

H.C.R. 31 Task Force
CSG Technical Assistance
ACLU OF HAWAI'I RESOURCE LIST
08-23-23

I. HAWAI'I LEGISLATION

A. PAROLE REFORM

HB2341 HD1 (Companion bill to SB2515) – **Died**

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=HB&billnumber=2342&year=2022

Testimony relating to HB 2341

https://www.capitol.hawaii.gov/sessions/Session2022/Testimony/HB2342_TESTIMONY_CMV_02-16-22_.PDF

SB 2515 - **Died**

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=2515&year=2022

Testimony relating to SB 2515

https://www.capitol.hawaii.gov/sessions/Session2022/Testimony/SB2515_TESTIMONY_PSM_02-03-22_.PDF

EARNED TIME CREDIT (2015) - **Died**

https://www.capitol.hawaii.gov/sessions/session2015/bills/HB367_.HTM

B. PROBATION REFORM

SB 2514 (2022) - **Died**

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=2514&year=2022

Testimony relating to SB2514

SB2514_TESTIMONY_PSM_02-03-22_

(See p. 9-11 Attorney General opposition; Judiciary opposition pp. 12-19)

SB2514_SD1_TESTIMONY_JDC_02-28-22_

SB2514_SD1_TESTIMONY_JDC_03-01-22_

Committee Report

SB2514_SD1_SSCR2169_

HB2344 (Companion Bill to SB2514)

Pretrial Unsecured bail SB 192 (Discretionary unsecured bail; NEVER implemented in HI since law enacted); Judiciary opposed this measure despite leading the Pretrial Fairness Task Force

https://www.capitol.hawaii.gov/sessions/Session2019/Testimony/SB192_TESTIMONY_JDC_02-07-19_.PDF

https://www.capitol.hawaii.gov/session/archives/measure_indiv_Archives.aspx?billtype=SB&billnumber=192&year=2019

Testimony

https://www.capitol.hawaii.gov/sessions/Session2019/Testimony/SB192_HD2_TESTIMONY_FIN_03-29-19_.PDF

II. BACKGROUND INFORMATION

A. HPA Report

Parole Decision Making in Hawaii: Setting Minimum Terms, Approving Release, Deciding on Revocation, and Predicting Success and Failure on Parole, Gene Kassebaum, Janet Davidson-Coronado and Paul Perrone (2001)

<https://www.ojp.gov/ncjrs/virtual-library/abstracts/parole-decision-making-hawaii-setting-minimum-terms-approving>

B. HPA Chair Fred Hyun

The HPA Chair, Administrator and Parole officers on different islands submitted testimony in opposition to these parole reform bills despite the Chair's assertion that he supports reform.

** In 2021, Governor Ige appointed HPA Chair Hyun to serve as "Special Master" to oversee the Dept of Public Safety (PSD) and to make systemwide recommendations after the former PSD Director Noland Espinda went on personal leave. (A year later, Mr. Espinda committed suicide).

<https://www.civilbeat.org/2020/09/ige-appoints-special-master-to-oversee-department-of-public-safety/>

C. Special Master’s Report pp. 38-45 HPA Functional Statement; pp. 18-23 Recommendations

<https://dps.hawaii.gov/wp-content/uploads/2021/06/Special-Master-Report-2021.pdf>

III. HAWAII TASK FORCE COMMISSIONS

<https://www.oha.org/governance/criminal-justice/>

Hawaii Criminal Pretrial Reform Task Force Recommendations (2018)

<https://www.oha.org/wp-content/uploads/HCR134-Task-Force-on-Pretrial-Reform-Final-Report-12.14.18.pdf>

Native Hawaiian Criminal Justice Task Force

<https://www.oha.org/wp-content/uploads/2012NHJTF-REPORT-FINAL-0.pdf>

IV. HAWAI’I SUPREME COURT DECISIONS RE: HPA

A. *Williamson v. HPA* (2001)

We hold that neither Chapter 706 nor Chapter 353 of the Hawai’i Revised Statutes (HRS) prohibit the HPA from setting a prisoner’s minimum term at a period equal to his or her maximum sentence. Therefore, we reverse the ICA’s opinion.

<https://caselaw.findlaw.com/court/hi-supreme-court/1364367.html>

B. *Rapoza v. State* (2021)

<https://law.justia.com/cases/hawaii/supreme-court/2021/scwc-16-0000532-1.html>

<https://www.prisonlegalnews.org/news/2022/may/1/hawaii-supreme-court-orders-new-parole-hearing-prisoner-held-1979/>

V. COMMUNITY ALLIES

A. Criminologists

1. Dr. Janet Davidson at Chaminade University
2. Dr. Marilyn Brown, University of Hawai’i at Hilo

B. Attorneys

1. Jennifer Brown, Hawaii Innocence Project and Beyond Guilt Clinic at the William R. Richardson School of Law at the University of Hawaii at Manoa
2. Professor Ken Lawson, Hawaii Innocence Project and Beyond Guilt Clinic at the William R. Richardson School of Law at the University of Hawaii at Manoa
3. Ben Lowenthal, Deputy Public Defender on Maui
4. Taryn Tomasa, Deputy Public Defender on O'ahu

C. Re-entry Programs

1. YWCA Women's Fernhurst Program (O'ahu – Noriko Yamaki)
2. Habilitat (O'ahu – Jeff Nash)
3. Ho'omau Ke Ola (O'ahu)
4. Pu'u honua Prison Project (O'ahu Auntie Fran Dudoit)
5. First LAP (Life After Prison) (O'ahu Matt Taufatee)
6. Pua Foundation – (O'ahu Dr. Toni Bissen)
7. 'Ekolu Nui Mea (O'ahu Dr. Jamee Miller)
8. Going Home Hawai'i (Hawai'i – Les Estrella)
9. Men of PA'A (Hawai'i – Iopa Maunakea or Ric Parish)
10. BISAC (Hawai'i)
11. Maui Economic Opportunity Program B.E.S.T. Reintegration Program (Maui Debbie Cabebe or Cassi Yamashita)
12. Andy Tong – Sex Offender Treatment Program

VI. ISSUES

A. Minimum Sentences

1. Minimums Higher than in the past for some offenses

B. Reincarceration for Technical Violations

1. 97-100% rates of re-incarceration for technical violations; see Annual Report
2. No "maximum" or ceiling on the number of years that one must serve if parole is revoked; it could be 3 months or years

C. Lack of Data

1. Race & ancestry
2. Sex & gender identity
3. Age
4. Specific offenses
5. Annual Report – limited data
6. No Specific Goals/proposed outcomes

D. HPA Members

1. Reports of unprofessional conduct and comments (i.e. comments pertaining to race, ancestry, sex and gender)
2. No Minimum qualifications
3. No knowledge of best practices
4. Political Appointees
5. Lack of training

E. Racial Disparities in Parole Decisionmaking

1. See OHA's Report (see links below)
2. The Minimum sentence impacts a person's length of incarceration. OHA's report confirmed that Native Hawaiians were exported to private prisons on the continent at EVEN higher rates compared to other racial and ethnic groups.

[Download the Executive Summary \(PDF\)](#)

[Download the Full Report \(PDF\)](#)

[Download the Study Fact Sheets \(PDF\)](#)

[Download the Press Release \(PDF\)](#)

F. Lack of Transparency

G. Failure to Follow their Own Rules

1. HPA holds hearings with less than 3 HPA members
2. Reentry law that requires people who are held out of state to return home within one year of their release

H. Programming Requirements

1. Mandated Programs are unevaluated or have poor evaluative outcomes
2. Programs unavailable in some facilities
3. PSD/Core Civic refuses various modalities of learning

I. Compassionate Releases

1. Limited releases

J. Reductions in Minimum Sentences

1. Infrequently granted

K. COVID Pandemic

1. Less releases on parole despite Court's order to expedite releases

J. RFPs for Services