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**STATE OF HAWAII**  
**OFFICE OF THE PUBLIC DEFENDER**

February 8, 2024

**S.B. 3283: RELATING TO THE HAWAII CORRECTIONAL SYSTEM  
OVERSIGHT COMMISSION**

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

The Office of the Public Defender strongly OPPOSES S.B. 3283:

The Hawaii Correctional System Oversight Commission (HCSOC), under the direction of Oversight Coordinator Christin Johnston, has filled a critical void in our state's correctional system. There have been decades-long concerns regarding the conditions of Hawaii's correctional facilities and the treatment of incarcerated individuals. Ms. Johnson has been invaluable in exposing these issues and has tirelessly advocated for meaningful change.

The statutorily articulated duties of the HCSOC 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.

The importance of Ms. Johnson's work cannot be overstated. In addition to her HCSOC duties, Ms. Johnson has been vital in providing insight on the current state of our correctional system. She has facilitated tours of correctional facilities

for public defenders, prosecutors, judges and other community stakeholders. She has made herself available to other agencies, committees, and working groups who have requested information and education on critical correctional issues. Ms. Johnson's work extends far beyond her required job duties, and she has established herself as an irreplaceable community resource.

A qualified Oversight Coordinator is necessary to continue this invaluable work. Ms. Johnson's qualifications and experience are not only impressive, but vital to the successful functioning of the HCSOC. Efforts to reduce her salary, without explanation, undermines the mission of the HCSOC and sends a damaging message to our community that correctional oversight can be compromised.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.  
GOVERNOR



MARK PATTERSON  
CHAIR

CHRISTIN M. JOHNSON  
OVERSIGHT COORDINATOR

COMMISSIONERS  
HON. MICHAEL A. TOWN  
(ret.)  
HON. RONALD IBARRA  
(ret.)  
MARTHA TORNEY

**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
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 3283, Relating to the Hawaii Correctional System Oversight Commission  
Hearing: Friday, February 9, 2024; 3:01 p.m.  
State Capitol, Room 225

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

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) **staunchly opposes** Senate Bill 3283 relating to the Hawaii Correctional Oversight Commission and the bill's sole purpose of lowering the Oversight Coordinator salary.

In 2019, the Hawaii legislature found that, "independent oversight of the State's correctional system ensures transparency, supports safe conditions for employees, inmates, and detainees, and provides positive reform towards a rehabilitative and therapeutic correctional system." Therefore, Act 179 of 2019 was passed and Chapter 353L of the Hawaii Revised Statute was created. Unfortunately, since that time, the Commission has been forced to work through numerous barriers including waiting years to have designated funding released to hire staff, attempting to successfully retain funding for the office and staff, and now retaining the salary for the Oversight Coordinator, who is statutorily required to administer the Hawaii Correctional System Oversight Commission.

HRS 353L-2 (b) specifies that, "the Oversight Coordinator of the Commission shall be paid a salary set at one hundred percent of the salary of the Director of Human Resources Development." This legislation is intentional to ensure that the Oversight Coordinator is not only treated with the dignity and respect of a cabinet-level-position, but also to ensure a candidate of sufficient experience and subject matter expertise holds the position. It is important to note that the Oversight Coordinator, similar to all Cabinet positions, is appointed by the Governor.

Therefore, for the following reasons, the Commission urges the Senate Committee on Public Safety and Intergovernmental and Military Affairs to vote NO on Senate Bill 3283:

- 1) The salary designation and the requirement of gubernatorial appointment outlined in HRS 353L-2 for the Oversight Coordinator reflects a deliberate effort by the State to underscore the gravity of

the position, positioning it on par with that of a Director. This measure is crucial to maintaining the Oversight Coordinator's independence, particularly in their distinct role outside the Governor's cabinet, thereby preserving the integrity of oversight mechanisms. This is consistent with the precedent set by the State in its treatment of the only other independent investigative entity, the Office of the Ombudsman. In accordance with HRS 96-2, the Ombudsman receives compensation equivalent to that of a Director which "shall not be diminished during the Ombudsman's term of office, unless by general law applying to all salaried officers of the State."

- 2) Maintaining the current salary as stipulated in HRS 353L-2 is vital for both recruitment and retention purposes. With over 20 states nationwide having correctional oversight offices, it is crucial to note that the Oversight Coordinator's salary is well within reason compared to oversight agencies in comparable jurisdictions,<sup>1</sup> especially when considering that the HCSOC has one of the broadest correctional oversight mandates in the country. Furthermore, according to HRS 353L-2, the Oversight Coordinator is mandated to possess extensive qualifications, including expertise in criminal justice reform and a steadfast dedication to transitioning the correctional system towards a rehabilitative and therapeutic model. Such specialized knowledge demands commensurate compensation.
- 3) When evaluating the state of corrections and the allocation of funds towards correctional, reentry, and rehabilitative initiatives in Hawaii, the Oversight Coordinator role stands as a pivotal investment for driving systemic transformation. Any reduction in salary undermines the critical nature of this role and the impact it can have on fostering positive change. Additionally, the Oversight Coordinator plays a crucial role in ensuring accountability and transparency within correctional systems, directly contributing to the protection of human rights and dignity for incarcerated individuals and staff. Maintaining adequate compensation for the Oversight Coordinator is paramount to safeguarding the integrity and effectiveness of correctional oversight mechanisms, thereby upholding public trust and confidence in the justice system.
- 4) Given the pivotal role the Oversight Coordinator has in ensuring compliance with state regulations and preventing the imposition of costly federal intervention, such as consent decrees mandating the allocation of millions of dollars for a federal monitor, any reduction in compensation could severely compromise the state's ability to maintain accountability within its correctional system. This position, as stated above, requires one with oversight expertise and an independent eye separate from the Department. The consequences of lowering the Oversight Coordinator's salary extend beyond mere budgetary concerns, risking the integrity of oversight mechanisms vital to safeguarding the rights and well-being of incarcerated individuals, staff members who work in the facilities, and the broader community.

The gravity of the Oversight Coordinator position cannot be overstated given the statutory powers and duties of the Oversight Coordinator, the current state of Hawaii's correctional system, the desperate need for systemic change pushed by an independent entity, and the importance of recruitment and retention for such an important position.

Thank you for the opportunity to testify.

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<sup>1</sup> US oversight director salaries range from \$179,000 to \$430,000. Examples available upon request.

**Rebecca V. Like**  
Prosecuting Attorney



**Keola Siu**  
First Deputy  
Prosecuting Attorney

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

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The Honorable Glenn Wakai, Chair  
Senate Committee on Public Safety and Intergovernmental Affairs  
Thirty-third State Legislature  
Regular session of 2024  
State of Hawai'i  
February 7, 2024

**RE: SB 3283 Relating to the Hawaii Correctional System Oversight  
Commission**

Dear Chair Wakai:

Our Office vehemently opposes this bill and respectfully requests that there be light shed on the motivation behind this unusual legislative request.

My first contact with the Hawaii Correctional System Oversight Commission was through my appointment to the Women's Correctional Implementation Commission. This Commission was mandated by House Bill 2312 and became law upon the Governor's signature of Act 244 in July of 2022. The WCIC met with the Director of the HCSOC prior to our in person visit to the Women's Prison on Oahu. Her insight into conditions within the facility for both those incarcerated and those working there was invaluable.

Following that meeting, I personally reached out to Christin Johnson when I scheduled a trip for our Deputy Prosecutors and staff to our local jail, the Kauai Community Correctional Center. Again, Ms. Johnson's insight was invaluable. She was able to point out things to pay attention to, both assets and liabilities within the correctional center.

I had the opportunity to speak at the Breaking Cycles Symposium hosted by the Hawaii Community Design Center at her invitation. I spoke on a panel about diversion and deflection programs in our Office on Kauai.

Most recently, our Office secured a \$1 million federal grant through the Bureau of Justice Administration through the Second Chance Act Pay for Success. This grant will fund a 5-year program to do re-entry work. Specifically, individuals getting released from incarceration will be paired with a case worker to assist them in accessing resources. Again, Ms. Johnson was an integral part of the planning and strategizing to make this project a success.

The work of the HCSOC is vitally important to public safety in the State of Hawaii. This Commission was created by the Legislature to be independent. The Coordinator's salary, specified in Hawaii Revised Statutes 353L-2, at its current level assures that the Coordinator is qualified. Hawaii is not the first state to implement an oversight commission. Throughout the continent, more than twenty states have similar commissions. The salary of the HCSOC coordinator is on par with the salary of those analogous agencies. Further, the Hawaii Revised Statutes states in Section 353L-2, the Oversight Coordinator shall, "be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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." This level of subject matter expertise requires an appropriate salary.

Yesterday, on February 6, 2024, I watched testimony about the difficulty the State of Hawaii is having in hiring. Our Office also struggles with finding and retaining qualified staff due to the high cost of living in Hawaii.

Why would the legislature support cutting the salary of the Director of a commission they created in half? Are there any other bills this session reducing salaries? What is the motivation behind this bill?

The work of the Oversight Coordinator has been critical to our Office accomplishing our goals of advocating for public safety using evidence-based models. Further, the Coordinator has been instrumental in helping our Office navigate connections between State agencies and community-based organizations to reduce recidivism for individuals being released from incarceration. The value the coordinator brings is much more than her current salary. For these reasons, the County of Kauai Office of the Prosecuting Attorney strongly OPPOSES SB 3283. Please do not pass this measure.

Thank you very much for the opportunity to testify.

/s/Rebecca Like



COMMITTEE ON SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS  
Hearing February 9, 2024 • 3:01 PM • Conference Room 225

**RE: S.B. No. 3283: RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

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

Mahalo for your work. Hawai'i Friends of Restorative Justice (HFRJ) is strongly opposed to this measure. HFRJ is a 40+ year old non-profit dedicated to improving our justice system. We have worked with people harmed by serious crime and injustice, with people who've caused harm, with the judiciary, other government agencies, non-profits, individuals, families, and communities. Numerous [peer reviewed articles about our work](#) have been published. We are frequently contacted by others nationally and internationally for assistance with evidence based reentry programs and policies.

This bill would harm the potential for more positive changes that the director of the Correctional Oversight Commission has advanced in making public and offering solutions to serious problems with Hawai'i's jails and prisons. We need this position to remain a cabinet level, and not deputy director, position. A high level of expertise and knowledge is required to improve our decades old crumbling corrections system. Additionally, Hawai'i suffers from government corruption as evidenced by the number of people in federal prison today from various governmental levels. [Higher paid government employees](#) can help reduce government corruption. The corrections department has a budget close to \$300 million a year, yet most of our prisons and jails, which house about 4000 people, are in disarray, and they are harmful for staff, the incarcerated and our community. Hawai'i corrections department needs the best caliber of oversight possible. Please vote to kill this bill and continue the good work of the coordinator of the Correctional Oversight Commission.

Mahalo for your public service. Please contact me at (808) 218-3712 and [lorenn@hawaiiifriends.org](mailto:lorenn@hawaiiifriends.org) for any questions about our testimony and our work.

Aloha, Lorenn Walker, JD, MPH  
Director, HFRJ

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**SB-3283**

Submitted on: 2/7/2024 2:23:48 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Marshall Baji, Jr.	Testifying for Ohana Ho'opakele	Oppose	Written Testimony Only

Comments:

Aloha, Senators Wakai, Elefante, Fukunaga, Rhoads and Awa.

My name is Marshall Baji, Jr.

I speak clearly in opposition to SB3283.

This bill attempts to cut the salary of the Oversight Coordinator.

I am a member of Ohana Ho'opakele. The first ever Oversight Coordinator for the Hawaii Correctional System Oversight Commission, Christin M. Johnson, gladly accepted our invitation to have lunch together in Hilo. We were favorably impressed with her. Since then, we have attended in person and by Zoom the hearings of the Oversight Commission and our respect for her has grown. She is competent and works extremely hard. She is well deserving of her current salary and much more. Please do not cut her pay. She definitely has the work ethics and drive to accomplish the goals of her position. Again, please do not cut her current salary.

Mahalo for the opportunity to testify in opposition of SB3283.



**SB-3283**

Submitted on: 2/7/2024 5:05:06 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Steven Costa	Testifying for Episcopal Diocese of Hawaii	Oppose	Written Testimony Only

Comments:

Please oppose this measure

**SB-3283**

Submitted on: 2/7/2024 9:30:19 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Tadia Rice	Testifying for Tahirih Association	Oppose	Written Testimony Only

Comments:

Aloha Members of the Hawai'i State Legislature,

The Oversight Coordinator's salary, specified in HRS 353L-2, was written to ensure that the Oversight Coordinator's position is taken seriously, and at the same level of a Director, without the Oversight Coordinator losing independence by being in the Governor's cabinet as a Director.

The current salary listed in HRS 353-2 is vital important to keep as is, especially for recruitment and retention purposes. Over 20 states across the country have correctional oversight, and the Commission has found that the Oversight Coordinator's salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, "be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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." This level of subject matter expertise requires an appropriate salary.

The Oversight Coordinator position is an important investment for systemic change, especially considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts. Lowering the salary diminishes the importance of their work, therefore for these reasons **I STRONGLY OPPOSE SB3283.**

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair

Senator Brandon Elefante, Vice Chair

Friday, February 9, 2024

Room 225

3:01 PM

### **STRONG OPPOSITION TO SB 3283 - HCSOC COORDINATOR SALARY**

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 3,844 Hawai'i individuals living behind bars<sup>1</sup> and under the "care and custody" of the Department of Corrections and Rehabilitation on January 29, 2024. We are always mindful that 857 - 25% of the male imprisoned 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 is in **STRONG OPPOSITION to SB 3283**. We have never seen such a mean-spirited measure attacking a member of the Executive Branch or anyone else, for that matter, in all our years at the legislature. This is puzzling and disappointing, especially at a time when the state is wrestling with so many vacant positions.

A 2022 article<sup>2</sup> from the Brennan Center notes the importance of oversight in closed facilities:

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<sup>1</sup> **DPS/DCR Weekly Population Report**, January 29, 2024.

<https://dcr.hawaii.gov/wp-content/uploads/2024/01/Pop-Reports-Weekly-2024-01-29.pdf>

<sup>2</sup> **The Landscape of Recent State and County Correctional Oversight Efforts**, by Lauren-Brooke Eisen and Alia Nahra, March 15, 2022.

<https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts>

<sup>3</sup> **82% of Americans support prison oversight, according to first-ever national poll**, Families Against Mandatory Minimums, August 16, 2022.

<https://famm.org/82-of-americans-support-prison-oversight-according-to-first-ever-national-poll/>

*...Correctional institutions — prisons and jails — are considered closed facilities. Few visitors gain access to these institutions, even though they house people for months, years, decades, and, sometimes, entire lifetimes. As Justice Kennedy wrote in his 2015 concurrence to the Court’s opinion in **Davis v. Ayala**, “Prisoners are shut away—out of sight, out of mind,” while their conditions of confinement are “too easily ignored” by the public and the legal academy.*

*These institutions are also coercive environments with marked power differentials between corrections staff and incarcerated people that make facilities ripe for abuse. Because jails and prisons exert total authority over individuals’ bodies and liberty, transparency and accountability are necessary to ensure that facilities uphold their duty of care to respect the dignity of people who are imprisoned and ensure that prisons are safe and secure.*

**One way to achieve the goals of transparency and accountability, while ensuring safe and humane conditions of confinement, is a formal and independent system of oversight of jail and prison operations.** *As the Brennan Center has **noted** before, although the U.S. has more people behind bars than any other country on the planet, “it lacks a cohesive or integrated system of oversight for its vast network of prisons and jails.” ...*

As Hawai`i transitions from a punitive correctional system to a rehabilitative and therapeutic model, our aim should always be focused on best practices. Correctional oversight is considered a national best practice and essential in preventing abuse, neglect, and unconstitutional treatment of individuals in custody. It also helps identify and share best practices and provides accurate, unbiased information to government leaders for policymaking and funding decisions. This information is crucial to lawmakers to help inform their decisionmaking for the development of better social and public policies.

**At least 20 states have correctional oversight offices. They are: Arizona, California, Connecticut, District of Columbia, Florida, Hawai`i, Illinois, Indiana, Iowa, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Vermont, Virginia, Washington.**<sup>3</sup>

The first-ever national poll shows that 82% of Americans support prison oversight.<sup>3</sup> In addition to showing widespread support for independent oversight, the FAMM poll revealed:

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<sup>4</sup> NATIONAL SURVEY (July 29 – August 3, 20220), Public Opinion Strategies, Robert Blizzard, Partner. <https://famm.org/wp-content/uploads/FAMM-National-Survey-Key-Findings.pdf>

- 73% of respondents believe that prisons should be inspected by professionals who are independent of the prison system they are inspecting.
- 68% said they do not trust government agencies to investigate their own problems and honestly report on them to lawmakers and the public.
- **Respondents overwhelmingly believe that it is very important for independent oversight bodies to be fully staffed (91%), have authority to investigate complaints from prison staff and prisoners (91%), and have full access to the prison system's facilities and documents (90%).**

Families Against Mandatory Minimums (FAMM) released this National Survey<sup>4</sup> (23 pages) and it is attached for your information.

Jails and prisons are closed environments and their problems have been long hidden behind those walls. Sadly, these institutions continue to be the dark and expensive secret for which the community pays – in many ways other than economically.. Oversight is crucial to identify problems in these institutions *before* they turn into crisis situations. For example, when the Coordinator was in HCCC, she saw that people were locked in their cells with padlocks! If there were a fire or other need to evacuate the jail, this could have been a huge tragedy. This is the value that the Coordinator brings to Hawai`i. Ms. Johnson has already saved lives that could have been lost.

Community Alliance on Prisons has worked on justice issues for decades and we can assert that the Hawai`i Correctional System Oversight Commission is the first entity that has invited the community to raise the concerns we all bring about our friends and family in custody. Hawai`i has been lucky to attract someone of Ms. Johnson's caliber to help transition a very broken correctional system to one that focuses on rehabilitation and reentry.

Since her arrival less than 20 months ago, Ms. Johnson has done so much to bring resources to Hawai`i through her connections and her ability to find people who care as deeply as she does about this work. She loves Hawai`i and wants to help in any and every way in creating a more rehabilitative and restorative system in Hawai`i that practices the values of our host culture: Aloha, Ha`aha`a, Ho`omau, `Ike Pono, Kokua, and Kuleana.

One only has to look at the Hawai`i Correctional System Oversight Commission website <https://hcsoc.hawaii.gov/> to see the volume of work that has been added since the Coordinator was hired in July 2022.

The disinformation being promoted by some is rather ironic against this entity that is a model for transparency and accountability. The Coordinator's salary is set in statute because the legislature voted for the bill setting it in HRS 353L-2. This was written as such to ensure that the Oversight Coordinator's position is taken seriously at the same level of a

Director without the Oversight Coordinator losing independence by being in the Governor's cabinet as a Director.

Lastly, Community Alliance on Prisons has looked at the salaries of Oversight Coordinators in the Los Angeles Office of the Inspector General, Los Angeles Police Commission, the California Office of the Inspector General, the Hawai'i Ombudsman, the Correctional Association of New York, and the New York City Board of Correction that ranged from \$430,679 - \$179,436. Our Coordinator's compensation is less than all the salaries we found of these oversight bodies.

Hawai'i is getting a great deal when you look at the volume of work that the Coordinator initiated and performed in less than 20 months, AND the money she saved the state by identifying potential violations, thereby avoiding costly lawsuits.

Please practice Aloha and defer this bill indefinitely! Mahalo.

**SB-3283**

Submitted on: 2/8/2024 1:06:26 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Josh Frost	Testifying for ACLU of Hawaii	Oppose	Written Testimony Only

Comments:

The ACLU of Hawai'i **OPPOSES SB3283**, which lowers the salary of the Hawaii Correctional System Oversight Coordinator to be 100% of the salary of the Deputy Director of Human Resources Development, rather than 100% of the salary of the Director of Human Resources Development.

We will be submitting more substantial testimony.



February 7, 2024

The Honorable Glenn Wakai  
Chair  
Senate Committee on Public Safety and Intergovernmental and Military Affairs  
415 South Beretania St.  
Honolulu, HI 96813

Dear Senator Wakai,

I am reaching out today on behalf the National Association for Civilian Oversight of Law Enforcement (NACOLE), to oppose SB3283. NACOLE is a not-for-profit 501(c)(3) association of oversight practitioners, law enforcement officials, and supporters of civilian oversight that works to enhance accountability and transparency in policing and build community trust through civilian oversight. We remain the preeminent organization dedicated to the support of civilian oversight of law enforcement, jails, and prisons.

Specifically, we are concerned at the effort to take aim at the Oversight Coordinator's salary and, hence, the overall effectiveness and sustainability of the Hawaii Correctional System Oversight Commission. Several years ago, NACOLE published the document *Civilian Oversight of Law Enforcement: Report on the State of the Field and Effective Practices in Oversight*. Within this document we outlined the thirteen principles of effective oversight – one of which seems particularly important given what has been put forth in SB3283.

The second principle of utmost importance here is the need for adequate budget and staffing. Ensuring that an oversight agency has adequate resources to carry out its mandate is crucial to its effectiveness. Inadequate budgetary levels interfere with the ability to have the number of skilled staff needed to conduct the work in a timely and thorough manner. Beyond allowing for the agency to carry out its mandate, appropriate funding levels signals a commitment to the community that its government supports civilian oversight of law enforcement and the accountability and transparency it brings.

The original salary specified for the Oversight Coordinator in HRS 353L-2 helped to ensure that the position would be filled by someone with the necessary skills and background. By allowing the position to sit outside of the Governor's cabinet while maintaining the salary level at that of a director, it ensured that the position would be taken seriously and maintain the independence necessary to bring legitimacy to the work. In addition, this salary level originally set assists with recruitment and retention efforts of persons "qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and shall be well in criminal justice reform and maintain a firm commitment to the

**P.O. Box 20851 ♦ Indianapolis, Indiana 46220 ♦ (317)721-8133**

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correctional system's transition to a rehabilitative and therapeutic model.” This level of subject matter expertise requires the appropriate salary – and investment for systemic change and a signal to the importance of the work being done by the Oversight Coordinator and the Oversight Commission.

A lack of independence, adequate funding, and the staff needed to support effective oversight can send a message that initiatives like the one that brought the current oversight mechanism into existence are no longer being supported. Because of this, NACOLE stands by the need for jurisdictions to make sure the thirteen principles are being adhered to and is here to act as a resource . We are happy to answer any questions you might regarding effective, sustainable oversight moving forward.

Sincerely,

Anthony Finnell  
President  
NACOLE

Cameron McElhiney  
Executive Director  
NACOLE

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**SB-3283**

Submitted on: 2/6/2024 1:35:03 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sharleen Kahumoku	Individual	Oppose	Written Testimony Only

Comments:

I Sharleen Kahumoku opposed this Bill SB3283.

**SB-3283**

Submitted on: 2/6/2024 10:30:41 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Oppose	Written Testimony Only

Comments:

Dear Senators,

My name is Colleen Rost-Banik and I am a Sociology instructor at University of Hawaii Manoa. I have also worked within the Women's Community Correctional Center through Windward Community College's Pu'uhonua Program and now facilitate a Creative Writing Project at WCCC.

I strongly oppose SB3283 which would lower the salary of the Hawaii Prison Oversight Commission Coordinator. It is a disgrace and embarrassment on behalf of the State of Hawaii to hire a person into such an important role to then lower the salary of the person actually doing the job. Bringing accountability to the Department of Corrections and Rehabilitation, formerly the Department of Public Safety—which has made many, many missteps over the years—is vital to bringing justice to all residents that call Hawaii home, and even more importantly to all the people behind bars who have had their rights and humanity violated due to the inadequacies of our correctional facilities.

I respectfully ask that you reject SB3283.

Sincerely,

Colleen Rost-Banik, PhD

**SB-3283**

Submitted on: 2/7/2024 7:15:30 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Zoe Ryan	Individual	Oppose	Remotely Via Zoom

Comments:

To Whom it may Concern,

I am writing to OPPOSE bill SB3283. No public serving entity should be without oversight, particularly one involving the caging of humans. Our goal here is to provide inmates with direction, guidance, programs to encourage community involvement and education, examples of how to be a good neighbor and learning how to problem solve. Without oversight, we are reduced to "The Stanford Prison Experiment". The psychological effects of assuming a position of power in a prison environment, not to mention the physical state of a prison, are inately prone to abuse. If we are to reach our goals of releasing productive, healthy men and women back into our communities, it is CRITICAL to maintain oversight. The salary of an Oversight Coordinator should be commesurate to the role, we have a long way to go to become an effective "penal system" and this is one of THE MOST IMPORTANT ROLES in the current state of affairs. Change is unarguably necessary, agreed upon by all branches of government, and the oversight will help operations continue to move in the desired direction.

There is no question that incarceration is not intended to be comfortable, but it is also not constitutionally allowed to be torture, cruel and inhumane. Currently, it is torture, it is inhumane, it is a cruel, hate filled environment with no hope for an appropriate future without heavily involved oversight. The seriousness of this role should trump any other role in corrections government, and should be presented as such providing a salary that attracts and retains those qualified to effect change. The future of corrections depends on a government that encourages candidates to put in the time and commit to the education and research necessary to qualify for the position. It is past time to forge the way towards a productive future of rehabilitation that is a huge benefit to society. If anything, the salary and budget should increase.

Respectfully,

Zoe Ryan

**SB-3283**

Submitted on: 2/7/2024 8:31:30 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Bridget G Sheerin	Individual	Oppose	Written Testimony Only

Comments:

There are number of reasons why I personally appose this.

The Oversight Coordinator’s salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator’s position is taken seriously at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor’s cabinet as a Director.

The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country has correctional oversight and the Commission has found that the Oversight Coordinator’s salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, “be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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.” This level of subject matter expertise requires an appropriate salary.

When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an important investment for systemic change. Lowering the salary diminishes the importance of their work.

Finally, I have been personally inspired by the Oversight Commission's work, vision, collaboration, their sense of duty, and innovation. This commission trule wants to work towards systemic improvements in the system and the live of people incarcerated. And I believe to do this you should actually be EXPANDING funding to the commission not lowering it.

Thank you

**SB-3283**

Submitted on: 2/7/2024 9:22:32 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

I am strongly opposed to SB3283, which has the *sole purpose* of cutting the Oversight Coordinator salary. Why mess with something that is working? This office has provided incredible insight and transparency for our community and we want MORE of this, not less.

1. The Oversight Coordinator’s salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator’s position is taken seriously at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor’s cabinet as a Director.
2. The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country have correctional oversight and the Commission has found that the Oversight Coordinator’s salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, “be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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.” This level of subject matter expertise requires an appropriate salary.
3. When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an important investment for systemic change. Lowering the salary diminishes the importance of their work.

Please reject this bill.

Mahalo,

Shannon Matson

Hawai'i Island Resident

Aloha Chair Glenn Wakai, Vice Chair Brandon Elefante, and Senate Committee on Public Safety and Intergovernmental and Military Affairs,

I am the Pastor of Wahiawa United Church of Christ as well as a volunteer chaplain with the Native Hawaiian Church at Halawa Correctional Facility. I **oppose** SB 3283 because it risks the accountability and transparency within the Department of Corrections and Rehabilitation.

I regularly attend the monthly Correctional Oversight meetings on Zoom and have been very impressed with Christin Johnson, the Oversight Coordinator, as well as the Commission. Christin is extremely efficient, knowledgeable, and detailed in her evaluations of the Department of Corrections and Rehabilitation. She takes into consideration the condition of those incarcerated, the staff, the facilities, and all surrounding operations. She has earned the much needed trust of the community.

The Oversight Coordinator's salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator's position is taken seriously at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor's cabinet as a Director.

The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country has correctional oversight and the Commission has found that the Oversight Coordinator's salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, "be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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." This level of subject matter expertise requires an appropriate salary.

When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an important investment for systemic change. Lowering the salary diminishes the importance of this work.

Please oppose SB3283 to preserve community started efforts for accountability and addressing issues of safety and health within our prisons.

Mahalo,

Cassandra Chee  
Honolulu, 96817

February 7, 2024

Senate Committee on Public Safety and Intergovernmental and Military Affairs

RE: SB3283

Dear Chair Wakai and Vice-Chair Elefante:

I am writing in strong opposition to **SB3283**, which has the sole purpose of reducing the salary of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission (“Oversight Commission”). This ill-conceived bill appears designed to constrain the critically important work of the Hawaii Correctional System Oversight Commission, which is comprised of unpaid public servants.

There is no question that Hawaii’s correctional system is in crisis. Despite the fact that Hawaii has a relatively robust framework of statutes, regulations, and rules that potentially provide the foundation for a correctional system with a rehabilitative and therapeutic focus, these laws and regulations have been largely ignored, allowing an antiquated and punitive correctional system to persist. The ground began to shift, however, with the foundational work of the House Concurrent Resolution 85 Task Force on Prison Reform, which in turn led to the creation of the Oversight Commission. The Oversight Commission’s broad statutory mandate (HRS § 353L-3) covers most aspects of meaningful correctional system reform:

(b) The commission shall:

- (1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;
- (2) Establish maximum inmate population limits for each correctional facility 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 Hawai’i paroling authority’s oversight of parolees. The commission may make recommendations to the department of public safety, the Hawai’i 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 minimum terms have been served instead of delaying the release for lack of programs and services.

Importantly, the statutes establishing the Oversight Commission include provisions ensuring that the unpaid members of the Oversight Commission have the support and assistance of an Oversight Coordinator who is “qualified by training and experience to administer the Commission, and ... [who is] well-versed in criminal justice reform and ... commit[ed] to the correctional system's transition to a



rehabilitative and therapeutic model.” HRS § 353L-2(a). Indeed, these statutes (HRS § 353L-4) empower and require the Oversight Coordinator to:

- (1) Supervise and administer the operation of the Commission in accordance with this chapter and the rules adopted under this chapter, subject to the continuous duty to take into account the particularly sensitive and responsible nature of the Commission's functions;
- (2) Enforce this chapter and the rules adopted under this chapter. The Oversight Coordinator shall receive allegations of any violations of the laws of this State or rules pertaining to the correctional system or conduct of the Commission;
- (3) Be authorized to hire staff necessary to accomplish the purpose of this chapter, including a minimum of two researchers and one clerical assistant. Employees of the Oversight Coordinator's office shall be exempt from chapter 76 and shall not be considered civil service employees but shall be entitled to any employee benefit plans normally inuring to civil service employees;
- (4) Act as secretary and executive officer of the Commission;
- (5) Confer regularly as necessary or desirable and not less than once every quarter with the Commission on the operation and administration of the Commission;
- (6) Make available for inspection by the Commission, upon request, all books, records, files, and other information and documents of the Commission; and
- (7) Advise the Commission and recommend matters as are necessary and advisable to improve the operation and administration of the Commission.

It is hardly surprising, given the Oversight Coordinator's broad statutory mandate, that the Legislature specifically provided that the Oversight Coordinator “be paid a salary set at one hundred per cent of the salary of the director of human resources development,” and that the position be “exempt from Chapters 76 and 89.” HRS § 353L-2(b). Not only is such a salary commensurate with the duties and responsibilities of the position, it also reflects the Legislature's intention to seriously and meaningfully address a correctional system that everyone knows is badly broken.

During its brief existence, the Oversight Commission has struggled to bring transparency to Hawaii's correctional system. These efforts only gained significant traction and needed attention after a well-qualified Oversight Coordinator was finally brought on board. Working closely with the Oversight Commission, the Oversight Coordinator has shone a bright light into a dark system that has been ignored for decades. The Oversight Commission's findings, based largely on the work of the Oversight Coordinator, have documented “horrendous conditions” that reflect a “system failure.” And now, with strong support from Governor Green and the leadership of the Oversight Commission, meaningful change may finally be possible.

I would add that the meager savings that would be realized from cutting the salary of the Oversight Coordinator pales in comparison to the potential savings that will come from fundamental systemic change. In the past 44 years, Hawaii's prison population increased 479% while the general population increased 55%. Hawaii's incarceration rate – i.e. the number of prisoners per 100,000 population – is 292, which is higher than 85% of the countries in the world, including every Western European country. Despite spending hundreds of millions of dollars on corrections, Hawaii has an unacceptably high recidivism rate that is substantially in excess of 50%. In other words, more than half of the prisoners who are released from Hawaii's prisons will be rearrested, have their parole revoked, or be found in criminal contempt of court within 36 months of release. The costs associated with this broken

correctional system are staggering, both in terms of public funds and human suffering. A well-funded and supported Oversight Commission, supervised and administered by a highly qualified Oversight Coordinator, can lead the way towards real systemic change that will save untold millions while making our correctional system more humane and effective and our communities safer.

Simply put, this is the time to provide additional support for the Oversight Commission and the Oversight Coordinator. In my opinion, it would be a monumental mistake to reduce the salary of the person who has been mandated by law to “oversee” and “coordinate” the transition from an archaic and punitive system of corrections to a system focused on therapy and rehabilitation. If Hawaii is serious about correctional reform, we must support the Oversight Commission and the Oversight Coordinator. I urge you to reject this misguided effort to undercut the Oversight Commission and the Oversight Coordinator.

Thank you,

Michael Livingston

**SB-3283**

Submitted on: 2/7/2024 3:15:32 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gregory A. Herbst	Individual	Oppose	Written Testimony Only

Comments:

Aloha, Senators Wakai, Elefante, Fukunage, Rhoads and Awa!

My name is Gregory A. Herbst.

I speak clearly in opposition to SB3283.

This bill attempts to cut the salary of the Oversight Coordinator.

I am a member of Ohana Ho`opakele. The first ever Oversight Coordinator for the Hawaii Correctional System Oversight Commission Christin M. Johnson gladly accepted our invitation to have lunch together in Hilo. We were farovable impressed with her. Since then, we have attended in person a hearing of the Oversight Commission and some of us by Zoom and our respect for Christin has grown. She is competent, works extremely hard and has done excellent work. Please don't cut her pay; she definitely deserves it.

Mahalo for the opportunity to testify!

**SB-3283**

Submitted on: 2/7/2024 9:22:11 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

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

Comments:

I strongly oppose SB 3283 that seeks to reduce the salary of the Coordinator of the Hawaii Correctional Systems Oversight Commission. I do not understand the reason for this move to undermine this position!

The legislature established the position with a salary equivalent to a Director to give it authority and make it independent of any political influence. The current occupant has performed exceedingly well, so why this bill, which seems to punish her?

The Department of Public Safety has been changed to the Department of Corrections and Rehabilitation in order to focus on the fact that almost all persons held in jails or prisons will re-enter society at some point. There needs to be outside help from someone who is familiar with what has happened elsewhere to refocus correctional systems, We are very fortunate to have such a person, so efforts to undermine her works against the future of DCR.

I urge you to defer SB3283. It is not appropriate and does not serve the State of Hawaii well.

**SB-3283**

Submitted on: 2/7/2024 10:00:07 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lois Torikawa	Individual	Oppose	Written Testimony Only

Comments:

To the Senate Public Safety Committee,

As a 38 year employee of the Hawai‘i Dept of Public Safety who retired in Dec 2022, I oppose this bill. The Hawai‘i Correctional System Oversight Commission's Oversight Coordinator position was created with an annual salary on par with other national oversight coordinators. This is meant to secure an Oversight Coordinator of exceptional quality, extensive national and international knowledge, and the fortitude to strategically implement positive change within the newly named Dept of Corrections and Rehabilitation.

Based on my many years of experience and observations within PSD (now DCR), it is essential for inmates and staff to have a independent voice without fear of being retaliated against or silenced. This is just one part of what the Oversight Coordinator provides.

The Oversight Coordinator agreed to take the job at the current Director position level and current annual salary to help the new DCR towards a therapeutic and rehabilitative model. To now essentially demote the Oversight Coordinator, who has done nothing wrong to warrant this, will result in undermining and decreasing the power of that position to create long term positive change for DCR. A demotion will also decrease the efficacy of the Commission as a whole. To demote the Oversight Coordinator position from the independent, autonomous Director level to a subordinate deputy level position sends a clear message that the improvement of inmates' care, treatment, services, their families, and the treatment of DCR staff is not important.

I urge you to vote against SB 3283.

Thank you, Lois Torikawa

**SB-3283**

Submitted on: 2/7/2024 10:28:35 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alice Kahaleua	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha, my name is Alice Kahaleua. I am a mother of a son who has been incarcerated and I oppose SB3283. My son put himself in harms way when he decided to make public the conditions at HCCC. Meaning there could be back lash towards him as a result of that information getting out to the public. Along with the photos of what it looked like in the "Fish Bowl" during an active Covid breakout was a message and in that message he stated "Mom, the community deserves to know the truth." He stood up for many, including the HCCC Staff. I think he did the right thing and by doing so, he probably saved many lives. Don't you agree.? I am really grateful that what he did was used for change.

As a direct result of the lawsuit that was bought forth by Attorney, Erik Seitz, Christen Johnson was hired as the Coordinator for the Oversight Commission. I am very pleased with the work that Christen is doing and I appreciate the transparency that she brings forth. Trying to lower her salary undermines her position and sends a message that the work she does have no importance and contradicts the reason for adding "Rehabilitation" to Department of Corrections.

It's a good thing that we know there are problems that exist because now we can look for solutions. Solutions that can work to ease the overcrowding, and reduce residivism. I trust Christin Johnson and if I ever have a concern about our jail and prison system I would most likely go to her before I go to any other individual that oversees our jail and prisons. Maybe lawmakers would like to pay millions on millions for lawsuits instead of paying her what she deserves. The community already had a peek-a-boo of what takes place inside those walls. Without Christen and the Oversight Commission standing in the gap, per se, everything will be questioned. Like how I am questioning your motives for wanting to lower Ms. Johnson's salary because in my opinion, seems like a power trip.

It is because of the work that is done, all the documented reports, the visits, open communication with the public communities, etc. that is sparing you money and giving people like me and our loved ones hope and faith in our Department of Corrections and Rehabilitation.

I look forward to communicating with you in our near future.

Mahalo Nui Loa for your time and attention. Thank you for hearing my voice. There are many like me.

Alice Kahaleua , Concerned Community Member (With Lived Experience)

**SB-3283**

Submitted on: 2/8/2024 12:59:08 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Gibson-Viviani	Individual	Oppose	Written Testimony Only

Comments:

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

My name is Wendy Gibson-Viviani. I am an RN who served as an organizer with the Drug Policy Forum of Hawaii for 7 years. I am writing in opposition to SB3283 as it would cut the Oversight coordinator's salary to a level that is NOT appropriate for an employee who has attained such a high level of training, skills and expertise. Anything less than what is currently specified in HRS353L-2 should not be considered. The current Oversight Coordinator has done an amazing job and brought many gifts to the table including reports and strategic plans which will help better our system(s), (if implemented).

Thank you for this opportunity to express my views.

Wendy Gibson-Viviani RN/BSN

Kailua

**SB-3283**

Submitted on: 2/8/2024 3:23:51 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Virginia Hinshaw	Individual	Oppose	Written Testimony Only

Comments:

This position is important and requires a competitive salary, so reducing the salary is ill advised and should not be approved.



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

February 7, 2024

TO: Committee on Public Safety and Intergovernmental and Military Affairs

RE: SB 3283

HEARING: Friday, February 9, 2024

TIME: 3:01 p.m.

ROOM: Conf. Rm. 225 and video conference

POSITION: Strongly Oppose

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

My name is Bob Merce. I am a retired lawyer and served as Vice-Chair of the HCR 85 Task Force on Prison Reform which, among other things, recommended that the State of Hawaii create an "independent commission" to oversee the Department of Public Safety.<sup>1</sup> Independent oversight is a correctional best practice and is an essential element of a safe and healthy correctional system. As the Task Force pointed out:

Prisons and jails are closed institutions, both literally and symbolically, and they operate far away from public view. In such closed environments, abuse is more likely to occur and less likely to be discovered. Staff members and inmates with malicious intent often find they can act with impunity, while those with more benign objectives may find their plans thwarted by a lack of resources or an institutional culture that is unsupportive of their efforts or content with the status quo. Insular environments tend to put prisoners at risk of abuse, neglect, and poor conditions, and the lack of outside scrutiny provides no challenge to this treatment.<sup>2</sup>

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<sup>1</sup> "Creating Better Outcomes, Safer Communities, Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawaii Legislature, 2019 Regular Session", p. 37

<sup>2</sup> "Creating Better Outcomes," supra, quoting Michael Mushlin and Michele Deitch, "Opening Up a Closed World: What Constitutes Effective Prison Oversight?" 30 Pace L. Rev. 1383 (2010): 1384.

<https://digitalcommons.pace.edu/plr/vol30/iss5/>.

Soon after the HCR 85 Task Force issued its final report, Representative Gregg Takayama, who was then the chair of the House Committee on Public Safety, called a meeting to discuss a bill to create an independent oversight commission. I attended that meeting, along with Hawaii Supreme Court Justice Michael Wilson, (who chaired the HCR 85 Task Force), and Senator Clarence Nishihara, who was then the chair of the Senate Committee on Public Safety. We discussed the appointment and make-up of the proposed Oversight Commission, its duties and responsibilities, the scope of its authority, its staff, and the salary of the Oversight Coordinator. It is my recollection that we immediately agreed that given the broad duties and immense responsibility of the Oversight Coordinator, he or she should be paid at the level of a cabinet-level appointee, and that is what H.B. 1552 (Thirteenth Legislature, 2019), provided for. I do not recall any objections to the Oversight Coordinator's salary as H.B. 1552 moved through the House and Senate and was signed into law by Governor Ige on July 2, 2019 as Act 179 (2019). **Everyone agreed that the salary was appropriate.**

The salary of the Oversight Coordinator as established by Act 179 is commensurate with the duties and responsibilities of the position. The Oversight Coordinator oversees a statewide correctional system with an annual budget of \$274 million. The complex system is responsible for the health and welfare of more than 4,000 incarcerated men and women housed in old, and in some cases badly overcrowded, jails and prisons on four islands—Oahu, Kauai, Maui and Hawaii, and a private prison in Arizona. Hawaii's correctional system faces enormous challenges which make oversight challenging including severe staff shortages that have taken a serious toll on virtually every part of the system, as well as the physical and mental health of both prisoners and staff.

In addition to its general oversight responsibilities, Hawaii's Oversight Coordinator must work with the five Commissioners to:

- (1) Investigate complaints from prisoners, staff, and the public;
- (2) Facilitate the correctional system's transition to a rehabilitative and therapeutic model;
- (3) Establish maximum inmate population limits for each correctional facility;
- (4) Formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
- (5) Work with the Department to monitor and review the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees; and

- (6) Ensure that the comprehensive offender reentry system under HRS §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.

The salary of the Oversight Coordinator is in line with, or slightly below, the salary of comparable positions in other jurisdictions, *most of which do not have statewide responsibilities*. To cite a few examples:

1. Los Angeles County Inspector General  
Duties: Independent oversight and monitoring of Sheriff's Department and Probation Department. Serves as the investigative arm of the Los Angeles Sheriff's Office Oversight and Probation Commission.  
**Salary: \$430,679 (2020)**
2. Los Angeles Police Commission Inspector General  
Duties: Independent information and analysis of the conduct and performance of the LAPD.  
**Salary: \$326,147 (2020)**
3. California Office of the Inspector General  
Duties: Safeguard the integrity of the State's correctional system by providing oversight and transparency regarding policies and practices of the California Department Correction and Rehabilitation.  
**Salary: \$198,153 (2023)**
4. Inspector General, Sheriff's Office, City and County of San Francisco  
Duties: Responsible for establishing the operations of the Department of Inspector General, conducting investigations of complaints, and overseeing compliance with internal policies and procedures and ensuring that they align with research-based best practices and relevant laws, particularly those related to constitutional policing and custodial practices.  
**Salary: \$151,918-\$224,484**
5. Commissioner, New York City Board of Corrections  
Duties: Nine-person, non-judicial board that regulates, monitors, and inspects jails in the City of New York.  
**Salary: \$200,000**
6. Hawaii State Ombudsman

Independently investigates complaints against state and county agencies  
Salary: **\$179,436**

The State of Hawaii is fortunate to have Christin Johnson as our Oversight Coordinator, and she deserves the salary specified in Act 179. Ms. Johnson has outstanding academic credentials, including a Bachelor of Science degree from Central Michigan University with a concentration in criminal justice, and a Master of Science degree from the University of Cincinnati in Criminal Justice and Corrections.<sup>3</sup> She received certification as an Oversight Practitioner from the National Association for Civilian Oversight of Law Enforcement (NACOLE) in 2020, and has been a national co-chair of NACOLE's Jail and Prison Oversight Workgroup since 2017.

Before coming to Hawaii Ms. Johnson worked as an Analyst for the Michigan Legislative Corrections Ombudsman, a Standards Specialist for the New York Board of Corrections at Rikers Island jail in New York City, and as the Lead Oversight Specialist for the Office of Oversight and Accountability in the state of Michigan.

Ms. Johnson hit the ground running when she arrived in Hawaii. She set-up the coordinator's office, arranged for everything from furniture, telephone service, copiers and computers to bookkeeping, reporting and confidentiality protocols. She visited all of the State's jails and prisons, and she established relationships with community and government stakeholders. In the short time Ms. Johnson has been in Hawaii **she has earned the unwavering trust and respect of the community.**

I have worked closely with Ms. Johnson on numerous correctional issues. She is extremely knowledgeable, smart, hard-working, creative, accessible, and deeply committed to improving Hawaii's correctional system. Her monthly reports are a model factual reporting and efficiency, and she has worked collaboratively with the community, including the non-profit Correctional Reform Working Group (which I chair), and the Community Design Center at the University of Hawaii at Mānoa School of Architecture on alternative models for the new jail to replace OCCC.

In the short time Ms. Johnson has been the Oversight Coordinator she has:

- Submitted 50+ recommendations to the Department of Public Safety and the Department of Corrections and Rehabilitation;

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<sup>3</sup> The School of Criminal Justice at the University of Cincinnati is widely regarded as one of the best in the country.

- Made 35 facility visits
- Written 23 public reports, including
  - 12 monthly reports;
  - 8 facility-specific reports;
  - 2 strategic plans;
  - 1 year in review; and
  - 16 public meeting reports

Although the law only requires the Oversight Coordinator to meet with the Commissioners on a quarterly basis, Ms. Johnson has continued the Commission’s practice of having public meetings once a month, on both Oahu and the neighbor islands, and ensuring that families of prisoners and the public are heard at each meeting.

In her brief tenure as Coordinator, Ms. Johnson has recruited an incredibly experienced, bright, and hard-working staff, to assist her and Commissionm. This includes Cara Compiani who previously led the work of the District of Columbia Corrections Information Council which inspects and monitors correctional facilities in the DC area. Ms. Compiani also worked for the Vera Institute of Justice in New York City on its Reimagining Prison Project which put forward a new vision for the future of corrections. Ms. Compiani has a Doctor of Law (J.D.) degree from the Elisabeth Haub School of Law at Pace University, and a Master of Law Degree (LL.M) from the George Washington University School of Law.

Oversight Coordinators and Commissioners must sometimes be the bearers of bad news. Such was the case last August when Ms. Johnson and Commissioner Ted Sakai, a former Director of the Department of Public safety, issued a special report on conditions at the Hilo Jail.<sup>4</sup> The report documented that nearly every cell designed for one person had three or four occupants. The Punahale building, which has a capacity of 16, housed 83 prisoners, more

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<sup>4</sup> Christin Johnson and Ted Sakai, “August 2022 HCCC Observations,” September 2, 2022. The full report can be found at <https://ag.hawaii.gov/hawaii-correctional-system-oversight-commission/2022-meeting-agendas/attachment/hcsoc-august-2022-hccc-observations/>. See also the Correctional Reform Working Groups summary and highlights of the report at: <https://hcsoc.hawaii.gov/wp-content/uploads/2022/10/Getting-It-Right-Recommendations-and-Action-Plan-for-a-Better-Jail-with-Appendix.pdf>

than five times its capacity. The Waianuenue building was operating at nearly double its capacity. Four cells that housed women had no toilets or running water, yet five women were crammed into one of the cells, and some cells were secured with padlocks, a dangerous practice because it creates delay in reaching prisoners if there is an emergency such as a fire.

The report also pointed out that during the pandemic, inmates who were exposed to COVID or who had a positive COVID test were housed in a shipping container that had “little circulation, no food slot, and a small window with low visibility for officers to see inside.” The lights were not working in two of the cells leaving the prisoners in complete darkness and forcing the correctional staff to use their flashlights to check on the prisoners.

It's easy to blame the messenger for bad news, but that is irrational. Bringing unconstitutional or dangerous conditions to light is the job of oversight officials, and the proper response to the bad news is to address the problems, not punish the messenger.

The Oversight Coordinator's salary, as established by Act 179, is reasonable, and in my view, the minimum needed to attract and retain a fully qualified and experienced Oversight Coordinator.

Reducing the Coordinator's salary would jeopardize effective correctional oversight in Hawaii, and could be used to support Federal intervention to address the clearly unconstitutional conditions at several correctional facilities, including the Hilo Jail and OCCC. It would also expose the State to more costly judgments and settlements like the \$1.375 million awarded to the family of Joseph O'Malley who committed suicide at the Halawa Correctional Center *while on safety watch*,<sup>5</sup> and the \$500,000 settlement over the death of 26-year-old Daisy Kasitati who hanged herself in her cell at the Maui Community Correctional Center *after her request to be put on suicide was refused*.<sup>6</sup>

Thank you for allowing me to testify on this bill.

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<sup>5</sup> *Michael J. O'Malley v. State of Hawaii*, Civil No. 19-1-1021, Findings of Fact, Conclusions of Law and Order dated March 29, 2022, First Circuit Court, State of Hawai'i.

<sup>6</sup> Kevin Dayton, “State Agrees to Pay \$550,000 to Settle Lawsuit Over Suicide at Maui Jail,” Honolulu Civil Beat, February 23, 2022. See also SB 3041, SD 2, HD 1, CD 1 (2022 Haw. Sess. Laws Act 280), p. 3.



**SB-3283**

Submitted on: 2/8/2024 9:09:35 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mary Tam	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I am an O'ahu resident, born and raised here. I'm writing to express my opposition to this bill. From what I understand, over 20 states in the U.S. have correctional oversight and the Commission has found that the Oversight Coordinator's salary is in alignment with other oversight agencies.

Appropriate compensation is critical to retain someone who is well-versed in criminal justice reform and has a strong commitment to the correctional system's transition to a rehabilitative and therapeutic model.

Please do not minimize the importance of this position by decreasing the salary.

Mahalo,

Mary Tam



**SB-3283**

Submitted on: 2/8/2024 11:22:57 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Toni Floerke	Individual	Oppose	Written Testimony Only

Comments:

February 8, 2024

Via email through the Hawaii State Legislature Website

RE: OPPOSITION TO [SB3283](#).

Dear Sirs,

I would like to go on record in opposition to SB3283 and ask for your support to vote NO on this bill. I strongly support the HI Oversight Committee and its Oversight Coordinator, Christin Johnson, having participated in and followed the success of the commission's meetings/goals for the past year and a half. Tremendous progress has taken place, and myriad issues have been brought to light regarding situations and conditions within the jails and prisons on all islands in Hawaii. Their due diligence and taking initiative to visit each facility, conduct inspections and interview both staff and inmates at these locations shows incredible dedication and a desire to find solutions to the problems we face with the correctional system. This entity should remain fully funded and the Coordinator's salary should not be reduced.

Several points that I believe are worth considering are noted below:

1. The Oversight Coordinator's salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator's position is taken seriously, at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor's cabinet as a Director.
  
1. The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country have correctional oversight and the Commission has found that the Oversight Coordinator's salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, "be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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." This level of subject matter expertise requires an appropriate salary.
  
1. When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an **ABSOLUTELY IMPORTANT** investment for systemic change. Lowering the salary diminishes the importance of their work.
  
1. let the committee and its Coordinator continue their fine efforts and fund them with salaries showing the value they bring to the table. Great effort has begun toward progress for deferral and reentry programs from incarceration. Please support continued improvement in the justice systems interaction with offenders.

Me ke aloha nui,



Toni Floerke, BA, WLPN, CPO, CPS, MSW(c)

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: Martha Torney, Commissioner  
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 3283, Relating to the Hawaii Correctional System  
Oversight Commission

Hearing: Friday, February 9, 2024; 3:01 PM  
Conference Room 225, State Capitol

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

**I do not support** Senate Bill 3283, Relating to the Hawaii Correctional System Oversight Commission, which reduces the salary of the Oversight Coordinator. As a member of the Commission, I am well aware of the value this position provides to achieving the mandates of Chapter 353L, Hawaii Revised Statutes. Independent oversight is essential for a safe and healthy correctional system and requires staff that are experienced in its function and well-versed on issues and trends in corrections today. The current salary of the Oversight Coordinator was established by Act 179, SLH 2019 to reflect the importance of this role.

I do not understand why the Legislature is considering a reduction in the Oversight Coordinator salary as the incumbent, Ms. Christin Johnson, has done an exception job since first hired in July 2022. Many members of this body and their staff have had the advantage of working with Ms. Johnson and accompanying her on tours of local and Mainland facilities. During her tenure, I have heard nothing but the highest praise of her knowledge, work ethic and commitment to improving Hawaii's correctional system. This is evident in the support of Ms. Johnson you will hear today.

I ask that you hold this measure and do not consider a salary reduction for the Oversight Coordinator. Thank you for the opportunity to testify.

**SB-3283**

Submitted on: 2/8/2024 11:39:48 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diane DiMaria	Individual	Comments	Written Testimony Only

Comments:

To whom it may come concern: Hello Hawai'i Senators and staff. I am not one of your constituent. I have unfortunately been dragged along thru your system of "justice" for over 30 years with my only child. I have seen, up close and personally, how things work/do not work, and are often covered up, with disasterous effects, from HCCC, HSNF, HCF, and several CCA/CoreCivic facilities located in Mississippi, and Arizona. Suffice it to say, Senator Donovan Dela Cruz's Pro-PSD SB3283 is not at all helpful to the people of Hawai'i, it will crush the spirits of our incarcerated loved ones, it will make life inside more dangerous for our sons, daughters, mothers, fathers, sisters, brothers, nieces, nephews, cousins, loved ones, friends, neighbors, future employees, and God willing, future voter. By diminishing the valuable contributions of our Hawaii Correctional Systems Oversight Commission, and it's Coordinator, Christin M. Johnson, attempting to silence the Commission, Investigators, our people, and employees, who need help desperately, is disgraceful. It is so obvious what is going on with PSD and certain legislators. This is why many of us have been attending the Commission meetings, to shed light on the Hawaii prison system, and on those who enable harmful practices in the medical units and throughout all of the facilities. There are so many concerned citizens and families, we need for the powers that be to join us, for starters, by paying Ms. Johnson and her staff properly. Life inside PSD facilities is harsh, dangerous, and counterproductive to rehabilitation. Thank you for NOT PASSING SB3283, it is mean spirited, and harmful.

**SB-3283**

Submitted on: 2/8/2024 2:14:18 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
George Choe	Individual	Oppose	Written Testimony Only

Comments:

I **STRONGLY** oppose Seante Bill 3283, Relating to the Hawaii Correctional System Oversight Commission, which reduces the salary of the Oversight Coordinator. What is the basis or reasoning behind this bill? There are more important issues that should be addressed such as addressing the concerns of our correctional facilities which the Hawaii Correctional System Oversight Commission is doing. There seems to be more behind this bill than just a reduction to a person's salary...and that is **NOT RIGHT!**

**SB-3283**

Submitted on: 2/8/2024 3:00:50 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristine Crawford	Individual	Oppose	Written Testimony Only

Comments:

Oversight is essential. The Oversight Coordinator should be fairly compensated. Please do not pass this bill.

**LATE**

**SB-3283**

Submitted on: 2/8/2024 3:12:04 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimi Palacio	Individual	Oppose	Written Testimony Only

Comments:

I am testifying in **STRONG OPPOSITION** to SB3283.

Christin Johnson is an amazing Coordinator. In less than two years (she started on July 1, 2022) she has produced strategic plans, two annual reports -- the 2023 Annual Report is an amazing document full of information, and reports on every meeting and facility tour the Commission has conducted.

In addition, here are a few points to support my opposition to this measure:

1. The Oversight Coordinator's salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator's position is taken seriously at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor's cabinet as a Director.

2. The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country has correctional oversight and the Commission has found that the Oversight Coordinator's salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, "be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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." This level of subject matter expertise requires an appropriate salary.

3. When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an important investment for systemic change. Lowering the salary diminishes the importance of their work.

**LATE**

**SB-3283**

Submitted on: 2/8/2024 3:16:02 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Brown	Testifying for Hawai'i Innocence Project	Oppose	In Person

Comments:

The Hawai'i Innocence Project opposes this bill and would like the opportunity to submit testimony via Zoom videoconference at the hearing scheduled for Feb. 9, 2024 at 3pm.

Thank you,

Jennifer Brown, Associate Director



**LATE**

**SB-3283**

Submitted on: 2/8/2024 3:49:23 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

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

Comments:

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

I am writing to express my strong opposition to SB3283, which would lower the salary of the Coordinator of the Hawaii Correctional System Oversight Commission. The Coordinator has, in the short period of time that she has been in her position, uncovered many shocking violations in the Hawaii correctional system. One aspect of her role is to save the state of Hawaii from violating federal law. Also, in such a short span of time, she has created the entire infrastructure of a new office that is functioning efficiently and developing important relationships with other departments, all in the interest of fulfilling the mandate created by HRS 353L.

The mandate dictated by HRS 353L is that the Coordinator should be a person well-qualified "by training and experience" and "be well-versed in criminal justice reform." This begs the question of why no one in the Department of Public Safety (as it was called in the past) was apparently oblivious or uninformed of the requirements of federal law that apply to correctional institutions. It's clear that Hawaii needs to retain this Coordinator who has been so effective that specific legislators have seemed determined to defund and undermine the Coordinator's position and the Oversight Commission in general.

HRS 353L further mandates that the Coordinator must be well-versed in criminal justice reform as well as capable and committed to helping Hawaii's correctional system make a successful transition to a rehabilitative and therapeutic model. The current Coordinator has shown by her indefatigable work ethic and the evidence of her work product that she is supremely capable of guiding Hawaii toward this goal.

In contrast, even though the Department of Public Safety is now called the Department of Corrections and Rehabilitation, a name change is no guarantee that this transition to a rehabilitative and therapeutic model will become reality. It is too early to tell if all the talk about rehabilitation is simply lip service or not. In any case, the Legislature must reject SB3283 and deny those who want to maintain the status quo their wish.

Mahalo for this opportunity to express my view on this important topic.

Diana Bethel, Honolulu

**LATE**

**SB-3283**

Submitted on: 2/8/2024 4:28:27 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jeanne Ohta	Individual	Oppose	Written Testimony Only

Comments:

I am OPPOSED to SB3283 which meaningfully reduces the salary of the Executive Director of the Hawaii Correctional System Oversight Commission without a stated reason. This position requires “a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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.” This level of subject matter expertise justifies at least the current salary. Further, the Commission has found that the Oversight Coordinator's salary aligns with other oversight agencies in over 20 other states.

In addition to those requirements, this position serves a very short two-year term and "The oversight coordinator shall devote the oversight coordinator's entire time and attention to the administration of the Hawaii correctional system oversight commission and shall not be engaged in any other professional or occupation." (HRS 353-L-2(c)) Both of these limitations justify the current salary as necessary to recruit and retain qualified individuals.

Individuals in this position must also possess the ability to demonstrate, by their actions and statements "commitment to the correctional system's transition to a rehabilitative and therapeutic model;" which is not only difficult in the current environment, but also difficult because of the long-standing systemic issues.

If the Committe is envisioning changes to our current system, then the current salary of the Oversight Coordinator is an important investment that should be maintained.

I urge the Committee to defer this measure.

**LATE**

**SB-3283**

Submitted on: 2/8/2024 7:14:59 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Van Kahumoku	Testifying for Ohana E' Ho'opakele	Oppose	Written Testimony Only

Comments:

Aloha!

My name is Van Kahumoku and I am a member of Ohana Ho`opakele, an organization formed in 1999 to advocate for the disproportionate number of Kanaka Maoli incarcerated in the prison system.

I am writing to request that you support the budget request from the Hawai'i Correctional System Oversight Commission. The Commission is requesting \$462,134 for FY25 which includes four full time positions, travel costs to visit each correctional facility, holding public hearings in person, attending national conferences, and equipment.

From the experience of Ohana Ho`opakele, this commission is helpful in changing the prison system from one based upon punishment to one based on rehabilitation. Without funding for their staff the commission is limited in what it can do. Our members were able to meet with the commission and staff when they held a hearing in Hilo. Without funding, the visits to the neighbor islands and holding of hearings where the public can participate in person will be eliminated. Only a select few have the means and know-how to get on Zoom meetings.

Please restore the full budget request for this important commission.

Mahalo,  
Van Kahumoku

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**STEPHEN L. FRYE**  
FIRST DEPUTY  
PROSECUTING ATTORNEY



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## OFFICE OF THE PROSECUTING ATTORNEY

### TESTIMONY IN OPPOSITION TO SENATE BILL NO. 3283

#### A BILL FOR AN ACT RELATING TO HAWAII CORRECTIONAL OVERSIGHT COMMISSION

**LATE**

#### COMMITTEE ON PUBLIC SAFETY AND INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Glenn Wakai, Chair  
Senator Brandon J.C. Elefante, Vice Chair

Friday, February 9, 2024 at 3:01 p.m.  
State Capitol Conference Room 225  
Via Videoconference  
415 South Beretania Street

Honorable Chairs Wakai, Vice-Chairs Elefante, and Members of the Committee on Public Safety and Intergovernmental and Military Affairs; The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in opposition of Senate Bill No. SB 3283.

This bill was drafted to lower the salary of the Oversight Coordinator of the Hawai'i Correctional System Oversight Commission ("HCSOC") to be 100% of the salary of the Deputy Director of Human Resources Development, rather than 100% of the salary of the Director of Human Resources Development.

Our Office has worked collaboratively with HCSOC to address overcrowding concerns at the Hawai'i Community Correctional Center and its impact on public safety. Hawai'i Island is in dire need of new and improved correctional facilities with the infrastructure to both house serious offenders and accommodate rehabilitative care and treatment, social services, cultural education, and reintegration assistance for incarcerated individuals to reduce recidivism and promote public safety.

Hawaii Revised Statutes Section 353L-2 provides in relevant part, "The oversight coordinator shall be a person qualified by training and experience to administer the Hawai'i correctional system oversight commission and 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." That being said, it is imperative that the oversight coordinator's salary be commensurate with the necessary experience and qualifications to properly supervise and administer the operation of HCSOC.

For the foregoing reasons, the Office of the Prosecuting Attorney, County of Hawai'i, opposes Senate Bill No. 3283. Thank you for the opportunity to testify on this matter.

**LATE**

**SB-3283**

Submitted on: 2/8/2024 9:05:13 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jess Heaney	Individual	Oppose	Written Testimony Only

Comments:

My name is Jess Heaney and I am a member of Ohana Ho’opakele.

I am submitting testimony in opposition to SB 3283. This bill attempts to cut the salary of the Oversight Coordinator. The Oversight Coordinator is an essential role in the functioning, let alone the success, of the Hawaii Correctional Oversight Commission. The legislature created this Commission because of the urgent needs to look at the bloated and punitive functioning of the state’s prison and jail systems.

Fund the proper scope of the position and its work- keep the salary as is! The Oversight Coordinator’s salary, specified in HRS 353L-2, was written as such to ensure that the Oversight Coordinator’s position is taken seriously at the same level of a Director without the Oversight Coordinator losing independence by being in the Governor’s cabinet as a Director.

Do not cut funds or you will create potential for disruption and disfunction of a position which has been working excellently since hiring. The coordinator position is designed to do the job effectively, down to salary and recognition of skill and work burden. The current salary as listed in HRS 353-2 is imperative to keep for recruitment and retention. Over 20 states across the country has correctional oversight and the Commission has found that the Oversight Coordinator’s salary is in alignment with other oversight agencies. Additionally, per HRS 353L-2, the Oversight Coordinator shall, “be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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.” This level of subject matter expertise requires an appropriate salary.

The salary is an investment in the future of Hawai’i! We call upon you to properly resource this position at this critical time. Do not shortcut the years of work it took to get here, and the years of concern and burden experienced by ohana and all Hawaiians impacted by the documented harms of Hawaii’s prisons, jails and cycles of imprisonment.

When considering the state of corrections and the funding for corrections, reentry, and rehabilitative efforts, the Oversight Coordinator position is an important investment for systemic change. Lowering the salary diminishes the importance of the this work.

We urge you to oppose this bill and stand with ohana impacted by Hawaii's overreliance on imprisonment, with all keiki whose communities are destabilized and shortchanged by cycles of imprisonment, and in the future of generations to come. We need the Oversight Commission to run effectively and successfully for its duration. Oppose the salary cuts.

Mahalo for the opportunity to testify!

**LATE**

**SB-3283**

Submitted on: 2/9/2024 12:42:20 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Graham Chelius	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

I have been volunteering and working as a doctor at KCCC on Kauai for 5 years. I have been actively working to improve care for the inmates to control mental illness and substance use disorders before they are released so they do not come back after they are released.

I have had to work against such resistance in the Correctional system. It is like the system wants the inmates to fail after release and return. We need a strong leader of the Correctional Oversight Commission to hold the system accountable for the many areas that need improvement so that we can make easy and cost effective changes to reduce the rate that inmates return to the correctional system.

Reducing the salary of an experienced and effective leader is completely unhelpful in this environment where the correctional system is so out of date and troubled.

**LATE**



Committee: Public Safety and Intergovernmental and Military Affairs  
Hearing Date/Time: Friday, February 9, 2024 at 3:01pm  
Place: Conference Room 225 & Via Videoconference  
Re: Testimony of the ACLU of Hawai'i in OPPOSITION to SB3283 Relating to the Hawaii Correctional System Oversight Commission

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

The ACLU of Hawai'i **OPPOSES SB3283** which lowers the salary of the Hawaii Correctional System Oversight Coordinator to be 100% of the salary of the Deputy Director of Human Resources Development, rather than 100% of the salary of the Director of Human Resources Development.

### **Historical Timeline that Led to the Creation of the Oversight Commission**

**Sept. 1984** – ACLU of Hawaii filed suit against the State of Hawai'i, citing overcrowding and conditions at OCCC and WCCC that were inhumane and violated minimal constitutional standards.

**June 1985** - state officials entered a consent decree, agreeing to set prison population limits and make sweeping facility and program improvements at OCCC and the Women's Community Correctional Center.<sup>1</sup>

**1999** – Conditions at Oahu Community Correctional Center improved sufficiently to end 14 years of mandated monitoring by national experts.<sup>2</sup>

**2016** - through **House Concurrent Resolution 85**, the House of Representatives requested the establishment of a taskforce to study effective incarceration policies to improve Hawaii's correctional system. The H.C.R. 85 Task Force's Final Report, released in December 2018, included many recommendations, including the creation of

**January 2017** -The American Civil Liberties Union of Hawai'i (ACLU) filed a 28-page complaint with the United States Department of Justice alleging unconstitutional conditions at Hawai'i's prisons. The complaint documented unsafe and unsanitary living

<sup>1</sup> <https://www.prisonlegalnews.org/news/1993/oct/15/aclu-reaches-accord-with-hawaii-in-prison-case/>

<sup>2</sup> <https://www.aclu.org/press-releases/14-years-later-state-prison-monitoring-hawaii-end>



conditions, overcrowding, “woefully inadequate” medical and psychiatric care, understaffing, and other clearly unconstitutional conditions.<sup>3</sup>

**2019** - The Hawai'i Legislature found that, “independent oversight of the State’s correctional system ensures transparency, supports safe conditions for employees, inmates, and detainees, and provides positive reform towards a rehabilitative and therapeutic correctional system.” Thereafter, Act 179 of 2019 was passed. Chapter 353L of the Hawai'i Revised Statute is the enabling legislation for the creation of the Hawai'i Correctional System Oversight Commission.

### **Oversight Coordinator’s Salary Codified in Statute**

H.R.S. 353L-2 (b) specifies that, “the Oversight Coordinator of the Commission shall be paid a salary set at one hundred percent of the salary of the Director of Human Resources Development.”

Currently, the Director of the Human Resources Development, appointed by the Governor earns a salary range of \$170,784.<sup>4</sup>

The Legislature established the Oversight Coordinator’s salary on par with the salary of the Director of the Human Resources Development to ensure the recruitment of candidates with expertise in correctional oversight.<sup>5</sup> Additionally, this salary reflects the broad job duties of the Oversight Coordinator in providing oversight to our jails and prisons, and Saguaro prison in Arizona.

The Oversight Coordinator is required to undergo a vigorous selection process. The Oversight Commission conducted interviews with candidates from a national pool and forwarded the names of three applicants to the Governor. Thereafter, the Governor met with the three candidates and selected Ms. Christin Johnson to serve as our first Oversight Coordinator.

Hawai'i is one of over 20 states across the U.S. that has correctional oversight. **Of note, the Oversight Coordinator’s salary is in alignment with other oversight agencies.** This salary is not only reasonable given the Coordinator’s broad duties, it is also necessary to ensure the independence of the Oversight Commission and to insulate the Oversight Coordinate from political winds.

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<sup>3</sup> <https://acluhawaii.files.wordpress.com/2017/01/acluhidojcomplaintprisonovercrowding.pdf>

<sup>4</sup> <https://www.civilbeat.org/data/hawaii-state-salaries/>

<sup>5</sup> Per HRS 353L-2, the Oversight Coordinator shall, “be a person qualified by training and experience to administer the Hawaii Correctional System Oversight Commission and 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.”

Moreover, the Oversight Coordinator's salary is similar to the salaries of the Ombudsman and the State Auditor, who also have oversight responsibilities.<sup>6</sup>

### ***High Work Performance***

The Oversight Coordinator's work performance has not gone unnoticed by the ACLU of Hawai'i, and our larger community. Ms. Johnson brings a level of oversight experience to Hawaii's correctional system that is unmatched. The Commission's body of work is reflected in its monthly meeting reports, Site Visit Reports, Annual Report to the Legislature, Strategic Planning Report and website.

By all objective measures, Ms. Johnson has been successfully fulfilling her oversight responsibilities with transparency, accountability, and integrity. Ms. Johnson is contributing to charting a new course for corrections in Hawai'i – for incarcerated individuals and their families, for correctional staff and our entire community.

Without the critical leadership of the Oversight Coordinator, and the cooperation and commitment of the Director of Corrections and Rehabilitation to implement systemic changes, Hawai'i will likely face a pattern and practice investigation by the Department of Justice, and costly federal intervention.

In closing, the Oversight Coordinator position is an important and necessary investment to advance systemic changes to our overcrowded and inhumane carceral system. Please defer S.B. 3283.

Sincerely,

### **Carrie Ann Shirota**

Carrie Ann Shirota  
Policy Director  
ACLU of Hawai'i  
[cshirota@acluhawaii.org](mailto: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 for over 50 years.*

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<sup>6</sup> <https://www.civilbeat.org/data/hawaii-state-salaries/>

**LATE**

**SB-3283**

Submitted on: 2/9/2024 7:48:42 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Olivia Chang	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill

**LATE**

**SB-3283**

Submitted on: 2/9/2024 7:52:57 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Cathy Tilley	Individual	Oppose	Written Testimony Only

Comments:

I strongly oppose this bill. We as a state are finally making progress in correcting all the things that have been wrong in or corrections system and there is still so much to do we must fund the committee and chair. they are doing so much to right the wrongs and make our corrections jsafer and actually make it corrections rather than just punative. We must continue on this path.

Sincerely Cathy Tilley

621 Pauku st Kailua HI

**LATE**

**SB-3283**

Submitted on: 2/9/2024 8:28:50 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jordan Smith	Individual	Oppose	Written Testimony Only

Comments:

Legislators should be focused on addressing the 55 issues identified by the Commission plaguing our citizens involved in the correctional system and robbing them of their rights as US citizens to reside in a safe place free from harm to serve their sentences rather than docking the pay of the people bringing the states failures to light. Similar work should receive similar pay. The commission leader has similar oversight responsibilities to the ombudsman who receives the higher range of pay. Keep the pay the same and do not pass this bill.

please support fixing our carceral system. Mahalo

**LATE**

**SB-3283**

Submitted on: 2/9/2024 8:37:59 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Luanna Peterson	Individual	Oppose	Written Testimony Only

Comments:

Dear Honorable Members of the Legislative Committee,

I am writing to express my deep concern and opposition to the proposed measure of lowering the salary of the Hawaii Correctional System Oversight Coordinator to be 100% of the salary of the Deputy Director of Human Resources Development, rather than 100% of the salary of the Director of Human Resources Development, effective 12/1/2024. As a resident of Hawai'i, I strongly believe that maintaining fair and competitive compensation for this important role is crucial for the effective oversight and administration of our correctional system.

Hawaii prides itself on its commitment to aloha, fairness, and the well-being of all its residents. By lowering the salary of the Hawaii Correctional System Oversight Coordinator, we risk diminishing the quality and effectiveness of the oversight process, ultimately jeopardizing the principles that make our Hawai'i so unique and respected.

The role of the Correctional System Oversight Coordinator is of paramount importance in ensuring the transparency, accountability, and proper functioning of our correctional institutions. This position requires a high level of expertise, experience, and dedication to oversee the treatment of incarcerated individuals, evaluate the conditions within our prisons, and address any concerns or violations that may arise. It is imperative that we attract and retain highly qualified professionals for this role, and lowering the salary would greatly hinder this objective.

By reducing the salary of the Oversight Coordinator to be 100% of the salary of the Deputy Director of Human Resources Development, we risk devaluing the importance of this role and potentially discouraging competent individuals from pursuing or continuing in this crucial position. This could have severe consequences for the oversight process, as it may result in a lack of qualified candidates and a diminished ability to effectively monitor and address issues within our correctional system.

Moreover, lowering the salary may undermine the independence and impartiality of the Oversight Coordinator. It is crucial that this position remains free from any potential conflicts of interest or undue influence. By aligning the salary with a different position, we risk compromising the integrity of the oversight process and the public's trust in its outcomes.

I urge you to reconsider the proposed measure.

Mahalo,

Luanna Peterson

**LATE**

**SB-3283**

Submitted on: 2/9/2024 8:38:03 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daphne Barbee-Wooten	Individual	Oppose	Written Testimony Only

Comments:

I am concerned about this bill which cuts funding for the Hawaii Correctional Oversight Commission. This reduction of salary appears to be retaliatory due to the progress and transparency the Oversight Commission had made the past year to ensure the prison system is reporting deaths, injuries, meeting Constitutional standards and improving the facilities. Instead of decreasing funding, there should be an increase of funding for the good job they are doing making the prison system in Hawaii accountable. Please do not pass this bill.



**LATE**

**SB-3283**

Submitted on: 2/9/2024 9:01:12 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kristen Young	Individual	Oppose	Written Testimony Only

Comments:

Aloha, please vote NO on SB3283. According to Prison Policy Initiative, "Hawaii has an incarceration rate of [439 per 100,000 people](#) (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democratic country on earth." Not only are we incarcerating people at an alarming rate, we are subjecting them to horrendous conditions inside. This kind of punishment does not promote safety.

The work of the Correctional System Oversight Commission has been extremely important in revealing the harsh conditions of our prisons, offering accountability and transparency to the public and opportunity for improvement. The coordinator has an important job and should be compensated fairly.

In a recent article by Civil Beat, Commission Chairman Mark Patterson was quoted saying, "You've got millions of dollars in overtime, millions of dollars in lawsuits, you've got justice involved individuals dying in your prisons, not to mention suicides by staff and all of those issues, and you're focusing on a salary." "It's just mind boggling that their focus is on her salary."

Please vote NO on SB3283 so the commission can effectively continue its work.

**LATE**

**SB-3283**

Submitted on: 2/9/2024 9:27:14 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg Misakian	Individual	Oppose	Written Testimony Only

Comments:

My name is Greg Misakian and I oppose SB3283.

Our legislators who introduced this may want to consider having their pay reduced, for wasting the legislature's time on this bill.

An excerpt from today's Civil Beat story "Senators Move To Cut The Pay Of The Top Staffer On Hawaii's Prison Oversight Commission" says it all:

*'This Is Unusual'*

*State Rep. Gregg Takayama, who was chairman of the House Public Safety Committee when the commission was created, said the oversight coordinator's salary was deliberately set at the same level as the state ombudsman, who performs a somewhat similar oversight function.*

*Both positions receive the same pay as many state department heads. "It is an important job, a lot of responsibility, and we were looking for someone with the experience and the ability to do this tough job," Takayama said.*

*Daniel Foley, a retired Intermediate Court of Appeals judge, said he understands that legislators and Department of Corrections and Rehabilitation officials may not be comfortable with an outspoken commission and a vocal oversight coordinator, "but it serves a purpose."*

*Foley was legal director with the American Civil Liberties Union of Hawaii in 1984, and sued the state over unconstitutional conditions at the women's prison and the old Oahu Prison. That lawsuit resulted in the state being placed under a federal consent decree for 15 years.*

*"You really need someone to have access," Foley said. "The prisons are closed to the public, and Christin Johnson's role has been to enter the facilities to scrutinize conditions."*

*"I would hope no one has any retaliatory motive in mind or undermining the commission," Foley said. "This is unusual. I haven't seen one like this before."*

**SB-3283**

Submitted on: 2/9/2024 10:26:34 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Alan B Burdick	Individual	Oppose	Written Testimony Only

Comments:

This bill is intended to send a message that criticism of the State's woefully inadequate "correctional" facilities is not acceptable. This attempt to shut down free speech is itself not acceptable in the Aloha State.

We must be open to good faith criticism, which is what Christin Johnson has provided us. Let's recognize the inadequacies of the system. Yes, it's true that prisoners don't have a large body of constituents who want to spend money on their rehabilitation, but most of them are going to be back out on the streets someday, and it is in our long-term best interests to work on rehabilitating those who can benefit from drug treatment, mental health treatment, and vocational education.

**LATE**

**SB-3283**

Submitted on: 2/9/2024 11:17:48 AM

Testimony for PSM on 2/9/2024 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Alice	Individual	Oppose	Written Testimony Only

Comments:

Christin Johnson has brought attention to the urgency of addressing human rights violations and the need for accountability in our our prisons. She's done an exceptional job in her role at the Correctional Oversight Commission.

**This bill looks like an attempt to bully her into silence.**

We can do better than **targeting a woman who speaks out and holds a male dominated system accountable.**

**LATE**

**SB-3283**

Submitted on: 2/9/2024 12:29:23 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Rev Kyle Lovett	Individual	Oppose	Written Testimony Only

Comments:

Honorable Senators,

I write in opposition to SB3283. The State of Hawai'i and its citizens have been well served by the remarkable good fortune we had to secure someone as knowledgeable and as determined to fact-find as Christin Johnson. While I am sure it is uncomfortable for some to learn about what exactly is going on in the jails and prisons that house Hawaii's people, learning the truth is required to set things right.

Targeting an individual for reduced pay is especially egregious.

I urge you to keep Hawaii on the path toward transparency and education about what's true in our state. Do not return us to the conditions that brought about the 15-year federal oversight consent decree. Let's take care of our own situation.

I urge your support of the Hawaii Correctional System Oversight Commission and its top staff person.

Mahalo for your kind attention to this concern.

~Kyle

Rev. Kyle Lovett

HI Senate District 13

**LATE**

**SB-3283**

Submitted on: 2/9/2024 12:44:55 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Christine Weger	Individual	Oppose	Written Testimony Only

Comments:

Please do not take any action that will weaken the Oversight Commission--our State has been engaged in much needed prison reform for many years. We all realize the Commission recommendations may present challenges and often make administrators uncomfortable-- this is the very reason that a separate well-funded commission is so necessary.

Our prison system has had a checkered history and we need reforms if we are to hold our heads high in comparison to other states.

Mahalo,

Christine Weger

Diehl & Weger Attorneys at Law, ALC

**LATE**

**SB-3283**

Submitted on: 2/9/2024 1:47:01 PM

Testimony for PSM on 2/9/2024 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ron Fujiyoshi	Testifying for Ohana Ho'opakele	Oppose	Written Testimony Only

Comments:

TO: Senator Glenn Wakai, Chair, Senate Committee on Public Safety and Intergovernmental and Military Affairs (PSM)

Dear Senators Glenn Wakai, Brandon J.C. Elefante, Carol Fukunaga, Karl Rhoads and Brenton Awa

Mahalo for allowing me to send testimony to you on behalf of Ohana Ho`opakele.

My name is Ronald Fujiyoshi. I have served as the treasurer of Ohana Ho`opakele since May 2000. I want to write in opposition to SB3283.

The Hawaii Correctional System Oversight Commission (HCSOC) was created by the Hawaii State Legislature in 2019 with commissioners appointed by the Office of Hawaiian Affairs, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, the Senate President, and the Governor. Until Christin M. Johnson was appointed by Governor Ige in July 2022 as the first Oversight Coordinator the commission functioned without staff. According to the commission, since the hiring of the Oversight Coordinator, the commission has completed:

- 50+ recommendations to PSD/DCR
- 35 facility visits
- 23 public reports
  - o 12 monthly reports
  - o 8 facility-specific reports
  - o 2 strategic plans
  - o 1 year in review
  - o 16 public meetings.

A large part of these accomplishments are due to the hard work and initiative of the Oversight Coordinator.

Our organization, Ohana Ho`opakele has had the privilege of meeting Christen Johnson over lunch in Hilo on March 22, 2023. We learned, not only of her credentials that qualified her for the position of Oversight Coordinator, but was impressed with her openness and willingness to hear from our members, some of whom have spent time as pa`ahao in the Hawaii prison system. On November 16, 2023 the Hawaii Correctional System Oversight Commission held a hearing at the University of Hawaii at Hilo where our members and about twenty other members of the public were able to meet the commission members in person. Some of us testified at the hearing. At another luncheon on August 22, 2023 both Christin Johnson and Cara Compani, Reentry and Diversion Oversight Specialist met with our members to get to know each other better and to share ideas.

Our organization feels strongly that Christin M. Johnson, the first ever Oversight Coordinator for the HCSOC has done excellent work and deserves to be compensated fairly for the good work she has performed. Thus, we cannot emphasize how strongly we feel that SB3283 is sending a bad message to the public and to the HCSOC and staff by cutting the salary of the Oversight Coordinator by paying according to a lower scale. Please vote against SB3283, and by so doing, show your strong support for the good work that the HCSOC and their outstanding staff are doing.

Mahalo for the opportunity to testify before this committee!