

## **2016 House Concurrent Resolution 85 (HCR85) Correctional Justice Task Force Minutes**

Wednesday, January 25, 2017

2:00 p.m.

First Circuit Court Multipurpose Room (3<sup>rd</sup> floor)

777 Punchbowl Street

Honolulu, HI 96813

### **Members Present**

- The Honorable Michael Wilson, Supreme Court Justice, HCR85 Task Force Chair
- The Honorable Clarence Nishihara, Senator, Hawaii State Legislature, Chair of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs
- The Honorable Gregg Takayama, Representative, Hawaii State Legislature, Chair of the House of Representatives Committee on Public Safety
- Keith Kaneshiro, Prosecutor, Department of the Prosecuting Attorney, City and County of Honolulu
- Rowena Akana, Chair, Office of Hawaiian Affairs
- Jeremy (Kama) Hopkins, Office of Hawaiian Affairs
- Robert Merce, Vice President, Native Hawaiian Legal Corporation
- James Hirano, Warden of Maui Community Correctional Center, Department of Public Safety
- Fred Hyun, Acting Chair of the Hawaii Paroling Authority, Department of Public Safety
- Dr. Meda Chesney-Lind, Chair and Professor of Women's Studies, University of Hawaii at Manoa
- Matthew Taufetee, founder of First L.A.P. (Life After Prison)
- Shayne Kukunaokala Yoshimoto, Holomua Puuhonua
- Sidney Nakamoto, Administrator, Adult Client Services Branch, Judiciary
- Margaret Watson, University of Hawaii School of Social Work

### **Other Attendees**

Lance Ching, Legislative Reference Bureau Attorney

Devin Choy, Legislative Reference Bureau Attorney

Pat Brown, Law Clerk to Justice Wilson

Terrence Lee, Legislative Reference Bureau Attorney

#### **I. Call to Order**

Justice Wilson called the meeting to order at 2:09 p.m. and the requirements for public notice were made.

## **II. Approval of Minutes of the December 16, 2016 Meeting**

Moved and seconded; minutes approved

## **III. Approval of Agenda**

## **IV. Subcommittee Reports (if any)**

### **A. Hawai'ian Committee**

Justice Wilson spoke about the desirability and importance of OHA providing a leadership role concerning supporting and infusing Hawai'ian values in the correctional system. Especially important regarding helping with the training curriculum for correctional officers, and to collaborate with legislature to find a way for Hawai'ian values to be part of, and implemented in, the correctional system. Chair Akana indicated they have already called together a first meeting of various Hawaiian groups, some of which already working in prisons.

### **B. Program Committee**

Bob Merce, chair of the committee. Seeking to line-up speakers for each future meetings of the task force. Last meeting we had Kris Nyrop, the person who is coordinating LEAD (law enforcement assisted diversion program) nationally. LEAD is a diversion program, the purpose of which is to give police officers the discretion to divert pre-arrest non-violent or minor offense; officers can give offenders the option to go to a treatment program instead of being arrested. For those diverted, their obligation is to follow through with treatment. For the offenders who get diverted through LEAD, their recidivism rate was reduced by 58%. The governor has put up \$200,000 in seed money.

### **C. Education Committee**

The Education Committee is interested in what kind of programs would be appropriate to have available for inmates in the correctional setting for secondary education or college credit. The section in the Interim Report ("Improving Education in the Correctional System") was provided by the Education Committee and gives an overview of its ideas and concerns.

### **D. Design Committee**

The design committee is still in the early stages. Members of the task force have met with Dr. Daniel Friedman, Dean of the School of Architecture at UH. He's very supportive of our work. He's very excited about testifying before the legislature about having an atmosphere of humanity when it comes to designing a correctional facility.

### **E. Faith Committee**

Justice Wilson along with others has met with different parts of the community who may be able to speak to legislature. We have followed up with Monsignor Gary Seacore (assistant to

Catholic bishop of Honolulu). Humanity in our correctional system is a core value that we have as a community of faith, and we are committed to creating a package to present with the legislature concerning relevant treatments, as well as a commitment to the disadvantaged and those who have made mistakes; we want ultimately to have a path to rehabilitation.

## **V. Unfinished Business**

[no report]

## **VI. New Business**

### **A. Draft Interim Report**

One suggestion has been to provide a little more history of incarceration in Hawai'i. Statistically, crimes were going up due to drugs, and a correlative increase in incarceration rates. Justice Wilson and Keith Kaneshiro will be working on adding or modifying language concerning the background or history of incarceration in Hawai'i.

Bob Merce reported on various persons' contributions to the draft report. One important theme that emerged is that the people we put in prison are going to get out one day and they're going to be our neighbors. We need to decide how we are going to treat those people so that they will become good neighbors. In addition, we have to look at who do we have in prison. We have many class C felons and below, and the question is whether we need to incarcerate all those people. We have a punitive system now, but that's not producing the results we want.

Justice Wilson stressed that we've really been discussing four things among the subcommittees.

- (1) Hawaiian values, aloha, establishing a culture of aloha in the correctional system.
- (2) Having relevant and appropriate treatment, tailored to the needs of different groups of offenders.
- (3) Developing a more concrete idea of training the correctional culture. This involves retraining correctional officers/ union members, to better incorporate values of aloha. One idea is an academy or minimum security facility oriented towards treatment. We need to institutionalize this idea of training correctional officers and using that to improve the correctional culture—putting together what would be a signature facility that can provide implementation of these ideas of treatment and aloha.
- (4) To develop a kind of transitional entity, consisting of a person who is paid to do the implementation (e.g., a "czar" who could work with legislature, etc., someone who has great respect in the community).

Those four themes also provide a framework for addressing the legislature in, perhaps, a legislative hearing. Possibly putting together a recommendation to the legislature regarding treatment (e.g., how much treatment? Which programs? How much money involved?)

There was extended discussion treatment facilities, who would be included, what sort of institutional support would be available to help, e.g., drug offenders to help them stay off drugs—especially drawing on the strong sense of ‘ohana in Hawai’ian culture. The possibility of using minimal security treatment facility to include parolees, probation violations combined with an extended kind of counseling post-release. Chair Akana noted that Hawaiians really look to elders for guidance. If grandma or tutu scolds you, it can have a more lasting effect than punishment. “Kupuna-led programming” is a possibility.

It was observed that a lot of services out there that just need coordination. If we were able to establish one satellite on each island, drop in centers, mentoring, tutoring, counseling, so inmates who get released and feel they’re slipping, they can drop in. The services cannot be a one shoe fits all, because inmates are not like that. Also, more pre-release programs, e.g., AA, would be desirable, or providing inmates with a sponsor (or an intensive case manager) prior to release.

There was discussion about the best mode of presenting relevant information to the legislature; probably, a legislative hearing.

## **VII. Next Meeting**

Next meeting TBA

## **VIII. Adjournment**

The task force meeting was adjourned at 3:15