



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-SECOND LEGISLATURE, 2023**

ON THE FOLLOWING MEASURE:

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

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, January 31, 2023 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

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

Chair Tarnas and Members of the Committee:

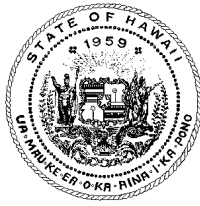
The Department of the Attorney General supports the intent of this bill and provides the following comments.

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.

JOSH GREEN, M.D.
GOVERNOR



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
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TOMMY JOHNSON
DIRECTOR

Melanie Martin
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Michael J. Hoffman
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William F. Oku
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON HOUSE BILL 68
RELATING TO CRIMINAL JUSTICE

by
Tommy Johnson, Director

House Committee on Judiciary and Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Tuesday, January 31, 2023; 2:00 p.m.
State Capitol Conference Room 325 and Via Video Conference

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Department of Public Safety (PSD) **supports** House Bill (HB) 68, which appropriates funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law.

We believe that a centralized criminal justice data collection and reporting system accessible by the various departments can greatly improve the entire system by identifying factors associated with criminal behavior and recidivism. As a result, such a system may produce improved interventions and programs to reduce the crime and recidivism rates in Hawaii.

Thank you for the opportunity to present this testimony.



The Judiciary, State of Hawai'i

Testimony to the Thirty-Second Legislature, 2023 Regular Session

House Committee on Judiciary & Hawaiian Affairs

Representative David A. Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Tuesday, January 31, 2023 at 2:00 P.M.

Conference Room 325

by:

Dr. Erin E. Harbinson

Director, Criminal Justice Research Institute

Bill No. and Title: House Bill No. 68, 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.

Thank you for the opportunity to comment on this measure.



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

TO: The Honorable David A. Tarnas, Chair
The Honorable Gregg Takayama, Vice Chair
House Committee on Judiciary and Hawaiian Affairs

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 68, Relating to Criminal Justice
Hearing: Tuesday, January 31, 2023; 2:00 p.m.
State Capitol, Room 325

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (the Commission) **strongly supports** House Bill 68, Relating to Criminal Justice. This measure will appropriate funds to the Criminal Justice Research Institute 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 Criminal Justice Research Institute (CJRI), 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 CJRI Director Erin Harbinson, Ph.D., on the specifics of this measure. Thank you for the opportunity to testify.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
Thirty-Second State Legislature
Regular Session of 2023
State of Hawai`i

January 31, 2023

RE: H.B. 68; RELATING TO CRIMINAL JUSTICE.

Chair Tarnas, Vice-Chair Takayama and members of the House Committee on Judiciary and Hawaiian Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu (“Department”), submits the following testimony regarding H.B. 68, 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, 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, the Department would strongly urge this committee to add the language from H.B. 100¹, 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

¹ https://www.capitol.hawaii.gov/sessions/session2023/bills/HB100_.pdf

designing a data collection system that can be used in real time, to be utilized by various agencies 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 with friendly amendments. Thank you for the opportunity to testify on this matter.

HB-68

Submitted on: 1/27/2023 4:38:58 PM

Testimony for JHA on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This is a wast of money . You need to start locking Criminals up insteated of letting the Go!!!!

January 29, 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
Professor, Criminology & Criminal Justice
Chaminade University of Honolulu
jdavidso@chaminade.edu
808-554-7152

HB-68

Submitted on: 1/30/2023 11:05:50 AM

Testimony for JHA on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Comments	Written Testimony Only

Comments:

Aloha,

HB 68 appropriates more than \$2 million in funds to establish a centralized statewide criminal pretrial justice data reporting and collection system pursuant to state law that passed in 2019 as Act 179.

There is no question that this information is desperately needed. However, the Criminal Justice Research Institute (CJRI) was tasked with conducting research on criminal justice matters, but has so far produced no data, as far as anyone can tell. What exactly is it doing?

Please make sure that the CJRI is doing its job in a satisfactory manner and providing the data that is so essential to transitioning our criminal justice system into a more cost-effective and rehabilitative system. It is long past time that we stop funneling tax payer dollars into a black hole with very little to show for it.

Mahalo for your consideration,

Diana Bethel

HB-68

Submitted on: 1/30/2023 2:59:59 PM

Testimony for JHA on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support

HB-68

Submitted on: 1/30/2023 9:47:03 PM

Testimony for JHA on 1/31/2023 2:00:00 PM

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

Comments:

Aloha, Chair Tarnas, Vice Chair Takayama and Members of the Committee,

My name is Carolyn Eaton and I am a Hawaii citizen and voter. This Bill would seem to duplicate the vital data-collection and sharing responsibility already assigned to the Criminal Justice Research Institute. It would be far wiser to get to the bottom of the failure of CJRI to perform this key function. The CJRI has been well-funded, yet the community has not received any benefit in the form of data to allow determinations about what's working and what is not.

Mahalo for your consideration of this testimony.

HB-68

Submitted on: 1/31/2023 6:39:39 AM

Testimony for JHA on 1/31/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Raelyn Reyno Yeomans	Individual	Oppose	Written Testimony Only

Comments:

I am submitting testimony in opposition to HB68 as it requests significant funds to continue the work of the Criminal Justice Research Institute since 2019. Here we are in 2023 and I am wondering why there isn't data available to the public yet? This bill says that in 2022 there was a move to "develop a technical plan to document the feasibility" This is confusing. It does not seem there has been results so we must question additional appropriation of resources.

Respectfully-

Raelyn Reyno Yeomans