



Hawai'i

August 21, 2023

Chair Mark Patterson
Oversight Coordinator Christen Johnson
Hawaii Correctional System Oversight Commission
235 S. Beretania Street, 16th Floor
Honolulu, HI 96813

Aloha Chair Patterson and Oversight Coordinator Johnson:

I am writing in follow-up to last Thursday's Oversight Commission meeting regarding the new Task Force appointed to study Hawaii Paroling Authority's power to set minimum sentence as established by *H.C.R. 23*.

https://www.capitol.hawaii.gov/sessions/session2023/bills/HCR23_SD1_.HTM

The ACLU of Hawai'i strongly encourages the Task Force, led by the Oversight to Commission, to ensure that the H.C.R. 23 Task Force meetings are open to the public. Public meetings promote the twin goals of transparency and accountability, particularly where the authority and actions of a governmental agency are at the heart of the discussion – and the governmental agency is funded by taxpayers.

Despite HPA having quasi-judicial functions, they have operated in secrecy for decades. Many attorneys and individuals participating in HPA minimum sentence, parole and parole revocation hearings have reported unprofessional comments by HPA members. We have also received reports of HPA making decisions that impacts a person's liberty based on favoritism, rather than standards of fairness and in alignment with parole best practices and their own guidelines.

Given the composition of the Task Force, the ACLU of Hawai'i, is concerned that the majority of governmental stakeholders will give undue deference to the Hawai'i Paroling Authority's framing of issues and interpretation of limited data, rather than conducting an independent and critical analysis of HPA duties and outcomes.

While the ACLU of Hawai'i is encouraged that the Council of State Government will assist the Task Force, we remain convinced that the public plays an important "watchdog" role in ensuring that the Task Force fulfills its mandate. By opening these Task Force hearings to the public, community members and the media have an opportunity to listen in, and offer feedback in writing or verbally to effectuate the purpose of the Task Force.

Significantly, there is precedence for opening Task Force meetings to the public, and allowing time for public testimony. The H.C.R. 85 Task Force on Effective incarceration Policies and Improving Hawaii's Correctional System held general and subcommittee meetings open to the public. In fact, prior minutes of the Task Force and its' subcommittee meetings reflect the participation of community members who care deeply about these issues and/or have been affected by the criminal legal system.

<https://www.facebook.com/events/supreme-court-of-hawaii/next-hcr-85-task-force-meeting/1935278020122518/>

In closing, the ACLU of Hawai'i requests your leadership in ensuring that the H.C.R. 23 Task Force meetings are open to the public.

Mahalo for your thoughtful consideration of this request.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota

Policy Director

ACLU of Hawai'i

cshirota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

American Civil Liberties Union of Hawai'i
P.O. Box 3410
Honolulu, Hawai'i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org