

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

Wednesday, July 27, 2016

2:00 p.m.

Room 423, Hawaii State Capitol

415 South Beretania Street

Honolulu, HI 96813

Members Present

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

Jeremy (Kama) Hopkins, Office of Hawaiian Affairs

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

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

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's Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Gregg Takayama, Representative, Hawaii State Legislature,

Chair of the House of Representative's Committee on Public Safety

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

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

Margaret Watson, University of Hawaii School of Social Work

Shayne Kukunaokala Yoshimoto, Holomua Puuhonua

Members Absent

Bert Matsuoka, Chair of the Hawaii Paroling Authority, Department of Public Safety

Other Attendees

Caitlin Eberhardt, Law Clerk to Justice Wilson

Alden Kau, Court Clerk to Justice Wilson

Karen Kawamoto, Office Manager to Representative Takayama

Kamaile Maldonado, Public Policy Advocate, Office of Hawaiian Affairs

I. Call to Order

Justice Wilson called the meeting to order at 2:02 p.m. and the requirements for public notice were made.

II. Approval of June 20, 2016 Meeting Minutes

Mr. Kaneshiro made a motion to approve the minutes, which was seconded by various members. Vote was taken and the motion was unanimously passed.

III. Discussion of Peter Gellatly's e-mail regarding member of the public's appointment to Task Force

Mr. Gellatly challenged the appointment of Mr. Kaneshiro to the task force. Following a discussion among task force members, Justice Wilson recommended the task force members vote on whether to keep Mr. Kaneshiro on the task force. Task force members unanimously voted to have Mr. Kaneshiro remain on the task force.

IV. Introduction of Matthew Taufatele, founder of First L.A.P. (Life After Prison)

V. Introduction of Legislative Reference Bureau Attorneys

Charlotte Carter-Yamauchi, Director of Legislative Reference Bureau
Lance Ching, Legislative Reference Bureau Attorney
Devin Choy, Legislative Reference Bureau Attorney
Terrence Lee, Legislative Reference Bureau Attorney

VI. Prison Population Statistics, presented by Robert Merce

Mr. Merce distributed handout entitled "Hawaii State Prison and Jail Statistics-At-A-Glance" and provided background on several categories, including the number of persons under correctional supervision (28,174), the number of probationers (20,828; total caseload 2014-2015), and number of inmates released in 2015 (10,775, jail and prison combined). Mr. Merce also discussed the increase in Hawaii's prison population and the overrepresentation of Native Hawaiians in prison, the number of Hawaii prisoners in Arizona, Hawaii's incarceration rate compared with other states and countries, the severity of offenses committed by inmates, the overcrowding of Hawaii's correctional centers, and the consequences resulting from the large number of elderly prisoners in the Hawaii prison population.

Mr. Hirano suggested having separate statistics for incarcerated people in jail and incarcerated people in prison so task force members may evaluate programming for pre-trial, short-term, and longer-term inmates.

Mr. Merce said he would attempt to get statistics showing the average length of stay in prison for Hawaii felons.

VII. Proposed Schedule of Subcommittee Meetings:

- a. Hawaiian Subcommittee. Members are Mr. Hopkins, co-chair; Mr. Yoshimoto, co-chair; Mr. Merce; Justice Wilson; and Mr. Kamanaopono Crabbe, Office of Hawaiian Affairs Chief Executive Officer.

Meeting occurred on July 18; discussed subcommittee report.

Mr. Hopkins introduced Kamaile Maldonado, Public Policy Advocate, Office of Hawaiian Affairs, as a member of the Hawaiian subcommittee.

Mr. Hopkins and Mr. Yoshimoto discussed the importance of setting positive tones in the correctional system by modeling aloha and encouraging correctional staff and stakeholders to engage with aloha for the betterment of inmates.

Mr. Hopkins and Mr. Yoshimoto suggested acting upon the recommendations made in several reports, including the Native Hawaii Justice Task Force Report; the Disparate Treatment of Native Hawaiians in the Criminal Justice System Report from the Office of Hawaiian Affairs; and Alu Like, Inc., reports dating back to the 1970s.

Mr. Hopkins and Mr. Yoshimoto also suggested taking action on key items, including fostering community education and awareness, organizing communities (identifying key Native Hawaiian leaders and stakeholders to provide testimony; identifying cultural programs that work with paahao, or prisoner, and former paahao), and establishing alternatives to current incarceration practices.

- b. Faith Subcommittee (Judge Michael Town, chairperson): Thursday, July 28 at 3 p.m.
- c. Program Subcommittee: Monday, August 1 at 2 p.m., Hawaii State Capitol, room 423, (chairperson TBA)
- d. Education Subcommittee: Wednesday, August 24 at 3 p.m.
- e. Design Subcommittee: August, date TBA, 3 p.m.
- f. Task force members agreed to allow subcommittees to appoint people to participate on subcommittees.

VIII. Proposed Date of First Task Force Hearing

Hawaiian Subcommittee Task Force Hearing.
Proposed date: Saturday, August 27 at 10 a.m.
Proposed location: Hawaii State Capitol

IX. Discussion of Department of Public Safety Director Nolan Espinda’s recommendation that judges should set minimum sentencing (per 7/5/16 letter)

Mr. Hirano said Mr. Espinda’s recommendation would have the minimum term of an inmate’s open sentence be set by judges instead of the Hawaii Paroling Authority. Mr. Hirono said the recommendation would give the Authority more time for other types of hearings and would also alleviate prison overcrowding.

Justice Wilson said the recommendation should be discussed further by the appropriate subcommittees. He also suggested that Chief Justice Mark Recktenwald be advised on the recommendation. Mr. Kaneshiro said more input should be sought from the Judiciary and Hawaii Paroling Authority on the recommendation.

X. Announcement of Academy of Architecture for Justice Conference, November 2-5, in Honolulu.

Focuses on architecture best practices for justice facilities.

- a. Beyond Bricks and Mortar Subpanel – discussion of communities taking charge of their justice systems (Representative Takayama participating).
- b. Design of Therapeutic Courtrooms Subpanel – discussion of whether therapeutic court proceeding should take place in a traditional court room setting (Justice Wilson participating).

Justice Wilson suggested scheduling a task force meeting when conference experts are in town and to invite experts to visit and talk to task force.

XI. Scheduling tour of Oahu Community Correctional Center (for members and Legislative Reference Bureau attorneys)

Justice Wilson invited members. Tour date and time, TBA.

XII. Additional Handouts

Stephen Morse, social worker, provided a “Help Guide for Families of Those Serving Time”.

XIII. Public Testimony

Joe Tassill, Holomua Puuhonua, supported the idea of having positive interactions and aloha in prison and suggested a subcommittee on health. He voiced concerns about former inmates reentering society without health plans.

DeMont Conner, Hoomana Pono, supported the Public Safety Director's recommendation that judges set minimum sentencing.

Kat Brady, Community Alliance on Prisons, requested the public be notified of subcommittee meetings and suggested further discussion on the Public Safety Director's recommendation. Justice Wilson said subcommittee meetings will be posted through e-mail.

Lililian Ululani Wahinekona suggested the task force address the issues faced by families of incarcerated individuals and also the health of former long-term inmates. Justice Wilson suggested the Hawaiian subcommittee may look into her concerns.

Elaine Funakoshi suggested inmates receive good conduct points for early release from incarceration.

XIV. Proposed Date of Next Meeting

September 21, 2016, 2 p.m., Hawaii State Capitol, Room 423

XV. Adjourn

Justice Wilson adjourned the meeting at 3:27 p.m.