, and Members of the House Committee on Judiciary & Hawaiian Affairs. Thank you for providing the Crime Victim Compensation Commission (Commission) with the opportunity to testify before you today regarding Senate Bill 210, SD2, which establishes a working group to make recommendations for a statewide criminal justice data repository. The Commission supports Senate Bill 210, SD2, with an amendment to include the Crime Victim Compensation Commission as a member of the working group.

The Commission provides compensation for violent crime victims to pay un-reimbursed expenses for crime-related losses due to physical or mental injury or death. The Commission also administers a Restitution Recovery Project to collect court-ordered restitution from inmates and parolees and to disburse those funds to their crime victims. In January 2021, the Commission and the Council of State Governments released an article titled "*Victim Restitution Matters: Four Lessons from Hawai'i to Ensure Financial Justice for Crime Victims.*" The Commission provides monthly restitution data to the Department of Public Safety, the Hawai'i Paroling Authority, the Council of State Governments, the Department of the Attorney General, and the four county Department of the Prosecuting Attorney Victim Witness Units. This data provides a valuable tool for policy makers and criminal justice practitioners to ensure that they can accurately track and manage court-ordered restitution collection.

Since 2013, the Commission has received sentencing data from the Department of the Attorney General, Hawai'i Criminal Justice Data Center's (HCJDC) Criminal Justice Information System (CJIS-Hawai'i) database pursuant to a data-sharing Memorandum of Agreement (MOA). The CJIS-Hawai'i data enables the Commission to work with partner agencies in developing policies to ensure that restitution orders are enforced and collections are made in a consistent and timely manner.

Through the Commission's partnership with the Council of State Governments-Justice Center, the Commission has observed a decrease in the quantity and quality of restitution-related data received from HCJDC in recent years. The Commission has not been able to ascertain the reason for this decline in the data. However, this has impacted the Commission's ability to access complete information that accurately reflects victim restitution trends within the criminal justice system in Hawai'i. Given the decrease in the quantity and quality of restitution-related data in recent years, inclusion of the Commission in the working group is vital to ensure that accurate and complete restitution data continue to be available in the criminal justice data repository.

Thank you for providing the Commission with the opportunity to testify in support of Senate Bill 210, SD2, with an amendment to include the Crime Victim Compensation Commission as a member of the working group.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE DAVID TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai'i

March 16, 2023

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

Chair Tarnas, Vice-Chair Takayama and members of the House Committee on Judiciary and Hawaiian Affairs, 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. 2.

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. 2, 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.

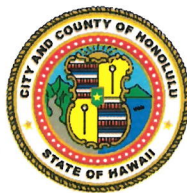
Seeing the need for efficient, real-time data flow between agencies, the Department recently met with the Crime Justice Research Institute (CJRI), which was created by the Legislature in 2019 through Act 179, to learn more about their work. As it turns out, the data repository system that would be contemplated 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. 2. Thank you for the opportunity to testify on this matter.

OFFICE OF THE MAYOR
CITY AND COUNTY OF HONOLULU

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • INTERNET: www.honolulu.gov



RICK BLANGIARDI
MAYOR

MICHAEL D. FORMBY
MANAGING DIRECTOR

KRISHNA F. JAYARAM
DEPUTY MANAGING DIRECTOR

March 15, 2023

The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
and Members of the House Committee on Judiciary and Hawaiian Affairs
Hawaii State Capitol
415 S. Beretania Street
Honolulu, Hawaii 96813

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

SUBJECT: SB 210 Relating to Criminal Justice Data Sharing

The City and County of Honolulu strongly supports SB 210, a measure introduced by the City and County of Honolulu as part of our legislative package. This measure establishes a criminal justice data sharing working group to make recommendations for a statewide, shared, 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 "M. Formby".

Michael D. Formby
Managing Director

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 Judiciary & Hawaiian Affairs
Honorable David A. Tarnas, Chair
Honorable Gregg Takayama, Vice Chair

**RE: Testimony Commenting on S.B. 210 S.D. 2,
Relating to Criminal Justice Data Sharing**
Hearing: March 16, 2023 at 2:00 p.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 **commenting on S.B. 210 S.D. 2.**

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. Refusing to even consider the issue of public access at the outset of the process will mean that this data will most likely remain hidden or difficult for the public to obtain.

President Biden recognized the importance of this type of data in his May 25, 2022 Executive Order on *Advancing Effective, Accountable Policing and Criminal Justice Practices to Enhance Public Trust and Public Safety*. As stated in that executive order, responsible “public reporting” of criminal justice data is necessary to “[b]uilding trust between law enforcement agencies and the communities they are sworn to protect.” Thus, last month, the federal government started a process similar to the working group proposed in S.B. 210. 88 Fed. Reg. 10,150. The most significant difference – and missing entirely from this proposal – is a separate focus on “data transparency.”

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. 2.

SB-210-SD-2

Submitted on: 3/14/2023 1:52:01 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel M Mitchell	Individual	Support	Written Testimony Only

Comments:

I strongly support SB210 SD2 covering sharing criminal justice data

Samuel Mitchell Makiki NB-10 & Leg V.P. of NARFE Hawaii