



*The Judiciary, State of Hawai'i*

**Testimony to the Senate Committee on Ways and Means**

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Wednesday, February 28, 2018, 10:30 a.m.

State Capitol, Conference Room 211

by

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**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 1293, Proposed S.D.2, Relating to Public Safety.

**Purpose:** Transfers the Corrections Population Management Commission from the Department of Public Safety to the Judiciary. Replaces the Director of Public Safety with the Chief Justice as a member of the Commission. Requires the Commission to meet at least once per quarter. Repeals provisions requiring as commission members: an individual who is knowledgeable on issues pertaining to reintegrating offenders into the community; and a judge. Adds as members: a substance abuse or mental health expert; and an advocate for incarcerated individuals. Requires the Department of Public Safety to provide commission members with access to internal information and the authority to conduct spot checks on correctional centers and facilities. Requires the commission's annual report to include a summary of the commission's decisions and data and status updates for commission recommendations.

**Judiciary's Position:**

The Judiciary respectfully opposes the proposed S.D.2.

The proposed draft administratively attaches the Corrections Population Management Commission (CPMC) to the Judiciary rather than the Department of Public Safety. The Judiciary currently has representation on CPMC and participates at CPMC meetings when convened. However, administratively attaching CPMC to the Judiciary may create conflicts of interest that



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risk undermining both the objectives of the commission and the primary function of the Judiciary, which is to decide cases in a fair and impartial manner based on the law and the facts of each case. In addition, there are numerous operational concerns associated with transferring CPMC to the Judiciary, including challenges related to accessing information and data from the Department of Public Safety.

While the Judiciary welcomes the opportunity to work with stakeholders to address CPMC's stated objectives, administrative responsibility for the commission itself should remain with the Department of Public Safety, which is better situated to serve that function.

Thank you for the opportunity to testify on this measure.