

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

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OVERSIGHT COORDINATOR

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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, 16th Floor
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TO: The Honorable Della Au Belatti, Chair
The Honorable Kim Coco Iwamoto, Vice Chair
House Committee on Public Safety

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 1002, Relating to the Hawaii Correctional System Oversight
Commission
Hearing: Friday, January 31, 2025; 10:00 a.m.
State Capitol, Room 411

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** House Bill 1002, 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, or 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 is thrilled that the current Oversight Coordinator was chosen to serve a second term, 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. Furthermore, a limited 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. Finally, attracting top talent to a position with a short term can be challenging, as it offers limited job security and little opportunity to establish a legacy.

Regarding the proposed amendment on line 14 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. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
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Sanna Muñoz
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and
Programs

No. _____

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

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

AMENDED

House Committee on Public Safety
Representative Della Au Belatti, Chair
Representative Kim Coco Iwamoto, Vice Chair

Friday, January 31, 2025; 10:00 a.m.
State Capitol, Via Videoconference, Conference Room 411

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) provides comments on House Bill (HB) 1002, which proposes to increase the term of appointment for the Hawaii Correctional System Oversight Commission (HCSOC) Coordinator's position from two years (2) to four (4) years and also amends the language of Section 353L-7 of the Hawaii 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 with proposed change. In fact, while we allow the HCSOC and it's 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 the 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.

PUBLIC DEFENDER

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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

January 30, 2025

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

Chair Bellati, Vice-Chair Iwamoto, and Members of the House Committee on Public Safety

The Office of the Public Defender **supports HB 1002**. This bill extends the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission (HCSOC) from two years to four 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.



Committee: Public Safety and Military Affairs
Hearing Date/Time: Friday, January 31, 2025 at 10:00am
Place: Conference Room 411 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 1002 Relating to the Hawaii Correctional System Oversight Commission**

Dear Chair Belatti, Vice Chair Iwamoto and Members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") **supports H.B. 1002** which proposes to extend the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission beginning July 1, 2025. 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.**¹

The extension of the Oversight Coordinator's position from two to four years and codifying in statute that the Oversight Coordinator has unfettered access to our jails and prisons - the most closed institutions - is essential to building the oversight infrastructure 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.

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

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota

Policy Director

ACLU of Hawai'i

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.

¹ 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.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY

Representative Della Belatti, Chair

Representative Kim Coco Iwamoto, Vice Chair

Friday, January 31, 2025

10 AM

Room 016 & VIDEOCONFERENCE

STRONG SUPPORT FOR HB 1002 - HI CORRECTIONAL SYSTEM OVERSIGHT COORDINATOR FOUR-YEAR TERM

Aloha Chair Belatti, Vice Chair Iwamoto 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 3,697 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on January 20, 2025. We are always mindful that 937 of Hawai'i's imprisoned male population (49%) 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 HB 1002** that extends the term of the oversight coordinator for the Hawai'i Correctional System Oversight Commission (HCSOC) from 2 years to 4 years and clarifies that the oversight coordinator has the general authority to inspect agencies and correctional facilities without notice, beginning July 1, 2025.

¹ DCR Weekly Population Report, January 20, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/01/Pop-Reports-Weekly-2025-01-20.pdf>
Citizensunnn

As all Representatives know, 2-years is not enough time to solve the myriad of problems and challenges presented by the Department of Corrections and Rehabilitation (DCR). Since she was hired in July 2022, the Coordinator has built the Correctional Oversight Commission from the bottom up and she took it upon herself to design and get the HCSOC website up and running. The Commission's website is one of the most comprehensive we have seen. It is chock full of information and resources to help policymakers and the community understand what is happening in corrections and ways that Hawai'i can make our system a model. We urge everyone to check out the Commission's website at hcsoc.hawaii.gov.

HCSOC has saved Hawai'i from potential lawsuits when they discovered violations of state and federal law while on their facility tours. Everything is documented on their website where they have videos and minutes of monthly meetings, reports from facility tours and other meetings in which they are involved. It is truly a model for transparency and accountability.

SUGGESTION:

One of the most important things about Oversight is to remain apolitical/non-partisan. This is why the Public Utilities Commission has 6-year terms – to prevent being caught up in politics.

A six-year term would ensure that HCSOC is focused on their mission – to help DCR with the transition to a rehabilitative model. Policymakers and the community would benefit if the HCSOC Coordinator's term was extended to six-years to maintain their independence and focus on their non-partisan work transitioning our correctional system to a model for rehabilitation.

Mahalo nui for giving Community Alliance on Prisons the chance to share our thoughts and suggestion on the important work of the Hawai'i Correctional System Oversight Commission. We hope the committee sees and understands the value of having independent oversight of our correctional system and moves this bill onto the next committee!

Mahalo nui!

HB-1002

Submitted on: 1/29/2025 2:59:31 PM

Testimony for PBS on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

I storngly support HB1002

HB-1002

Submitted on: 1/30/2025 10:30:58 AM

Testimony for PBS on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Carolyn Eaton. I am a Makiki resident and give my strong support to this term extension measure relating to the current 2-year term of the Coordinator of the Hawai'i Correctional System Oversight Commission.

I would suggest that the important work of this body and its salaried leader might warrant the Coordinator's term to be 6 years, as it is by law to protect the independence of PUC Commissioner.

Please recall the antagonism our Coordinator faced during the 2024 legislative session. I believe protection of the position from political winds to be a very wise idea.

Mahalo for your hard work and concern for the well-being of this amazing new actor in the area of corrections reform.

HB-1002

Submitted on: 1/30/2025 11:54:47 PM

Testimony for PBS on 1/31/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Veronica Moore	Individual	Support	Written Testimony Only

Comments:

To: House Committee on Public Safety

House Committee on Judiciary & Hawaiian Affairs

House Committee on Finance

From: Veronica Moore, Individual Citizen

Date: January 30, 2025

RE: Upcoming Hearing for HB1002

Measure Title: RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

Report Title: Hawai'i Correctional System Oversight Commission; Oversight Coordinator

To All Concerned,

My name is Veronica Moore and I am in support of House Bill 1002. It is my opinion that the oversight coordinator's term in office should be consistent with the governor who made the appointment. In addition, obtaining a four-year term will help to ensure the continuity of oversight and accountability over the Hawai'i Correctional System Oversight Commission (HCSOC) and the Department of Corrections and Rehabilitation, as well as afford the oversight coordinator and the HCSOC with sufficient time to follow through on meeting the various objectives of the HCSOC's Strategic Plan. Thank you for introducing this bill and I appreciate the opportunity to present testimony regarding it.

Sincerely,

Veronica M. Moore