

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

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

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 1321 SD1, Relating to the Hawaii Correctional System Oversight
Commission
Hearing: Thursday, February 20, 2025; 10:01 a.m.
State Capitol, Room 016

LATE

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

The Hawaii Correctional System Oversight Commission (HCSOC) **supports and offers comments** on Senate Bill 132, Senate Draft 1, Relating to the Hawaii Correctional System Oversight Commission, which would extend the term of the Oversight Coordinator for the Hawaii Correctional System Oversight Commission, and clarifies that the Oversight Coordinator has the general authority to inspect agencies and correctional facilities without notice.

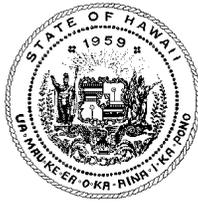
Currently, the Oversight Coordinator shall serve two-year terms, however, the Commission found that a two-year term does not provide sufficient time to fully understand the role, build relationships, develop and implement meaningful policies or projects. Short terms can hinder the ability to make significant progress or see initiatives through to completion. Although the Commission is thrilled that the current Oversight Coordinator was chosen to serve a second term, the amount of time, effort, and resources that were put into the interview process after two short years were significant. This process, repeated too often, creates inefficiencies.

Whereas the Commission appreciates the page 1, line 11 extension from two years to three years, the Commission worries that even a three-year term offers the same issues as noted above. A three-year term may reduce long-term accountability, as appointees might focus on short-term achievements or avoid controversy to secure reappointment or future roles, rather than tackling difficult, long-term challenges. Finally, attracting top talent to a position with a short term can be challenging as it offers limited job security. Therefore, the Commission would appreciate either a 4- or 6-year term which is aligned with other termed positions throughout the state.

Regarding the proposed amendment on line 14 subsection (c), the bill's language ensures unfettered access to information and correctional facilities, allowing the Oversight Coordinator to fulfill their mandated duties of not only completing investigations, but also overseeing, monitoring, and reviewing correctional and reentry practices. Unfettered access for oversight entities is essential for ensuring transparency, accountability, and the protection of people and custody and staff. It allows for thorough inspections, assessments, review of practices, deters misconduct, and promotes adherence to regulations. This access helps uncover and address issues like poor conditions or abuse, ensuring humane treatment and fostering public trust in the corrections system.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
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No. _____

WRITTEN TESTIMONY ONLY

TESTIMONY ON SENATE BILL 1321, SENATE DRAFT 1
RELATING TO THE HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION.

by

Tommy Johnson, Director
Department of Corrections and Rehabilitation

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

Thursday, February 20, 2025; 10:01 a.m.
State Capitol, Conference Room 016 & Via Videoconference

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

The Department of Corrections and Rehabilitation (DCR) provides comments on Senate Bill (SB) 1321, Senate Draft (SD) 1, which proposes to increase the term of appointment for the Hawai'i Correctional System Oversight Commission (HCSOC) Coordinator's position from two years (2) to three (3) years, and also amends the language of Section 353L-7 of the Hawai'i Revised Statutes (HRS) to allow the coordinator to make inquiries and obtain information where no investigation has been initiated or exists.

DCR has no concerns with with proposed change from a 2-year term for the coordinator to four (4) years as listed in SB 1321 or the 3-year term proposed in Senate Draft 1. In fact, while we allow the HCSOC and it's Coordinator open access to all correctional facilities 24/7, 365 days a year, future directors may not. We firmly believe that if we are to collectively address and resolve the many, many long-standing challenges facing the DCR, we must make be able to make it clear in the statute that the HCSOC is our partner.

Thank you for the opportunity to submit comments on SB 1321, SD 1.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

Thursday, February 20, 2025

Room 016 & VIDEOCONFERENCE

10:01 AM

STRONG SUPPORT w SUGGESTION - SB 1321 SD1 - HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION -COORDINATOR'S TERM

Aloha Chairs Rhoads, Vice Chairs Gabbard 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 3,703 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of February 10, 2025 . We are always mindful that 937 - 49.4% - of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to **strongly support SB 1321 SD1** that extends the term of the oversight coordinator for the Hawai'i Correctional System Oversight Commission (HCSOC) from 2 years to 6 years and clarifies that the oversight coordinator has the general authority to inspect agencies and correctional facilities without notice, beginning July 1, 2025.

SB 350 SD1¹ **DCR Weekly Population Report, February 10, 2025**

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-02-10.pdf>

The National Resource Center for Correctional Oversight² that defines correctional oversight as:

Correctional oversight is a means of achieving the twin objectives of transparency of public institutions and accountability for the operation of safe and humane prisons and jails. Together, these goals ensure that the rights of incarcerated persons are addressed and that correctional practices can improve so as to prevent future harm.

As all Representatives know, 2-years is not enough time to solve the myriad of problems and challenges presented by the Department of Corrections and Rehabilitation (DCR). Since the Coordinator was hired in July 2022, the Correctional Oversight Commission has built their website from the bottom up and got it up and running. The Commission's website is one of the most comprehensive we have ever seen. It is chock full of information and resources to help policymakers and the community understand what is happening in corrections and ways that Hawai'i can make our system a model. We urge everyone to check out the Commission's website at hcsoc.hawaii.gov.

HCSOC has saved Hawai'i from potential lawsuits when they discovered violations of state and federal law while on their facility tours. Everything is documented on their website where they have videos and minutes of monthly meetings, reports from facility tours and other meetings in which they are involved. It is truly a model for transparency and accountability.

SUGGESTION:

One of the most important things about Oversight is to remain apolitical/non-partisan. This is why the Public Utilities Commission has 6-year terms - to prevent being caught up in politics.

A six-year term would ensure that HCSOC is focused on their mission - to help DCR with the transition to a rehabilitative model. Policymakers and the community would benefit if the HCSOC Coordinator's term was extended to six-years to maintain their independence and focus on their non-partisan work transitioning our correctional system to a model for rehabilitation.

² **National Resource Center for Correctional Oversight, Making Prisons and Jails transparent and accountable**, *A one-stop shop to learn what correctional oversight looks like and how to establish an effective oversight body in your state or locality*,

Mahalo nui for giving Community Alliance on Prisons the chance to share our thoughts and suggestion on the important work of the Hawai`i Correctional System Oversight Commission. We hope the committee sees and understands the value of having independent oversight of our correctional system and passes this bill!

Mahalo nui!

“The degree of civilization in a society can be judged by entering its prisons.”

Fyodor Dostoyevsky



Hawai'i



Committee: Judiciary
Hearing Date/Time: Thursday, February 20, 2025 at 10:01am
Place: Conference Room 016 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of SB1321 SD1 Relating to the Hawaii Correctional System Oversight Commission, with proposed amendment**

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

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") **supports SB1321 SD1** which proposes to extend the term of the Oversight Coordinator for the Hawai'i Correctional System Oversight Commission beginning July 1, 2025. Additionally, the bill clarifies that the Oversight Coordinator has the general authority to inspect agencies and correctional facilities without notice.

Essential Elements of an Effective Prison Monitoring System

Michele Deitch, an attorney, distinguished senior lecturer at the LBJ School and Texas Law, and Director of the Prison and Jail Innovation Lab, is a recognized national and international expert on prison oversight. Deitch co-chairs the ABA's Subcommittee on Correctional Oversight and has published extensively on the essential elements of an effective prison monitoring system.

- They must be **independent** of the correctional agency and able to do their work without interference or pressure from the agency or any other body;
- Monitors must have unfettered and confidential access to facilities, incarcerated persons, staff, documents, and materials, and they should have the ability to visit at any time of the day without prior notice;
- They must be adequately resourced, with sufficient staffing, office space and funding to carry out their monitoring responsibilities, and the budget must be controlled by the monitoring entity;
- They must have the power and the duty to report their findings and recommendations, in order to fulfill the objective of transparency, and control the release of their reports and

- **They must take a holistic approach to evaluating the treatment of incarcerated persons, relying on observations, interviews, surveys, and other methods of gathering information from prisoners as well as on statistics and performance based outcome measures.**¹

The extension of the Oversight Coordinator's position and codifying in statute that the Oversight Coordinator has unfettered access to our jails and prisons - the most closed institutions - is essential to building the oversight infrastructure for meaningful oversight. It is also essential to investigate and bring attention to unconstitutional conditions of confinement, lack of medical and mental health services, suicides, drug smuggling, cruel and unusual punishment, prison rape, violence, and even murders, with the purpose of prevention and remedial action.

Finally, while we are pleased to see this bill proceed, we respectfully ask that the term of the Oversight Coordinator be extended to four years. As it was in the original version of the bill.

For the above reasons, we urge the Committee to support this measure. Thank you for the opportunity to testify.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota
Policy Director
ACLU of Hawai'i
cshirota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i since 1965.

¹ Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 Pace L. Rev. 1754 (2010); DOI: <https://doi.org/10.58948/2331-3528.1764> See also, See Effective Prison Oversight, Michele Deitch, Prepared for the Commission on Safety and Abuse in America's Prisons, 4th Hearing, Los Angeles, February 8, 2006.

February 20, 2025

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair and
Members of the Committee on Judiciary

From: Jeanne Y. Ohta

RE: SB1321 SD1 Relating to the Hawai'i Correctional System Oversight Commission

POSITION: STRONG SUPPORT

Thank you for the opportunity to testify in strong support of SB 1321 SD1 Relating to the Hawaii Correctional System Oversight Commission (HCSOC) which would extend the term of the oversight coordinator for the Commission from 2 years to 4 years and clarifies that the oversight coordinator has the general authority to inspect agencies and correctional facilities without notice, beginning July 1, 2025.

I believe the oversight coordinator's position is essential to maintain an effective oversight infrastructure and the position deserves a term of at least four years. The position will bring attention to conditions in our correctional institutions that need attention and improvement and provide the transparency necessary for institutions that are charged with caring for incarcerated individuals.

Independent oversight provides taxpayers the assurance that individuals under the control of the corrections system are being held appropriately and are receiving needed medical and mental health services; and have access to rehabilitative programming.

HCSOC's report: "Correctional Staff Survey, Findings, and Recommendations" which was presented to the legislature, shows the need for reform and provides recommendations to provide a safer and supportive environment for both staff and incarcerated individuals. As a taxpayer, I am thankful for the diligence and dedication of the staff to undertake such a time intensive project: to conduct the survey, compile key findings and make informed recommendations.

I respectfully ask the committee to pass this measure.