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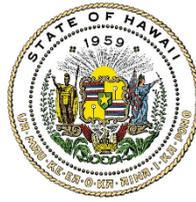
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**OFFICE OF THE PUBLIC DEFENDER**

**February 21, 2025**

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**H.B. No. 1002, HD1: RELATING TO HAWAII CORRECTIONAL OVERSIGHT COMMISSION**

**Chair Yamashita, Vice-Chair Takenouchi, and Members of the House Committee on Finance,**

The Office of the Public Defender **supports HB 1002, HD1**. This bill extends the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission (HCSOC) from two years to three years and clarifies that the Oversight Coordinator has the authority to inspect agencies and correctional facilities without notice.

The statutorily articulated duties of the HCSOC and the Oversight Coordinator are exhaustive, including but not limited to overseeing the State's correctional system, investigating complaints, facilitating a transition to a rehabilitative and therapeutic model, establishing inmate population limits to avoid overcrowding, and working with the Department of Corrections and Rehabilitation to review and monitor offender reentry programs.

A two-year term hinders the ability of the Oversight Coordinator to execute long-term projects and meaningfully establish relationships with the necessary agencies and stakeholders. Any limitations to access inhibits transparency and is a barrier to fulfilling the Oversight Coordinator's mandates.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
GOVERNOR



MARK PATTERSON  
CHAIR

CHRISTIN M. JOHNSON  
OVERSIGHT COORDINATOR

COMMISSIONERS  
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
235 S. Beretania Street, 16<sup>th</sup> Floor  
HONOLULU, HAWAII 96813  
(808) 587-4160

TO: The Honorable Kyle T. Yamashita, Chair  
The Honorable Jenna Takenouchi, Vice Chair  
House Committee on Finance

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1002, House Draft 1, Relating to the Hawaii Correctional System  
Oversight Commission  
Hearing: Monday, February 24, 2025; 10:00 a.m.  
State Capitol, Room 308

Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports and offers comments** on House Bill 1002, House Draft 1, Relating to the Hawaii Correctional System Oversight Commission, which would extend the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission, and clarifies that the Oversight Coordinator has the general authority to inspect agencies and correctional facilities without notice.

Currently, the Oversight Coordinator shall serve two-year terms, however, the Commission found that a two-year term does not provide sufficient time to fully understand the role, build relationships, develop and implement meaningful policies or projects. Short terms can hinder the ability to make significant progress or see initiatives through to completion. Additionally, frequent turnover can disrupt continuity, leading to inconsistent strategies and priorities that may undermine the effectiveness of the position and the Commission as a whole.

Although the Commission appreciates the page 1, line 11 extension from two years to three years, the Commission worries that even a three-year term offers the same issues as noted above. A three-year term may reduce long-term accountability, as appointees might focus on short-term achievements or avoid controversy to secure reappointment or future roles, rather than tackling difficult, long-term challenges. Additionally, attracting top talent to a position with a short term can be challenging, as it offers limited job security. Therefore, the Commission would appreciate either a 4- or 6-year term which is aligned with other governor-appointed positions throughout the state.

The Commission greatly appreciates the added verbiage on page 1, lines 11-15 adding the Commission's ability to make a recommendation to the Governor to retain the Oversight Coordinator for another term. The Commission is thrilled that the current Oversight Coordinator was chosen to serve a second term, however, the amount of time, effort, and resources that were put into the interview process after two short years were significant. This process, repeated too often, creates inefficiencies.

Regarding the proposed amendment on page 2, line 1 subsection (c), the bill's language ensures unfettered access to information and correctional facilities, allowing the Oversight Coordinator to fulfill their mandated duties of not only completing investigations, but also overseeing, monitoring, and reviewing correctional and reentry practices. Unfettered access for oversight entities is essential for ensuring transparency, accountability, and the protection of people and custody and staff. It allows for thorough inspections, assessments, review of practices, deters misconduct, and promotes adherence to regulations. This access helps uncover and address issues like poor conditions or abuse, ensuring humane treatment and fostering public trust in the corrections system.

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



**TESTIMONY IN SUPPORT TO HOUSE BILL 1002 HD 1**  
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

House Committee on Finance  
Hawai'i State Capitol

February 24, 2025

10:00AM

Room 308

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Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the House Committee on Finance:

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 1002 HD 1 which would Beginning July 1, 2025, extend the term of the Oversight Coordinator for the Hawai'i Correctional System Oversight Commission and authorize the Commission to review the Coordinator's performance and make a recommendation to the Governor as to whether the Coordinator should be retained. This measure would further clarify that the Oversight Coordinator has the general authority to inspect agencies and correctional facilities without notice.

OHA strongly supports policies which reduce harmful psychological, social, cultural, and economic impacts on pa'ahao, their 'ohana, and the greater Hawaiian community. Native Hawaiians continue to be disproportionately impacted by Hawai'i's criminal justice system, comprising approximately 37% of the state's correctional facilities, while representing only 21% of the total state population.<sup>1</sup> Allowing three-year terms for Coordinators will provide them with a sufficient window of time to effectively investigate unconstitutional conditions of confinement, lack of medical and mental health services, suicides, drug smuggling, cruel and unusual punishment, prison rape, violence, and even murders, with the purpose of prevention and remedial action.

OHA appreciates recent amendments which extended the term of the Oversight Coordinator by three years rather than four years, authorized the Hawaii Correctional System Commission to review the Coordinators' performance and make a recommendation to the Governor as to whether the coordinator should be retained for an additional term, changed the effective date to July 1, 3000, to encourage further discussion, and made technical, nonsubstantive changes for the purposes of clarity, consistency, and style. For these reasons, OHA urges this committee to **PASS** HB 1002 HD 1. Mahalo nui for the opportunity to testify.

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<sup>1</sup> "Creating Better Outcomes, Safer Communities – Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai'i Legislature – 2019 Regular Session," HCR 85 Task Force; Legislative Reference Bureau (December 2018) at p. xiii, [https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85\\_task\\_force\\_final\\_report.pdf](https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf)

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



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
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**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Pamela J. Sturz**  
Deputy Director  
Correctional Institutions

**Sanna Muñoz**  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 1002, HOUSE DRAFT 1  
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

by  
Tommy Johnson, Director  
Department of Corrections and Rehabilitation

House Committee on Finance  
Representative Kyle T. Yamashita, Chair  
Representative Jenna Takenouchi, Vice Chair

Monday, February 24, 2025; 10:00 a.m.  
State Capitol, Room 308 or Via Video Conference

Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) provides comments on House Bill (HB) 1002, House Draft (HD) 1, which proposes to increase the term of appointment for the Hawai'i Correctional System Oversight Commission (HCSOC) Coordinator's position from two years (2) to three (3) years and also amends the language of Section 353L-7 of the Hawai'i Revised Statutes (HRS) to allow the coordinator to make inquiries and obtain information where no investigation has been initiated or exists.

The DCR has no concerns with the proposed change from a 2-year term for the coordinator to three (3) years. With respect DCR's practice of allowing the HCSOC and its Coordinator open access to all correctional facilities 24/7, 365 days a year, future directors may not. We firmly believe that if we are to collectively address and resolve the many, many long-standing challenges facing DCR, we must be able to make it clear in the statute that the HCSOC is our partner.

Thank you for the opportunity to submit comments on HB 1002, HD 1.

# COMMUNITY ALLIANCE ON PRISONS

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*Today's Inmate; Tomorrow's Neighbor*



## COMMITTEE ON FINANCE

Rep. Kyle Yamashita, Chair

Rep. Jenna Takenouchi, Vice Chair

Monday, February 24, 2025

Room 308 & VIDEOCONFERENCE

10:00 AM

## **STRONG SUPPORT FOR HB 1002 HD1 - HCSOC; COORDINATOR'S TERM; UNFETTERED ACCESS**

Aloha Chair Yamashita, Vice Chair Takenouchi 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 3,700 Hawai`i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation as of February 17, 2025. We are always mindful that 936 - 49.6% of Hawai`i's male prison population 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 the opportunity to strongly support increasing the term of the Coordinator of the Hawai`i Correctional System Oversight Commission and to ensure that the Commission has unfettered access to facilities.

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<sup>1</sup> DCR Weekly Population Report, February 17, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-02-17.pdf>

We strongly support the Senate version - SB 1321 SD1 that increases the term to four years as proposed in the original bill and we hope that FIN will understand the importance of continuity for oversight, especially now, when there have been so many deaths by suicide, murder, or natural causes.

Oversight is happening all across the U.S. and the HCSOC website <hcsoc.hawaii.gov> has a report from the National Resource Center for Correctional Oversight<sup>2</sup> that defines correctional oversight as:

**Correctional oversight is a means of achieving the twin objectives of transparency of public institutions and accountability for the operation of safe and humane prisons and jails. Together, these goals ensure that the rights of incarcerated persons are addressed and that correctional practices can improve so as to prevent future harm.**

Community Alliance on Prisons respectfully asks the Finance Committee to amend the bill to a four-year term and allow the Commission to make a recommendation to the Governor for the retention of the Coordinator.

Mahalo nui!

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<sup>2</sup> **National Resource Center for Correctional Oversight, Making Prisons and Jails transparent and accountable**, *A one-stop shop to learn what correctional oversight looks like and how to establish an effective oversight body in your state or locality,*



Committee: Finance  
Hearing Date/Time: Monday, February 24, 2025 at 10:00am  
Place: Conference Room 308 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of HB1002 HD1 Relating to the Hawaii Correctional System Oversight Commission**

Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") **supports HB1002 HD1 and asks for amendments.** The bill proposes to extend the term of the Oversight Coordinator for the Hawai'i Correctional System Oversight Commission beginning July 1, 2025 and authorizes the Hawai'i Correctional System Oversight Commission to review the Coordinator's performance and make a recommendation to the Governor as to whether the Coordinator should be retained. Additionally, the bill clarifies that the Oversight Coordinator has the general authority to inspect agencies and correctional facilities without notice.

### ***Essential Elements of an Effective Prison Monitoring System***

Michele Deitch, an attorney, distinguished senior lecturer at the LBJ School and Texas Law, and Director of the Prison and Jail Innovation Lab, is a recognized national and international expert on prison oversight. Deitch co-chairs the ABA's Subcommittee on Correctional Oversight and has published extensively on the essential elements of an effective prison monitoring system.

- They must be **independent** of the correctional agency and able to do their work without interference or pressure from the agency or any other body;
- Monitors must have unfettered and confidential access to facilities, incarcerated persons, staff, documents, and materials, and they should have the ability to visit at any time of the day without prior notice;
- They must be adequately resourced, with sufficient staffing, office space and funding to carry out their monitoring responsibilities, and the budget must be controlled by the monitoring entity;

- They must have the power and the duty to report their findings and recommendations, in order to fulfill the objective of transparency, and control the release of their reports and
- They must take a holistic approach to evaluating the treatment of incarcerated persons, relying on observations, interviews, surveys, and other methods of gathering information from prisoners as well as on statistics and performance based outcome measures.<sup>1</sup>

Jails and prisons are our most closed institutions. Unfettered access should be codified in statute as it is essential to building the oversight infrastructure necessary for meaningful oversight. It is also essential to investigate and bring attention to unconstitutional conditions of confinement, lack of medical and mental health services, suicides, drug smuggling, cruel and unusual punishment, prison rape, violence, and even murders, with the purpose of prevention and remedial action. codify in statute that the Oversight Coordinator has unfettered access to our jails and prisons.

### **Proposed Amendments**

- Extend the Oversight Coordinator's position from two to four years
- Authorize the Oversight Commission to have the option of extending the Oversight Coordinator's position for an additional two year extension with the consent of the Governor.

For the above reasons, we urge the Committee to support this measure with the proposed amendments. Thank you for the opportunity to testify.

Sincerely,

*Carrie Ann Shirota*

Carrie Ann Shirota  
Policy Director  
ACLU of Hawai'i  
[cshirota@acluhawaii.org](mailto:cshirota@acluhawaii.org)

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i since 1965.*

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<sup>1</sup> Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 Pace L. Rev. 1754 (2010); DOI: <https://doi.org/10.58948/2331-3528.1764> See also, See *Effective Prison Oversight*, Michele Deitch, Prepared for the Commission on Safety and Abuse in America's Prisons, 4th Hearing, Los Angeles, February 8, 2006.

**HB-1002-HD-1**

Submitted on: 2/23/2025 9:31:09 AM

Testimony for FIN on 2/24/2025 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cathy Tilley	Individual	Support	Written Testimony Only

Comments:

The HCSOC has done an amazing job of bringing to light problems in our corrections systems. I strongly support all there work and all the people who have worked so hard to help those who are at the mercy of the state

Sincerely , Cathy Tilley

February 24, 2025

To: Representative Kyle Yamashita, Chair  
Representative Jenna Takenouchi, Vice Chair and  
Members of the Committee on Finance

From: Jeanne Y. Ohta

RE: HB 1002 HD1 Relating to the Hawaii Correctional System Oversight Commission

POSITION: STRONG SUPPORT

Thank you for the opportunity to testify in strong support of HB 1002 HD1 Relating to the Hawaii Correctional System Oversight Commission (HCSOC) which would extend the term of the oversight coordinator for the Commission by 3 years and clarifies that the oversight coordinator has the general authority to inspect agencies and correctional facilities without notice, beginning July 1, 2025. The measure also authorizes the Commission to review the Coordinator's performance and make a recommendation to the Governor as to whether the Coordinator should be retained.

I believe the oversight coordinator's position is essential to maintain an effective oversight infrastructure and the position deserves a term extension from the current 2 years. The position will bring attention to conditions in our correctional institutions that need attention and improvement and provide the transparency necessary for institutions that are charged with caring for incarcerated individuals.

Independent oversight provides taxpayers the assurance that individuals under the control of the corrections system are being held appropriately and are receiving needed medical and mental health services; and have access to rehabilitative programming.

HCSOC's report: "Correctional Staff Survey, Findings, and Recommendations" which was presented to the legislature this year shows the need for reform and provides recommendations to provide a safer and supportive environment for both staff and incarcerated individuals. As a taxpayer, I am thankful for the diligence and dedication of the staff to undertake such a time intensive project: to conduct the survey, compile key findings and make informed recommendations.

I respectfully ask the committee to pass this measure.