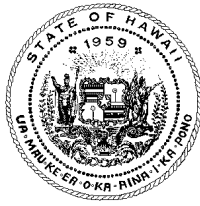


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
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TESTIMONY ON SENATE BILL 1392
RELATING TO PERIODIC REVIEWS OF DETAINEES IN COMMUNITY
CORRECTONAL CENTERS

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

Senate Committee on Public Safety and Intergovernmental and Military Affairs
Senator Glenn Wakai, Chair
Senator Brandon J.C. Elefante, Vice Chair

Wednesday, January 31, 2024; 3:01 p.m.
State Capitol, Conference Room 225 & via Videoconference

Chair Wakai, Vice Chair Elefante, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports Senate Bill (SB) 1392, which proposes to repeal Section 353-6.2, Hawai'i Revised Statutes, periodic reviews of pretrial detainees.

The department's intake service centers continue to conduct labor-intensive reviews that produce minimal results. From August 2022 through December 2022, there were 656 regular reviews conducted. Of the 656 cases reviewed, only six pretrial detainees met the criteria to be recommended for pretrial release, and the court only granted one release of the six recommended. In the calendar year 2023, there were 1,341 regular reviews conducted. None of the cases that were reviewed in 2023 met the criteria to be recommended for pretrial release.

Eliminating periodic reviews will allow the intake service centers to focus on pretrial diversion efforts, as well as supervision of pretrial defendants released into the community with court-ordered terms and conditions as set forth by the courts.

Thank you for the opportunity to provide testimony in support of SB 1392.

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COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon Elefante, Vice Chair

Wednesday, January 31, 2024

Room 225

3:01 PM

COMMENTS ON SB 1392 - PERIODIC REVIEW OF PRETRIAL DETAINEES

Aloha Chair Wakai, Vice Chair Elefante 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 3,868 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Public Safety/Corrections and Rehabilitation on January 22, 2024. We are always mindful that 874 - 25% of the male imprisoned population - 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.

Community Alliance on Prisons appreciates this opportunity to share our concerns about SB 1392, which was enacted as part of 179. This bill would eliminate the 90-day periodic review of pre-trial detainees in Hawai'i's jails (community correctional centers).

The purpose of Section 353-6.2 is to afford pretrial detainees greater and continuing opportunities to be released..." (Act 179, Section 22, page 31) by allowing additional reviews for release consideration once incarcerated. The justification for this bill is that the department claims such reviews were to no avail - of the 1,244 reviews conducted, only ten pretrial detainees met the criteria for release, of which

¹ DPS/DCR Weekly Population Report, January 22, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-22.pdf>

only three were released by the courts. This means the court only reviewed 10 cases of 1,244 reviews conducted.

While we understand that the workload to accomplish 90-day reviews can be overwhelming to the Intake Service Centers in all four counties, **we suggest an alternative to amend the statute to have periodic reviews of pretrial detainees every six months.**

Before suggesting this amendment to the statute, we spoke with many people about these reviews. What we have learned is that the reviews are really about people who want treatment and are willing to enter programs to access the services they need. This is reasonable and helpful in keeping people out of the correctional system, which impacts the lives of justice-involved people in gaining employment, housing, and other desperately needed services.

Many jurisdictions have successfully implemented “second look” pretrial programs that significantly impact the number of pretrial detainees kept in jail for extended periods.

We strongly suggest that the Department of Corrections and Rehabilitation learn how to develop and implement “second look” program.

Mahalo.