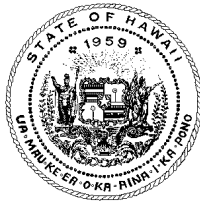


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
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DIRECTOR

Melanie Martin
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Sanna Muñoz
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Rehabilitation Services
and
Programs

No. _____

TESTIMONY ON HOUSE BILL 1002, HOUSE DRAFT 1
RELATING TO CORRECTIONS SYSTEMS OVERSIGHT COMMISSION.

by
Tommy Johnson, Director
Department of Corrections and Rehabilitation

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

Wednesday, March 12, 2025; 3:00 p.m.
State Capitol, Conference Room 225 & via Videoconference

Chair Elefante, Vice Chair Wakai, 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 extend the appointment term of the Hawai'i Correctional System Oversight Commission (HCSOC) Coordinator's position and amend 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 to 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. DCR firmly believes that to collectively address and resolve the many, many long-standing challenges facing DCR, it must be made clear in the statute that HCSOC and DCR are partners.

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

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
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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.)

TO: The Honorable Brandon J.C. Elefante, Chair
The Honorable Glenn Wakai, Vice Chair
Senate Committee on Public Safety and Military Affairs

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: Wednesday, March 12, 2025; 3:00 p.m.
State Capitol, Room 225

Chair Elefante, Vice Chair Wakai, 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, and it offers limited job security when attempting to attract top talent. Additionally, there is no other governor-appointed position in the state with a two- or three-year term. To maintain consistency, the Commission believes the Oversight Coordinator's term should align with similar positions. Therefore, the Commission requests a 4- or 6-year term in keeping with other governor-appointed roles statewide.

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. Thank you for the opportunity to testify.

JON N. IKENAGA
PUBLIC DEFENDER

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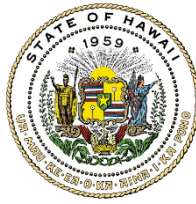
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STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

March 11, 2025

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

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

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.



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

Senate Committee on Public Safety and Military Affairs
Hawai'i State Capitol

March 12, 2025

3:00PM

Room 225

Dear Chair Elefante, Vice Chair Wakai, and Members of the Senate Committee on Public Safety and Military Affairs:

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.¹ 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.

For these reasons, OHA urges this committee to **PASS** HB 1002 HD 1. Mahalo nui for the opportunity to testify.

¹ "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

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Senator Brandon Elefante, Chair

Senator Glenn Wakai, Vice Chair

Monday, March 10, 2025

Room 225 & VIDEOCONFERENCE

3:00 PM

STRONG SUPPORT FOR HB 1002 HD1 - HCSOC COORDINATOR, ACCESS

Aloha Chair Elefante, Vice Chair Wakai 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 3,723 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 3, 2025. We are always mindful that 938 – 49.5% - 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 this opportunity to share our strong support for HB 1002 HD1 that extends the term of the Oversight Coordinator, authorizes the Commission to review the Coordinator's performance and make a recommendation to the Governor as to whether the Coordinator should be retained, and gives the Commission unfettered access to agencies and correctional facilities.

The Commission's work is monumental, especially since we have had an unprecedented number of deaths and suicides at different facilities since 2020. Oversight is quite different than running a state agency, making continuity a very important part of their work. To have to go through the hiring process while our jails and prisons are in crisis is foolish.

Community Alliance on Prisons has attended almost every Commission meeting since 2020, before they even had a Coordinator, and we can say that the Coordinator has made an amazing difference in the scope of work the Commission has embarked upon since being hired in July 2022. Mahalo nui!

We urge the committee to support this important bill so that Hawai'i can join the many other states that see the enormous benefit of Correctional Oversight!

¹ DCR Weekly Population Report, March 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-03-03-2.pdf>



Committee: Public Safety & Military Affairs
Hearing Date/Time: Wednesday, March 12, 2025 at 3:00pm
Place: Conference Room 225 & 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 Elefante, Vice Chair Wakai, 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.¹

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

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.

HB-1002-HD-1

Submitted on: 3/11/2025 6:12:30 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorenn Walker	Testifying for Hawai‘i Friends of Restorative Justice	Support	Remotely Via Zoom

Comments:

The Hawai‘i Correctional System Oversight Commission (HCSOC) was established to provide independent oversight of Hawai‘i’s correctional system, ensuring that facilities operate with transparency, accountability, and a commitment to humane treatment. Independent oversight is not a short-term endeavor. Extending the Coordinator’s term provides the continuity needed to follow through on critical recommendations and monitor long-term improvements.

HCSOC has played a vital role in improving conditions within correctional facilities through inspections, reports, and policy recommendations. Ensuring continued oversight is not about maintaining scrutiny for scrutiny’s sake—it is about [creating a correctional system that prioritizes rehabilitation, safety, and fiscal responsibility](#). Cutting oversight prematurely could reverse the gains made and allow systemic deficiencies to persist unaddressed.

Granting the HCSOC Coordinator authority to conduct unannounced visits is a best practice in correctional oversight because it provides an accurate and real-time assessment of facility conditions: “Announced inspections call into doubt the accuracy of the oversight body’s observations” ([Deitch, 2020, p. 271](#)). Scheduled inspections often fail to capture the day-to-day realities of incarcerated individuals and staff.

National studies show that the individuals working in hierarchical institutions ([Vue, 2023](#)) like correctional facilities, often fear retaliation when reporting misconduct or unsafe conditions ([National Correctional Employees Union, 2016](#)). Independent oversight with the ability to conduct unannounced inspections is one of the most effective ways to ensure accountability, protect staff, the incarcerated, and promote a culture of safety and transparency.

Oversight is also essential for ensuring that public funds allocated to Hawai‘i’s correctional system—about \$300 million annually—are used properly. Corrections oversight helps ensure that these vital resources are directed toward evidence-based policies and practices that enhance public safety and reduce recidivism. A well-functioning oversight body can help identify inefficiencies, advocate for strategic investments in rehabilitation and reentry programs, and promote fiscally responsible management of correctional facilities.

This bill is a necessary step toward ensuring that Hawaii’s correctional system is accountable, transparent, and focused on meaningful reform. By extending the term of the HCSOC

Coordinator and granting the authority to conduct unannounced visits, this bill strengthens the ability of the Commission to fulfill its mission effectively.

We respectfully urge the legislature to uphold the principles of justice, accountability, and humane treatment within our correctional system and pass this measure. Mahalo for your public service. Please contact Lorenn Walker if you need further information about our support for this bill: lorenn@hawaiiifriends.org.



HAWAII'I HEALTH &
HARM REDUCTION CENTER

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*"Reducing harm,
promoting health,
creating wellness, and
fighting stigma
in Hawai'i and
the Pacific."*

TESTIMONY IN SUPPORT OF HB 1002, HD 1

TO: Chair Elefante, Vice Chair Wakai, & PSM Committee

FROM: Nikos Leverenz, Policy & Advancement Manager

DATE: March 12, 2025 (3:00 PM)

LATE

Hawai'i Health & Harm Reduction Center (HHHRC) strongly supports HB 1002, HD 1, which extends the term of the Coordinator of the Correctional System Oversight Commission (HSOC), authorizes HSOC to review and recommend retention to the Governor, and clarify that the Coordinator has the general authority to inspect agencies and correctional facilities without notice.

At a time when the current federal administration seeks to undercut and even eliminate independent oversight of government functions, it is imperative that state policymakers strengthen oversight over its correctional system. The work product of the current Coordinator, including monthly reports that should be required reading for policymakers, has been eminently salutary.

Two recent system reports articulate the grim situation in the state's correctional system. A March 7 report found significant challenges with the current reentry practices, including a widespread lack of parole for those sentenced and limited services for those who have been granted parole supervision. A January 22 report found that understaffed facilities have precipitated exhaustion and a range of chronic conditions, including mental health problems, among current correctional officers.

As the state deliberates the construction of a new billion dollar jail facility without a preceding or concomitant commitment to reforms that would reduce the numbers of persons in jail, e.g., changes to sentencing, pretrial release, and probation, providing an extended term for the Coordinator and ensuring access to facilities are modest yet vital improvements upon current law.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions, and have also been deeply impacted by trauma related to histories of physical, sexual, and psychological abuse.

Mahalo for the opportunity to provide testimony.

HB-1002-HD-1

Submitted on: 3/10/2025 2:41:47 PM

Testimony for PSM on 3/12/2025 3:00:00 PM

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

Comments:

I strongly support HB1002

HB-1002-HD-1

Submitted on: 3/11/2025 6:45:53 AM

Testimony for PSM on 3/12/2025 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Support	Written Testimony Only

Comments:

I support this initiative.