

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
1177 Alakea Street
Honolulu, Hawaii 96813
808-587-1288

TOMMY JOHNSON
DIRECTOR

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Deputy Director
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Sanna Muñoz
Deputy Director
Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON HOUSE BILL 2228
RELATING TO THE DEPARTMENT OF CORRECTIONS AND REHABILITATION
By
Tommy Johnson, Director

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

House Committee on Labor & Government Operations
Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair

Wednesday, February 14, 2024; 9:00 a.m.
State Capitol, Conference Room 430 and via Video Conference

Chairs Hashem, Matayoshi, Vice Chairs Chun, Garrett, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) supports the intent of House Bill (HB) 2228, which requires the department to 1) establish a pilot program to allow inmates in our custody to perform work for the state; establish criteria for the pilot program no later than September 1, 2024; and implement the program no later than October 1, 2024; and 2) to submit a report of our findings and recommendations pursuant to section 1, including any proposed legislation, to the legislature no later than twenty days before the convening of the regular session of 2026. DCR supports the intent of this bill and offers comments and amendments.

The DCR believes that this type of pilot program should be with the Hawaii Correctional Industries (HCI) because the HCI's primary mission is to expand inmate work opportunities to provide every able-bodied inmate an opportunity to participate in correctional industries operations during his or her incarceration. Also, HCI is required to

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House Committee on Corrections, Military, & Veterans

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enter into venture agreements with private organizations to utilize inmate labor within facilities to produce finished goods, services, and/or product lines. Therefore, the HCI would be the ideal entity to lead this initiative.

HCI currently has contracts with a dozen state agencies including the Department of Transportation, Department of Land and Natural Resources, Department of Health, Governor's Office, and University of Hawaii. In addition, HCI has contracts with the City and County Board of Water Supply and Honolulu Police Department. This measure would allow HCI to increase their contracts with state and counties agencies therein giving our inmates more opportunities to gain experience, job skills, and professional models to assist in their eventual re-integration into the community and competitive outside work force.

As DCR continues to deal with the aftermath of the COVID-19 pandemic, HCI continues to work diligently with the facilities on increasing the inmate work force. HCI's current contracts require a work line of 80 (minimum) to 128 (maximum) inmates. Currently, HCI is operating at less than 50%. Should an inmate work force, separate from HCI be created, it would make it difficult to staff either program, thereby negatively affecting HCI as well as the pilot program's potential for success.

Should this measure advance, the DCR respectfully requests amendments to the time as outlined in Section 1(c) and (d), and Section 2. Specifically, as written, the timeline is not feasible, and therefore, the DCR respectfully requests Section 1(c) be amended to September 1, 2025, Section 1(d) be amended to October 1, 2025, and Section 2 be amended to reflect 2027. This will provide the critically needed necessary time to develop, implement, and gather the data needed to provide the legislature with comprehensive information regarding the pilot program.

Thank you for the opportunity to provide testimony in support of the intent of HB 2228, along with comments and suggested amendments.

JOSH 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
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MEMBERS

COREY J. REINCKE
ACTING ADMINISTRATOR

No. _____

TESTIMONY ON HOUSE BILL HB 2228 RELATING TO
THE DEPARTMENT OF CORRECTIONS AND REHABILITATION

by
Edmund "Fred" Hyun
Chairman, Hawaii Paroling Authority

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

and

House Committee on Labor and Government Operations
Representative Scot Z. Matayoshi, Chair
Representative Andrew Takuya Garrett, Vice Chair

Wednesday, February 14, 2024, 9:00 a.m.
State Capitol Conference Room 430 and Via Video Conference

Chair Hashem, Chair Matayoshi, Vice Chair Chun, Vice Chair Garrett, and Members of Both Committee:

The Hawaii Paroling Authority (HPA) supports the intent of House Bill (HB) 2228 with comments. The pilot program would benefit the employed/working inmates and provide a smoother transition upon re-entering the community when they max out and/or placed on parole supervision. The program would also provide a venue for inmates in search of employment. Overall, it will enhance the likelihood of success and reduce recidivism.

Thank you for the opportunity to present testimony on HB 2228. We will be available to answer questions the committee members may have.



UNITED PUBLIC WORKERS

AFSCME Local 646, AFL-CIO

**HOUSE OF REPRESENTATIVES
THE THIRTY-SECOND LEGISLATURE
REGULAR SESSION OF 2024**

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Rep. Mark J. Hashem, Chair
Rep. Cory M. Chun, Vice Chair

COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Rep. Scot Z. Matayoshi, Chair
Rep. Andrew Takuya Garrett, Vice Chair

Wednesday, February 14, 2024, 9:00 AM
Conference Room 430 & Videoconference

Re: Testimony on HB2228 – RELATING TO THE DEPARTMENT OF CORRECTIONS AND REHABILITATION

Chairs Hashem and Matayoshi, Vice Chairs Chun and Garrett, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties.

UPW **opposes** HB2228, which requires the Department of Corrections and Rehabilitation to establish a two-year pilot program to allow inmates to perform work for the State.

As written in this bill, the proposed pilot program is distinct from the existing correctional industries program provided for in Section 354D-3 and the work furlough program established in Section 353-17, Hawaii Revised Statutes. The purpose of these programs is to assist in the rehabilitation and reintegration of inmates into the community by providing them with skills that increase their employment prospects after release.

Although the intent of this bill may be to expand post-release opportunities for incarcerated individuals, we are concerned that the proposed pilot program could be utilized to allow inmates to perform the duties of civil service employees. Based on current training programs offered by Hawaii Correctional Industries, inmates would likely be assigned to work that is currently performed by the members of Bargaining Unit-1, which includes janitors, groundskeepers, custodians, and laborers. We strongly oppose the use of inmates to perform the duties of our hardworking members.

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Furthermore, due to background check requirements, most individuals with a penal offense conviction would be otherwise disqualified from State employment, and based on current hiring practices, inmates would be precluded from working for many State departments.

Mahalo for the opportunity to testify in opposition to this measure.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kalani Werner", with a long horizontal flourish extending to the right.

Kalani Werner
State Director

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COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Mark J. Hashem, Chair

Representative Cory M. Chun , Vice Chair

COMMITTEE ON LABOR & GOVERNMENT OPERATIONS

Representative Scot Z. Matayoshi, Chair

Representative Andrew Takuya Garrett, Vice Chair

Wednesday, February 14, 2024

Room 430 & Videoconference

9:00 AM

SUPPORT FOR HB 2228 - PILOT PROGRAM FOR PEOPLE IN CUSTODY TO PERFORM WORK FOR THE STATE

Aloha Chairs Hashem and Matayoshi, Vice Chairs Chun and Garrett, and Members of the Committees!

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 almost thirty years. This testimony is respectfully offered on behalf of the 3,845 Hawai`i individuals living behind bars¹ and under the "care and custody" of the Department of Public Safety/Corrections and Rehabilitation on February 5, 2024. We are always mindful that 857 of the male imprisoned population (25%) 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 is grateful to offer our support for this pilot program to have people in custody perform work for the state. This helps people understand the types of skills necessary to find employment upon release. It is one avenue to connect people with life outside. This is extremely valuable to help people develop a viable plan upon release.

Our concern is how do we identify the skills that people have already acquired? The federal government, upon intake, asks people what types of jobs they held in the past, what and/or licenses they might have earned, and their educational level. If Hawai`i kept a record

¹ DPS/DCR Weekly Population Report, February 5, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-02-05.pdf>

of this information, it would make it easier in identifying people with certain skills who could perform specific work needed by the state.

To help identify what would be needed, beyond collaboration among the Department of Corrections and Rehabilitation and state agencies, we did a brief search of the web and found that Washington state has some things to think about in employing people who are in state custody. We share the following to be helpful in developing this program.

PEOPLE IN CUSTODY PERFORMING WORK FOR THE STATE OF WASHINGTON

<https://app.leg.wa.gov/rcw/default.aspx?cite=72.64&full=true#72.64.070>

Washington State:

Useful employment of prisoners—Contract system barred.

The secretary shall have the power and it shall be his or her duty to provide for the useful employment of prisoners in the adult correctional institutions: PROVIDED, That no prisoners shall be employed in what is known as the contract system of labor.

[[2012 c 117 § 478](#); [1979 c 141 § 265](#); [1959 c 28 § 72.64.010](#). Prior: [1943 c 175 § 1](#); Rem. Supp. 1943 § 10279-1. Formerly RCW [72.08.220](#).]

 [RCW 72.64.020](#)

Rules and regulations.

The secretary shall make the necessary rules and regulations governing the employment of prisoners, the conduct of all such operations, and the disposal of the products thereof, under such restrictions as provided by law.

[[1979 c 141 § 266](#); [1959 c 28 § 72.64.020](#). Prior: [1943 c 175 § 2](#); Rem. Supp. 1943 § 10279-2. Formerly RCW [72.08.230](#).]

 [RCW 72.64.030](#)

Prisoners required to work—Private benefit of enforcement officer prohibited.

Every prisoner in a state correctional facility shall be required to work in such manner as may be prescribed by the secretary, other than for the private financial benefit of any enforcement officer.

[[1992 c 7 § 54](#); [1979 c 141 § 267](#); [1961 c 171 § 1](#); [1959 c 28 § 72.64.030](#). Prior: [1927 c 305 § 1](#); RRS § 10223-1.]

 [RCW 72.64.040](#)

Crediting of earnings—Payment.

Where a prisoner is employed at any occupation for which pay is allowed or permitted, or at any gainful occupation from which the state derives an income, the department shall credit the prisoner with the total amount of his or her earnings.

The amount of earnings credited but unpaid to a prisoner may be paid to the prisoner's spouse, children, mother, father, brother, or sister as the inmate may direct upon approval of the superintendent. Upon release, parole, or discharge, all unpaid earnings of the prisoner shall be paid to him or her.

[[2012 c 117 § 479](#); [1973 1st ex.s. c 154 § 105](#); [1959 c 28 § 72.64.040](#). Prior: [1957 c 19 § 1](#); [1927 c 305 § 3](#); RRS § 10223-3. Formerly RCW [72.08.250](#).]

NOTES:

Severability—1973 1st ex.s. c 154: See note following RCW [2.12.030](#).

 [RCW 72.64.050](#)

Branch institutions—Work camps for certain purposes.

The secretary shall also have the power to establish temporary branch institutions for state correctional facilities in the form of camps for the employment of prisoners therein in farming, reforestation, wood-cutting, land clearing, processing of foods in state canneries, forest firefighting, forest fire suppression and prevention, stream clearance, watershed improvement, development of parks and recreational areas, and other work to conserve the natural resources and protect and improve the public domain and construction of water supply facilities to state institutions.

[[1992 c 7 § 55](#); [1979 c 141 § 268](#); [1961 c 171 § 2](#); [1959 c 28 § 72.64.050](#). Prior: [1943 c 175 § 3](#); Rem. Supp. 1943 § 10279-3. Formerly RCW [72.08.240](#).]

NOTES:

Leaves of absence for inmates: RCW [72.01.365](#) through [72.01.380](#).

[PDF](#) [RCW 72.64.060](#)

Labor camps authorized—Type of work permitted—Contracts.

Any department, division, bureau, commission, or other agency of the state of Washington or any agency of any political subdivision thereof or the federal government may use, or cause to be used, prisoners confined in state penal or correctional institutions to perform work necessary and proper, to be done by them at camps to be established pursuant to the authority granted by RCW [72.64.060](#) through [72.64.090](#): PROVIDED, That such prisoners shall not be authorized to perform work on any public road, other than access roads to forestry lands. The secretary may enter into contracts for the purposes of RCW [72.64.060](#) through [72.64.090](#).

[[1979 c 141 § 269](#); [1961 c 171 § 3](#); [1959 c 28 § 72.64.060](#). Prior: [1955 c 128 § 1](#). Formerly RCW [43.28.500](#).]

[PDF](#) [RCW 72.64.065](#)

Industrial insurance—Application to certain inmates—Payment of premiums and assessments.

From and after July 1, 1973, any inmate working in a department of natural resources adult honor camp established and operated pursuant to RCW [72.64.050](#), [72.64.060](#), and [72.64.100](#) shall be eligible for the benefits provided by Title [51](#) RCW, as now or hereafter amended, relating to industrial insurance, with the exceptions herein provided.

No inmate as herein described, until released upon an order of parole by the state indeterminate sentence review board, or discharged from custody upon expiration of sentence, or discharged from custody by order of a court of appropriate jurisdiction, or his or her dependents or beneficiaries, shall be entitled to any payment for temporary disability or permanent total disability as provided for in RCW [51.32.090](#) or [51.32.060](#) respectively, as now or hereafter enacted, or to the benefits of chapter [51.36](#) RCW relating to medical aid.

Any and all premiums or assessments as may arise under this section pursuant to the provisions of Title [51](#) RCW shall be the obligation of and be paid by the state department of natural resources.

[[2012 c 117 § 480](#); [1972 ex.s. c 40 § 3](#).]

NOTES:

[PDF](#) [RCW 72.64.070](#)

Industrial insurance—Eligibility for employment—Procedure—Return.

The department shall determine which prisoners shall be eligible for employment under RCW [72.64.060](#), and shall establish and modify lists of prisoners eligible for such employment, upon the requisition of an agency mentioned in RCW [72.64.060](#). The secretary may send to the place, and at the time designated, the number of prisoners requisitioned, or such number thereof as have been determined to be eligible for such employment and are available. No prisoner shall be eligible or shall be released for such employment until his or her eligibility therefor has been determined by the department.

The secretary may return to prison any prisoner transferred to camp pursuant to this section, when the need for such prisoner's labor has ceased or when the prisoner is guilty of any violation of the rules and regulations of the prison or camp.

[[2012 c 117 § 481](#); [1979 c 141 § 270](#); [1959 c 28 § 72.64.070](#). Prior: [1955 c 128 § 2](#). Formerly RCW [43.28.510](#).]

[PDF](#) [RCW 72.64.080](#)

Industrial insurance—Duties of employing agency—Costs—Supervision.

The agency providing for prisoners under RCW [72.64.060](#) through [72.64.090](#) shall designate and supervise all work done under the provisions thereof. The agency shall provide, erect and maintain any necessary camps, except that where no funds are available to the agency, the department may provide, erect and maintain the necessary camps. The secretary shall supervise and manage the necessary camps and commissaries.

[[1979 c 141 § 271](#); [1959 c 28 § 72.64.080](#). Prior: [1955 c 128 § 3](#). Formerly RCW [43.28.520](#).]

[PDF](#) [RCW 72.64.090](#)

Industrial insurance—Department's jurisdiction.

The department shall have full jurisdiction at all times over the discipline and control of the prisoners performing work under RCW [72.64.060](#) through [72.64.090](#).

[[1959 c 28 § 72.64.090](#). Prior: [1955 c 128 § 4](#). Formerly RCW [43.28.530](#).]

Mahalo nui for your consideration. Community Alliance on Prisons wants programs like this to succeed in helping people successfully reenter their communities.

Mahalo nui!

*"When the power of love overcomes the love of power, the world will know
peace."
Jimi Hendrix*

HB-2228

Submitted on: 2/10/2024 3:49:13 PM

Testimony for CMV on 2/14/2024 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Comments	Written Testimony Only

Comments:

I only support this bill conditionally. If you are going to have inmates do work and labor, I believe it is only fair that their earnings are minimum wage. Incorporate this into the bill, so that their wage have the money deposited into their missionary account. They may be criminals but they still should have the dignity and respect to value the work and labor they perform. The way this bill is written they could earn as little as 50 cents an hour, in any other situation that would be considered indentured servitude. If you are going to make prisoners work, make it worth their time and give them a proper wage in this bill so their labor won't be taken advantage of.