



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
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May 4, 2023

Dear Chief Justice Recktenwald,

On Thursday, April 20th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Hawaii Community Correctional Center (HCCC) collectively as a group. The tour included three of the five Commissioners – Martha Torney, Mike Town, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson and Special Assistant, George Choe. After touring HCCC, the Commission published a report based on their observations and had a public meeting to address conditions of the facility, which I have attached for you.

One issue the Commission heard about during the tour, is a lack of access to attorneys due to people in custody not knowing who their attorney is. One Commissioner noted that in their experience, when someone in custody leaves court, they are given a Notice to Appear date by the court, but there is no attorney named on the document. Unfortunately, correctional facilities do not keep a list of the attorneys either.

The Commission has made recommendations to the Department of Public Safety to have facility staff write the attorneys name on the notice and for the facility to keep the notice on file. It was also recommended, if not done already, that the facility maintain an updated list of people in custody with the charges, bail amount, attorney's name, and the next court appearance or release dates. It is understood that the courts send the court calendar to the facilities, but this can give the facility notice if individuals have been "forgotten." The Commission recommended that the list be shared with Chief Judges on a monthly basis so they can review it for speedy trial issues, etc. and provide it to the trial judges if necessary.

Respectfully, the Commission recommends amending Notice to Appear documents to include the defense attorney's name. This would make it easier for facility staff to assist those in custody who have forgotten their attorney and ensure that people in custody are able to get ahold of their legal counsel in a timely manner.

Thank you for considering this recommendation and for all of your dedication and work at the Judiciary.

With aloha,

Mark Patterson
Chair