

HCR85 Correctional Justice Task Force Minutes

Tuesday, June 27, 2017

10 a.m.

Hawaii Supreme Court Conference Room
417 South King Street
Honolulu, HI 96813

Members present

Lopaka Baptiste, Office of Hawaiian Affairs

Dr. Meda Chesney-Lind, Chair and Professor of Women's Studies, University of Hawaii at Manoa

James Hirano, Warden of Maui Community Correctional Center, Department of Public Safety

Robert Merce, Vice President, Native Hawaiian Legal Corporation

Sidney Nakamoto, Administrator, Adult Client Services Branch, Judiciary

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

Matthew Taufetee, founder of First L.A.P. (Life After Prison)

The Honorable Michael Wilson, Supreme Court Justice, HCR85 Task Force Chair

Shayne Kukunaokala Yoshimoto, Holomua Puuhonua

Members absent

Edmund Fred Hyun, Chair of the Hawaii Paroling Authority, Department of Public Safety

Keith Kaneshiro, Prosecutor, Department of the Prosecuting Attorney, City and County of Honolulu

Margaret Watson, University of Hawaii School of Social Work

Other attendees

Pat Brown, Law Clerk to Justice Wilson

Devin Choy, Legislative Reference Bureau Attorney

Erika Gustin, Law Clerk to Justice Wilson

Alden Kau, Court Clerk to Justice Wilson

Kamaile Maldonado, Public Policy Advocate, Office of Hawaiian Affairs

I. Call to order

Justice Wilson called the meeting to order at 10 a.m. and the requirements for public notice were made.

II. Introductions and opening remarks

- a. Justice Wilson and Representative Takayama said the continuation of the task force pursuant to [HCR 157 HD1](#) (2017) is appropriate and coincides with the development of the future design of the Oahu Community Correctional Center replacement facility.

- b. Mr. Hirano said he has communicated with design firm, DLR Group, and justice facility architect, Andrew Cupples. Mr. Hirano said he planned to invite Mr. Cupples to discuss correctional architecture with the task force.
- c. Mr. Merce suggested finding a replacement for task force member Ms. Watson, who is on excused absence.

III. Changing the prison culture through values of aloha.

- a. Development of “Aloha Values” that will govern all activities within the correctional system including staff for inmate relations, staff for staff relations, and staff for community relations.
 - i. Justice Wilson said Chairperson of the Office of Hawaiian Affairs Board of Trustees Colette Machado is interested in helping to define the Aloha Values system, creating a budget that prioritizes cultural values, and assisting on various curriculum, including training academy curriculum for correctional officers, probation officers, and parole officers.
 - ii. Justice Wilson said Ms. Machado and Mr. Hyun expressed interest in developing a program incorporating a puuhonua, or wellness center, to assist offenders.
 - iii. Mr. Yoshimoto suggested contacting Hawaiian cultural experts Ramsay Taum and Pono Shim regarding [Aloha Response](#) training.
 - iv. Justice Wilson suggested collaborating with representatives from the correctional justice community, such as Hawaii Youth Correctional Facility Warden Mark Patterson, to develop a basic curriculum that would reflect the values of the Office of Hawaiian Affairs and the spirit of the Hawaiian Subcommittee. Mr. Merce suggested contacting cultural practitioner Wayde Hoapili Lee for input.
- b. Discussions with the United Public Workers union on upgrading adult corrections officer positions, including cost and new job descriptions.
- c. Training academy for correctional officers, probation officers, parole officers.
 - i. Mr. Nakamoto thanked the task force for supporting the training academy concept. He said the training academy can integrate Aloha Values and successful Hawaiian cultural practices that will positively affect the correctional system. Justice Wilson suggested providing cost estimates of the training academy, engaging the unions and legislators on details, and planning a course of action.

IV. Expansion of therapeutic courts (drug, mental health, veterans courts)

- a. What will the expansion cost?
- b. Cost savings expected from the expansion (due to reduction of prison population and recidivism rates) that will justify the cost.
 - i. Justice Wilson said Mr. Kaneshiro is committed to expanding the therapeutic courts and will provide the task force with cost and personnel estimates. Justice Wilson suggested coordinating with appropriate stakeholders, including the Office of the Public Defender, the Judiciary and legislators, regarding the expansion of the therapeutic courts.
 - ii. Representative Takayama said [SB718 SD1 HD1 CD1](#) (2017) established the Community Court Outreach Project that aimed to reduce crime and recidivism by providing accountability for and treatment options to offenders. He added that attorneys in the criminal justice system estimated there are at least 300 individuals inside Hawaii's jails that could be diverted to community service or a treatment facility.

V. Cost calculation for expanded treatment programs, including an independent residential treatment facility for probationers and/or parolees.

- a. Cost savings expected due to reduction of Oahu Community Correctional Center/prison population and recidivism rates that will justify the cost.
 - i. Senator Nishihara and Mr. Kaneshiro are looking at expanding treatment programs to an independent residential treatment facility for probationers and/or parolees. Mr. Kaneshiro suggested an independent residential treatment facility could serve low-security offenders and not require personnel from the Department of Public Safety. Justice Wilson suggested providing legislators and stakeholders cost estimates for the expanded treatment programs at an independent residential treatment facility.
 - ii. Mr. Merce suggested the expanded treatment programs at an independent residential treatment facility be used in lieu of a prison or jail sentence. Representative Takayama said Halawa Correctional Facility has more than 400 parole violators and he suggested an independent residential treatment facility could be an alternative to incarceration for parolees who commit minor, technical violations. Justice Wilson added that jail diversion programs in Hawaii have been successful.

VI. Establishing oversight to ensure that task force recommendations are properly implemented:

- a. Process for appointment of Correctional Justice Transition Administrator, Assistant, and Oversight Board.
 - i. Justice Wilson suggested collaboration from stakeholders to determine the process of appointment of the Administrator and Assistant. He added many stakeholders are interested in providing assistance regarding the Oversight Board, including the Office of Hawaiian Affairs.
 - ii. Mr. Merce praised the concept of the Oversight Board. He planned to invite attorney and senior lecturer from the University of Texas at Austin Lyndon B. Johnson School of Public Affairs, Michele Deitch, to speak to the task force regarding independent oversight of correctional institutions.

VII. Scheduling a half-day session to discuss issues and Skype with Ari Haidol, Governor of Halden Prison, Norway (or Deputy Governor).

- a. Justice Wilson said the task force is arranging a session with Governor Haidol or the deputy governor. Justice Wilson suggested that Hawaii union representatives be invited to the session.

VIII. Next task force meeting date for reports of Subcommittees:

Full task force meeting tentatively scheduled for late July.

- a. Hawaiian Subcommittee, July 6, 10 a.m., at Office of Hawaiian Affairs.
- b. Program Subcommittee, every third Tuesday, 2 p.m.
- c. Education Subcommittee, TBA.
- d. Faith Subcommittee, TBA.
- e. Design Subcommittee, TBA. Mr. Merce said University of Hawaii at Manoa, School of Architecture, Dean Daniel Friedman, and architect Cathi Ho Schar are interested in assisting with the Design Subcommittee.

IX. Public Testimony

DeMont Conner, Hoomana Pono, LLC

Mr. Conner suggested establishing service centers to reduce the jail population, giving judges the discretion of sending offenders to the service centers, and offering offenders

wraparound services. He suggested partnering with the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands on service centers and looking at potential sites with secured buildings or locations.

Mr. Conner also suggested bail reform initiatives to reduce the jail population because he said many low-level arrestees don't have bail money and end up detained in jail. In response, Representative Takayama said the Legislature adopted [HCR134 HD1](#) (2017) that requested the Judiciary to convene a task force to examine and make recommendations regarding criminal pretrial practices and procedures to maximize public safety, court appearances, and pretrial release.

Kat Brady, Community Alliance on Prisons

Ms. Brady cited 2014 statistics from [The Pew Charitable Trusts](#) that reported Hawaii is ranked 32nd in the country for its drug imprisonment rate of 70.3 drug offenders in prison per 100,000 residents. Louisiana had the highest rate in the nation at 226.4. Ms. Brady suggested community-based treatment is cheaper and more effective than forced or in-house treatment.

Tracy Ryan

Ms. Ryan requested the Legislative Reference Bureau's report on "[Panacea or Pipe Dream: Does Portugal's Drug Decriminalization Policy Translate for Hawaii?](#)"

Kathleen Algire, YWCA Oahu

Ms. Algire urged the continued funding for effective community-based programs. Justice Wilson asked Ms. Algire to provide the task force with successful models of community-based programs with estimated costs and savings.

Jamee Miller, Kamehameha Schools

Ms. Miller suggested improving family involvement and engaging the community to reduce recidivism. She also urged the task force to address the negative effects of incarceration on youths and families.

Kamaile Maldonado, Office of Hawaiian Affairs

Ms. Maldonado asked about opportunities to provide additional ideas and strategies in the upcoming correctional justice task force report, developing guiding principles to evaluate ideas, and establishing a timeline for the submission of ideas.

X. Adjourn

Justice Wilson adjourned the meeting at 11:30 a.m.