



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

Senate Committee on Judiciary
Representative Karl Rhoads, Chair
Representative Mike Gabbard, Vice Chair

Tuesday, March 14, 2023 at 9:30 A.M.
Conference Room 016 & Via Videoconference

by:

Dr. Erin E. Harbinson
Director, Criminal Justice Research Institute

Bill No. and Title: House Bill No. 68, H.D. 1, Relating to Criminal Justice

Purpose: Appropriates funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law.

Judiciary's Position:

The Criminal Justice Research Institute (CJRI), which is administratively attached to the Judiciary, urges the **strong support** of House Bill No. 68 to create a centralized statewide criminal pretrial justice data reporting and collection system pursuant to HRS § 614-3. CJRI appreciates the Legislature's recognition of the need to expand the state's research capacity related to the criminal pretrial system and the need to track and monitor criminal pretrial system performance metrics. The intent of creating a centralized statewide source of pretrial data is to create data capacity, which would allow research to be conducted more quickly and effectively. Criminal justice research is unable to move rapidly enough to address the questions and pressing needs of policymakers, decision-makers, and the community. This is particularly an issue when conducting research on dynamic populations and trends such as those related to jails and pretrial. The research that is needed to allow these stakeholders to make timely and informed, data-driven decisions about the criminal justice system is not possible without a pretrial database and reporting system. CJRI, with the support of the Judiciary, presents the following information below for consideration in support of this bill.

1. The HCR 134 Criminal Pretrial Task Force recognized the State's need to develop, track, and monitor performance metrics for the criminal pretrial system, and recommended the establishment of CJRI to fulfill this work. CJRI was tasked by Act 179 (2019) / HRS § 614-3 with establishing a "centralized statewide criminal pretrial data reporting and collection system" to monitor the effectiveness of the criminal pretrial system, including the impact of any pretrial reforms.
2. Since the hiring of its first staff person in November 2020, CJRI has been assessing the feasibility of and diligently planning for the establishment of the pretrial database and reporting system to fulfill the mandates of Act 179 / HRS § 614-3. This includes, but is not limited to, identifying the current pretrial data landscape within the state and determining the administrative and technological feasibility of aggregating and sharing pretrial data. Additionally, CJRI has reviewed the work of other states engaged in similar initiatives to centralize criminal justice data. CJRI has taken great care in its approach to this work knowing that metrics and research used from this system will inform decisions about people's liberty and detention, and public safety within Hawai'i's communities.
3. Most of the criminal pretrial data necessary to report on the state's pretrial system is housed in three data sources in separate, disconnected databases and IT systems, which requires agencies to extract and provide multiple spreadsheets and CD-ROMs containing information. This information then requires significant manual work by research staff to merge thousands of records and transform hundreds of fields of information into data that can be used for research and quantitative analysis. In its current state, pretrial research is limited to annual reports that look back at least one year prior for basic pretrial metrics, and longer for more comprehensive research and evaluation questions.
4. CJRI has partnered with the Judiciary, the Department of Public Safety, and the Criminal Justice Data Center, Department of the Attorney General, to identify a solution that will bring data sources from these agencies together in a collaborative and cost-efficient way. These agencies are vital to this project as they house most of the data needed to answer the key pretrial research questions identified under the law, and which are important to researchers, stakeholders, lawmakers, and the public.
5. The creation of a centralized database will address many of the key barriers to pretrial research identified by the HCR 134 task force. Creating a centralized system will improve research and data capacity by using a technological solution to extract, merge, and link pretrial data across agencies. The technology will solve many of the critical barriers that currently limit CJRI's ability to conduct research on the state's criminal pretrial system. This approach would limit the impacts on agency resources long-term, by building off of agency databases and systems. A centralized data warehouse storing this linked data will provide CJRI with the technological capacity to answer questions

more quickly and more frequently, especially those posed by policymakers and stakeholders. And, it will provide the capacity to produce more comprehensive metrics and answer more research questions. This system would also provide the foundation for more accessible and digestible reporting, such as building out dashboards on key metrics that would provide more reporting and transparency on pretrial metrics and findings.

6. The bill appropriates funds to create the pretrial database and reporting system, which would fulfill the requirements outlined under HRS § 614-3 to create a “centralized statewide criminal pretrial database and reporting system.” In the fall, CJRI worked with technology partners to confirm the technological feasibility of this work, and outlined a timeline and cost estimate for this project specific to the state’s data and technology landscape. The funds will be for two years and will fund the development of the pathways to extract pretrial data from all three agencies, and merge and link the records into a centralized data warehouse. Additional funds would maintain and support this work.

The Criminal Justice Research Institute is requesting an appropriation in the amount of \$1,372,864 for fiscal year 2023-2024 and \$1,030,868 for fiscal year 2024-2025 to establish a centralized statewide criminal pretrial data reporting and collection system. These funds relate to costs for information technology costs including consultant services to develop a platform to link data systems, software licensing, data storage, and any other necessary costs; the establishment of one permanent project specialist position within the Criminal Justice Research Institute to support the database; one temporary project specialist position within the Judiciary and one temporary information technology analyst position, or equivalent, within the Department of Public Safety (Department of Corrections and Rehabilitation) to support the development of the system.

Please refer to the table below for a breakdown of budgetary details:

Categories	Description	FY 23-24	FY 24-25
<u>One-time, development costs</u>			
IT Consultant	<i>Includes development and design of system (hourly time engineers, developers, manager)</i>	\$950,000	\$500,000
Judiciary project specialist position (temporary)	<i>Temporary support for Judiciary IT to link Judiciary data to pretrial database</i>	\$68,556	\$71,016
PSD IT analyst position (or equivalent) (temporary)	<i>Temporary support for PSD IT to link PSD data to pretrial database</i>	\$74,124	\$76,788

<u>Reoccurring costs to sustain system</u>			
Software	<i>Annual cost for software to assist with data collection and reporting</i>	\$100,000	\$200,000
Data storage	<i>Annual cost to store data in centralized pretrial database (cloud storage)</i>	\$100,000	\$100,000
CJRI project specialist position	<i>Staff to support pretrial database and reporting system with IT and data knowledge</i>	\$80,184	\$83,064
Total		\$1,372,864	\$1,030,868

Thank you for the opportunity to comment on this measure.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

H.B. NO. 68, H.D. 1, RELATING TO CRIMINAL JUSTICE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 14, 2023

TIME: 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Philip D. Higdon, Administrator,
Hawaii Criminal Justice Data Center

Chair Rhoads and Members of the Committee:

The Department of the Attorney General supports the intent of this bill and provides the following comments.

The purpose of this bill is to appropriate funds to the Criminal Justice Research Institute to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to section 614-3, Hawaii Revised Statutes.

The Hawaii Criminal Justice Data Center (HCJDC) of the Department of the Attorney General recognizes the importance of having a centralized statewide criminal pretrial justice data reporting and collection system to assist with the Judiciary's efforts on reforms of the criminal pretrial practices and procedures. The HCJDC has been working in partnership with the Judiciary and the Department of the Public Safety to identify a solution to bridge the gaps in data gathering and sharing in a cost-efficient way. We agree with the Legislature that the creation of a statewide reporting system is substantial and will take significant resources and interbranch collaboration to accomplish it successfully. Even if we pursue this project in a cost-efficient way, significant funding will be necessary to extract and link large amounts of data from different sources, improve data entry practices and the quality of the data, and establish a long-term plan for ongoing collaboration with agencies that house pretrial data. We respectfully ask the Committee to pass this bill.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

March 14, 2023

RE: H.B. 68, H.D. 1; RELATING TO CRIMINAL JUSTICE.

Chair Rhoads, Vice Chair Gabbard, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony regarding H.B. 68, H.D. 1, in **support** with friendly amendments.

The purpose of this bill is to appropriate funds to establish a centralized statewide criminal pretrial justice data reporting and collection system that will streamline data collection used for research purposes by linking and merging data into one data warehouse.

Through Act 179 of the 2019 Legislative Session, the Legislature created the Criminal Justice Research Institute (CJRI) to assess the technological feasibility of collecting data from numerous statewide databases to provide the proper metrics in analyzing criminal pretrial data. Currently, the review of pretrial data is limited to annual data requests from three different state agencies accessing four different data sources. Through the proposed funding in H.B. 68, H.D. 1, the Department believes that CJRI will be able to create a centralized data collection system, which will be better equipped to provide more timely and comprehensive pretrial data as envisioned through the passage of Act 179 (2019).

To work hand-in-hand with the data system proposed by H.B. 68, H.D. 1, the Department would strongly urge this committee to add the language from H.B. 100, H.D. 1¹, which establishes a criminal justice data sharing working group. The working group proposed under H.B. 100 would make recommendations for a statewide criminal justice data repository, which would include the four county police and prosecutor departments, as well as probation, prison and parole. After discussions with CJRI, the Department does not believe this working group would be duplicating work or data collection that is already being collected by CJRI. Rather, the working group will be designing a data collection system that can be used in real time, to be utilized by various agencies

¹ https://www.capitol.hawaii.gov/sessions/session2023/bills/HB100_HD1_.PDF

within the criminal justice system—which would increase efficiency and accuracy, while minimizing duplication of work—and could also aid in decision-making on various issues, such as pretrial detention. In addition, the data that is ultimately collected through H.B. 100 could be designed to feed directly and efficiently into the research that is being conducted by CJRI, potentially improving the quality of their data.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu **supports** the passage of H.B. 68, H.D. 1 with friendly amendments. Thank you for the opportunity to testify on this matter.

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN
(ret.)
HON. RONALD IBARRA
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STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
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(808) 587-4160

TO: The Honorable Karl Rhoads, Chair
The Honorable Mike Gabbard, Vice Chair
Senate Committee on Judiciary

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 68, House Draft 1, Relating to Criminal Justice
Hearing: Tuesday, March 14, 2023; 9:30 a.m.
State Capitol, Room 016

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

The Hawaii Correctional Systems Oversight Commission (the Commission) **strongly supports** House Bill 68, House Draft 1, Relating to Criminal Justice. This measure will appropriate funds to the Criminal Justice Research Institute (CJRI) to create a pretrial database and reporting system that will build data capacity, extrapolating information from existing data sources in the Hawaii Criminal Justice Data Center, the Judiciary, and the Department of Public Safety. The dollar amount to support this measure will be provided by CJRI Director Erin Harbinson, Ph.D.

The Criminal Justice Research Institute, located in the Judiciary, was established through Act 179/SLH 2019 which also established the Commission. Meetings between CJRI and Commission staff helped identify benefits of creating a centralized statewide pretrial data and reporting system in furthering the goals of the Commission. Specifically, describing factors that contribute to the jail populations and what data could provide insight in placing individuals in the community safely through pretrial release or diversion.

As policy makers, Legislators understand more than most the need for accurate and complete data to make effective public policy decisions. CJRI is working to provide this body with the information it needs to formulate criminal justice policies. We applaud their efforts.

We defer to Dr. Harbinson on the specifics of this measure. Thank you for the opportunity to testify.

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair Senator Mike Gabbard, Vice Chair

NOTICE OF HEARING

Tuesday, March 14, 2023

9:30 AM

Conference Room 016 & Videoconference State Capitol

415 South Beretania Street

STRONG SUPPORT HB68 RELATING TO CRIMINAL JUSTICE

Women's Prison Project strongly supports HB68 which would establish "a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law."

This bill is about bringing data sources together to report out on the pretrial system, and will create the technological capacity to do so. The database will allow evaluation of the pretrial system in order to make recommendations for improvement. It could be a source of better data to understand how women and men are impacted by pretrial, and identify how lower risk , nonviolent offenders, especially women, might be diverted from incarceration earlier in the system, through the new Women's court or other specialty courts. The system would increase efficiency by moving data into a centralized statewide system that would allow for better decision making and planning.

Women's Prison Project strongly supports HB68 and urges the legislature to fund the proposed statewide data reporting collection system.

Mahalo for the opportunity to testify on HB68.

Linda Rich

On behalf of Women's Prison Project

Opportunity Youth Action Hawai'i

3/12/23

Senate Committee on Judiciary

Hearing Time: 9:30 AM

Location: State Capitol

Re: HB68 HD1 Relating to Criminal Justice

Aloha Chair Rhoads, Vice Chair Gabbard and members of the Committee:

We are writing in **strong support** of HB68 HD1 relating to criminal justice;

This bill will create a centralized statewide criminal pretrial database and collection system.

The advantages of a centralized data base are many. With it's creation would come better inter-agency communication, making it easier and more efficient to conduct research and implement evidence policies centered around recidivism. After speaking with Erin Harbinson, Executive Director of the Criminal Justice Research Institute prior to the legislative session, she stressed the importance of the creation of a centralized pretrial data base.

Dr. Erin Harbinson, the executive director of the CJRI (Criminal Justice Research Institute), met with our Opportunity Youth Action Hawai'i hui policy interns prior to the legislative session and explained the importance of a centralized pretrial database. The creation of a centralized pretrial database would enable agencies to act on data in an increasingly effective and coordinated manner, facilitating better communication as a system, and enhancing collective efforts to reduce recidivism. We believe that it will allow research to be conducted more quickly and effectively. HB68 has garnered support from several government organizations and entities involved in criminal justice and is expected to have a significant impact on improving the fairness, efficiency and understanding of our criminal justice system here in Hawaii. Overall, a centralized pretrial database would be a strong step forward for government institutions seeking to benefit from the data and policy organizations involved in criminal justice work.

The Opportunity Youth Action Hawaii Hui is a collaboration of organizations and individuals committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs. We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

March 13, 2023

Testimony in Support of House Bill 68

To: Committee on Judiciary & Hawaiian Affair
Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair

Proposed Bill: HB 68

Hearing: January 31, 2023
Via Videoconference
Conference Room 325
State Capitol
415 South Beretania Street

Written Testimony in Support of HB 68

My name is Dr. Janet T. Davidson, and I am Professor of Criminology & Criminal Justice at Chaminade University. I have more than 20 years of experience conducting criminal justice related research in Hawaii, most of that within the correctional system (jail, probation, prison, and parole). As one who intimately understands the restrictions of our current disconnected systems of data, I am testifying in favor of HB 68.

The most recent interaction I have had with the pretrial data was connected to an Ohio Pre-Trial Risk Assessment Instrument (ORAS PAT) validation study for a Hawaii pretrial population. That study concluded in 2021. The work was stymied by the lack of a centralized system containing the data needed to conduct this study. Data needed to do something as simple as a validation of an instrument took an extraordinary amount of time to work with due to the resources (time and labor) needed to merge data from at least three different systems, clean those data, and construct a timeline of events. Following is an excerpt of one of the recommendations from that study:

The completion of this study hit barriers due to lack of intentional data collection that would allow more timely and accurate analysis of pretrial release and risk and how the PAT is working to direct decisions. There should be a database of overall relevant and accurate data for timely analyses of the pretrial population and outcomes of interest.

It is without doubt that a centralized statewide criminal pretrial justice data reporting and collection system would not only further timely research, but would engender more timely data-informed decision making by actors in the system. As a Justice Reinvestment study pointed out a decade ago, pretrial in Hawaii does pose a bottleneck in the system and more timely data is one way to make better and faster decisions to manage this important population. Too, researchers will have more time to devote limited resources to address questions that more directly impact public safety and further our understanding of this population.

In closing, please accept this submission as unequivocal testimony in support of HB 68. Hawaii is many years overdue for such a system, and this investment will pay dividends in improved public safety, decision making, and timely analyses.

I am happy to respond to any direct follow-up questions.

Sincerely,

Janet T. Davidson

Dr. Janet T. Davidson
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