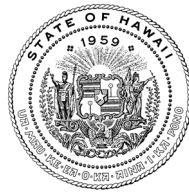


JOSH GREEN, M.D.  
GOVERNOR



LUIS P. SALAVERIA  
DIRECTOR

SABRINA NASIR  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE  
*Ka 'Oihana Mālama Mo'ohelu a Kālā*  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT

**WRITTEN ONLY**

TESTIMONY BY LUIS P. SALAVERIA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL  
AND MILITARY AFFAIRS  
ON  
SENATE BILL NO. 454

**February 1, 2023**  
**3:00 p.m.**  
**Room 225 and Videoconference**

RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

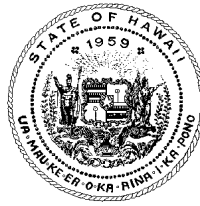
The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 454 amends Section 353L-3, HRS, to require the Hawai'i Correctional System Oversight Commission (Commission) to do the following:  
1) review and recommend amendments to the Department of Public Safety's (PSD) operating budget request and any capital improvement project appropriation requests prior to each legislative session; 2) inform the Legislature if its recommendations were not accepted; and 3) advise the Governor as to whether PSD's expenditure plan serves to fulfill the goal of the correctional system's transition to a rehabilitative and therapeutic model.

B&F notes that due to the tight timetable during the budget preparation, there may be insufficient time and resources to fulfill additional layers of budget review processes proposed in this bill. Nonetheless, PSD is expected to work with the Commission in ensuring that PSD correctional facilities comply with the guidelines and policies and in facilitating a more rehabilitative approach to improve the welfare of the incarcerated.

Thank you for your consideration of our comments.

JOSH B. GREEN, M.D.  
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
**KA 'OIHANA HO'OPALEKANA LEHULEHU**  
1177 Alakea Street  
Honolulu, Hawai'i 96813

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Michael J. Hoffman**  
Acting Deputy Director  
Corrections

**William Oku**  
Acting Deputy Director  
Law Enforcement

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

TESTIMONY ON SENATE BILL 454  
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION  
By  
Tommy Johnson, Director

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

Wednesday, February 1, 2023; 3:00 p.m.  
CR 225 and Via Videoconference

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

The Department of Public Safety (PSD) strongly opposes Senate Bill (SB) 454, which seeks to require the Hawaii Correctional System Oversight Commission to review and recommend amendments to the Department of Public Safety's operating budget request and any capital improvement project appropriation requests prior to each legislative session. As written, this measure also seeks to expand the Commission's authority outside of the original intent when the Commission was created into operational areas of the department rather than oversight.

In addition, passage of SB 454 would frustrate legitimate government operations of the department by adding an additional unnecessary layer of review to the already complex and cumbersome budgetary process. At present, the department's budget proposals including construction improvements projects (CIP) are reviewed, meticulously and thoroughly analyzed by the Department of Budget and Finance, the Governor's office, and legislative committee budget

analyst from both, House Committee on Finance and the Senate Committee on Ways and Means.

In addition, as written, SB 454 appears to be a prelude to the Commission being provided with authority over PSD. The department believes the current budgetary review and approval process is more than sufficiently thorough enough to ensure the department is fulfilling its goal to transition to a rehabilitative and therapeutic model.

Thank you for the opportunity to provide testimony in strong opposition to SB 454.



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

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

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 454, Relating to the Hawaii Correctional System Oversight Commission  
Hearing: Wednesday, February 1, 2023: 3:00 PM  
State Capitol, Room 225

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

The Hawaii Correctional System Oversight Commission (HCSOC) supports Senate Bill 454 relating to The Hawaii Correctional System Oversight Commission. This bill would require the Commission to review the Department of Public Safety's operating and capital improvements budgets and make recommendations to assure that the budget requests align with the State's commitment to rehabilitative and therapeutic corrections. The Commission would be required to inform the Legislature of any recommendations that are not accepted by the Department. The Commission would be further required to advise the Governor as to whether the Department's Expenditure Plan fulfils the rehabilitative and therapeutic goal.

The Commission's specific responsibilities are established in HRS 353L. They are:

1. Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitation and therapeutic model;
2. Establish maximum inmate population limits for each correctional system and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
3. Work with the department of public safety in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
4. Ensure that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the maximum terms have been served instead of delaying the release for lack of programs and services.

Hawaii Revised Statutes 353L-3(b)

SB 454 will allow the Commission to more effectively carry out its established duties by ensuring that appropriate priority is given to the programs, services and strategies needed to achieve the therapeutic and rehabilitative model. For this reason, we support this bill.

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.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon Elefante, Vice Chair

Wednesday, February 1, 2023

Room 225

3:00 PM

### **STRONG SUPPORT FOR SB 454 - HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION (HCSOC)**

Aloha Chair Wakai, Vice Chair Elefante 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 4,058 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Public Safety/Corrections and Rehabilitation on any given day. We are always mindful that 965 of Hawai'i's imprisoned people 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.

Mahalo for this opportunity to testify in strong support of this measure. SB 454 requires the Hawai'i Correctional System Oversight Commission (HCSOC) to review and recommend amendments to the Department of Public Safety operating budget request and any capital improvement project appropriation requests prior to each session. It requires the Commission to inform the legislature if recommendations were not accepted and requires the Commission to advise the Governor if DPS expenditure plan serves to fulfill the goal of transitions to a rehabilitative and therapeutic model.

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<sup>1</sup> Department of Public Safety, Weekly Population Report, January 23, 2023.

[https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-23\\_George-King.pdf](https://dps.hawaii.gov/wp-content/uploads/2023/01/Pop-Reports-Weekly-2023-01-23_George-King.pdf)

<sup>2</sup> Independent Oversight Is Essential for a Safe and Healthy Prison System, Michele Deitch, November 3, 2021.

<https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>

The Commissioners diligently met monthly for 2.5 years, before a Coordinator was finally hired. Christin Johnson, The HCSOC Coordinator is a consummate professional who understands oversight and federal law better than anyone I have met. Since July of 2022 she has hit the ground running. She understands the vital role that oversight plays in the transition we seek and her knowledge will help make this happen to benefit everyone. She included a strategic plan in the Commission's 2022 Annual Report that can be accessed at: <https://hcsoc.hawaii.gov/wp-content/uploads/2023/01/2022-HCSOC-Annual-Report-FINAL.pdf>.

The Brennan Center article entitled, *Independent Oversight Is Essential for a Safe and Healthy Prison System*<sup>2</sup> by the premier person on correctional oversight, Michele Deitch, says : "...external monitoring is meant to complement other forms of external oversight, including oversight exercised by the courts, the legislature, and accreditation bodies. It also complements internal accountability measures such as internal affairs investigations, audit processes, and grievance systems designed to meet the needs of agency administrators. The goal of external independent monitoring, unlike these other accountability measures, is to enhance transparency of these closed institutions by shining a light on what happens inside, and in doing so, help the agency improve its treatment of people in custody.

(...)

*What oversight bodies can do, though, is to be our eyes and ears. They can provide a window into these dark places and deny elected officials the option of remaining purposefully ignorant about correctional conditions. Their frequent presence in the prisons and jails can act as a form of informal social control over the actions of staff, helping to restrain staff misconduct. They can break down some imagined barrier between the inside and outside worlds, and question the way things "have always been done." They can identify troubling practices early, and bring these concerns to administrators' attention for remediation before the problems turn into scandals, lawsuits, or deaths. They can share best practices and strategies that have worked in other facilities to encourage a culture of improvement. They can assess unmeasurable facets of corrections in a holistic way, such as whether people are being treated with dignity and respect, whether they are being held safely, and whether they are being prepared adequately for release. They help humanize everyone connected to incarceration, including both people in custody and the staff who supervise them.*

*The article ends with these sentences that sum up the value of oversight: **The simple presence of an outside observer changes what happens inside a prison environment. It also can show us who we really are. Our extraordinarily punitive prisons and jails are this way because we have allowed them to become so; it is time for us to feel shame about that — and to take the urgent and necessary steps to prevent future harm.***"

This is why this Commission is so important to our transition to a rehabilitative and therapeutic model. Mahalo, Chair Wakai, for introducing this bill and for caring enough about Hawai'i to support overseeing the system that has done so much harm to our families. We can change this, and Ms. Johnson and the Oversight Commission are the great leaders Hawai'i needs to help us get there!

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**SB-454**

Submitted on: 1/28/2023 9:20:47 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary Lacques	Individual	Support	Written Testimony Only

Comments:

In strong support.

**SB-454**

Submitted on: 1/28/2023 9:33:27 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Esther Geil	Individual	Support	Written Testimony Only

Comments:

The work of the HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION is critical to achieving the valuable goal of increasing the number of contributing citizens in our communities and reducing the number of prison inmates who tax our citizens to support them while causing them to suffer the pains of powerlessness to achieve worthy goals and support their families. The path to this goal is to do everything we can to lead people to be good citizens instead of having them be burdens on the state. The method to accomplish this is through therapy and assistance, particularly to younger people, rather than through exposure to and confinement within the prison system. Every person so redirected into positive and productive paths reduces the financial burden on the citizens of our state, while uplifting our total population with persons able and inspired to live worthwhile lives in the community.

SB454 is an important part of helping achieve this extremely worthwhile goal.

**SB-454**

Submitted on: 1/29/2023 2:13:17 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

My name is Carla Allison and I strongly support SB454. I've been extremely impressed with the CSOC's Coordinator and how much she has accomplished in such a short time in the position. The Leg needs to give the Coordinator the authority and tools needed to shift HI's system to one that focuses on rehabilitation. Please support SB454. Thank you.

**SB-454**

Submitted on: 1/29/2023 4:39:01 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Shannon Matson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs, Vice Chairs, and Committee members,

Please pass this important bill to support the Dept. of Corrections and Rehabilitation staying on track to transition from a punitive model to a rehabilitative and therapeutic model. I, as many others in my community, were shocked to hear the report last year that came out of HCCC. Without the work of the Oversight Coordinator we wouldn't have been aware of the horrible conditions that urgently need correcting at the HCCC. Giving the Coordinator more support in the form of staff and control over the budget of the department is crucial in this time where we need more transparency and action in addressing the issues before us. We need many reforms in our current system of justice, and this bill is just one part of that puzzle. Mahalo for your time and consideration.

Shannon Matson

Hawai'i Island Resident

**SB-454**

Submitted on: 1/30/2023 9:03:28 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

The Department of Public Safety has repeatedly failed in its duties to keep committed individuals safe. It has failed to properly manage its facilities and it is failed to properly administer the state's commitment to transition to the more effective rehabilitative and therapeutic model of criminal justice called restorative justice. In particular, the department's previous insistence on the development of a massive, new incarceration facility, against the recommendations of criminal justice experts tasked with guiding that transition, demonstrate the need for increased oversight, and particularly when it comes to budgets and capital improvements. Please pass SB454.

**ROBERT K. MERCÉ**  
2467 Aha Aina Place  
Honolulu, Hawai'i 96821  
(808) 398-9594

January 31, 2023

TO: Committee on Public Safety and Intergovernmental and Military Affairs  
RE: SB 454  
HEARING: Wednesday, February 1, 2023  
TIME: 3:00 PM  
ROOM: Conf. Rm. 225 & videoconference  
POSITION: Strongly Support

Chair Wakai, Vice Chair Elefante, and members of the committee:

My name is Bob Merce. I am a retired lawyer and have been active in prison reform for the past ten years. I served as vice-chair of the HCR 85 Task Force on Prison Reform and I was the principal author of the Task Force's final report to the 2019 Legislature. I served on the Reentry Commission from 2018 until its responsibilities were transferred to the Hawaii Correctional System Oversight Commission in 2019.

In December, 2018, after two years of meetings, research, interviews, consultations with experts, and endless discussions, the HCR 85 Task Force on Prison Reform, chaired by Associate Supreme Court Justice Michael Wilson, submitted its 116-page final report to the 2019 Legislature. In the foreword to the report Justice Wilson wrote:

The Task Force has taken a comprehensive approach to prison reform and is making recommendations in many areas. **Our primary recommendation is that Hawai'i immediately begin to transition from a punitive to a rehabilitative correctional system.** Evidence from other states and countries confirms that the rehabilitative approach is the only sustainable way to make our communities safe. Mass incarceration does not work.<sup>1</sup>

Throughout the report, the Task Force emphasized that to improve outcomes and bring costs under control, Hawaii should transition from punitive to a rehabilitative correctional system, and strongly recommended that the State "create and fund a transitional coordinator position and an Implementation Commission to ensure that the transition to a rehabilitative system

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<sup>1</sup> Creating Better Outcomes, Safer Communities, Final Report of the HCR 85 Task Force to the 2019 Legislature. Accessed January 31, 2023. [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)

takes place in an efficient, orderly, and timely manner and there are regular reports to the Legislature on the progress of the transition.”<sup>2</sup>

The Task Force report was the impetus for Act 179 (Act 179 SLH 2019) which created the Hawaii Correctional System Oversight Commission to oversee the Department of Public Safety and facilitate its transition to “a therapeutic and rehabilitative model.” Act 179 also states that the Oversight Commission’s Coordinator “shall be well versed in criminal justice reform and maintain a firm commitment to the correctional system’s transition to a rehabilitative and therapeutic model.

SB 454’s amendments to HRS 353L are entirely consistent with the primary recommendation of the HCR 85 Task Force on Prison Reform, and with Act 179’s clear mandate that Hawaii transition from a punitive to a rehabilitative and therapeutic correction model. The amendments in SB 454 will, support, promote, and encourage a rehabilitative approach to corrections that will save money and improve public safety.

I urge you to pass SB 454.

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<sup>2</sup> Creating Better Outcomes, supra. at xv.

**SB-454**

Submitted on: 1/31/2023 2:23:47 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

I strongly support SB454. The Oversight Commission represents the public, something that has been missing in the state's correctional system. I believe that oversight of the budget of the department is an appropriate task for the commission.



**SB-454**

Submitted on: 1/31/2023 2:51:51 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

Aloha,

I am writing in strong support of SB454. This bill requires the Hawaii Correctional System Oversight Commission to review and recommend amendments to the Department of Public Safety's operating budget request and any capital improvement project appropriation requests prior to each legislative session. It also requires the Commission to inform the Legislature if its recommendations were not accepted and to advise the Governor if the Department of Public Safety's expenditure plan serves to satisfactorily fulfill the goal of the correctional system's transition to a rehabilitative and therapeutic model.

The long overdue appointment of a coordinator for the Hawaii Correctional System Oversight Commission has been a game changer for Hawaii's quest to transform our criminal justice system from an inhumane, ineffective, and punitive system to a more evidence-based, cost-effective, and rehabilitative system that reduces recidivism and helps incarcerated people succeed when they leave prison. Much progress has been made in identifying issues and forming collaborative relationships. But much remains to be done.

The Commission members and Coordinator have a much broader perspective, based on decades of experience and knowledge of best practices, to provide oversight and guidance. The Department of Public Safety, on the other hand, does its best to manage the correctional system but may lack the necessary vision to guide a successful transition to a more rehabilitative system.

Please pass SB454.

Mahalo for your consideration.

Diana Bethel

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



EDMUND "FRED" HYUN  
CHAIR

GENE DEMELLO, JR.  
CLAYTON H.W. HEE  
MILTON H. KOTSUBO  
CAROL K. MATAYOSHI  
MEMBERS

COREY J. REINCKE  
ACTING ADMINISTRATOR

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

**LATE**

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
**HAWAII PAROLING AUTHORITY**  
*Ka 'Ākena Palola o Hawai'i*  
1177 Alakea Street, First Floor  
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 454  
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

by  
Edmund "Fred" Hyun, Chairman  
Hawaii Paroling Authority

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

Wednesday, February 1, 2023 – 3:00 p.m.  
Conference Room 225

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

The Hawaii Paroling Authority (HPS) strongly opposes Senate Bill 454, which seeks to require the Hawaii Correctional System Oversight Commission to review and recommend amendments to the Department of Public Safety's operating budget request and any capital improvement project appropriation requests prior to each legislative session. As written, this measure also seeks to expand the Commission's authority outside of the original intent of the HCR 85 Task Force.

Passage of SB 454 would add unnecessary layer of review to the already complex and cumbersome budgetary process. As present, the department's budget proposals including construction improvement projects (CIP) are reviewed, meticulously and thoroughly analyzed by the Department of Budget and Finance, Governor's office, and the legislative committee budget analyst from both the House Committee on Finance and the Senate Committee on Ways and Means.

Thank you for the opportunity to provide testimony in strong opposition to SB 454.

**LATE**

**SB-454**

Submitted on: 1/31/2023 3:45:44 PM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dr. Sue Haglund	Individual	Support	Written Testimony Only

Comments:

In strong support of this bill

**SB-454**

Submitted on: 2/1/2023 7:03:09 AM

Testimony for PSM on 2/1/2023 3:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Raelyn Reyno Yeomans	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in strong and full support of SB454. I have followed and attended sessions of the Hawaii Correctional PSM System Oversight Commission since its inception. This Commission has taken community input, referenced multiple legislative task force findings, and communicated with the Public Safety Department, relevant Mental Health Professionals, and so much more. The current Oversight Coordinator is an incredible asset to the Commission and our community. Why would we not welcome/require the Commission's review and recommendations to DPS budget and appropriation/capital improvement requests? Why would we/the Governor not want to be informed which of these recommendations were adopted or not adopted in our transition to a rehabilitative and therapeutic model? Please pass SB454 for the sake of full disclosure, open communication, and our community.

Respectfully-

Raelyn Reyno Yeomans