



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 320, HOUSE DRAFT 1  
RELATING TO OFFENDER REENTRY.

by

Nolan P. Espinda, Director  
Department of Public Safety

House Committee on Judiciary  
Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair

Tuesday, February 19, 2019; 2:05 p.m.  
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 320, House Draft (HD) 1, which will require PSD to issue certificates of completion to offenders who have completed a prison rehabilitative program with an established curriculum, such as, substance abuse, mental health, sex offender, vocational, religious, nutritional, or other program conducted by PSD or a service provider contracted by PSD, upon completion of the program.

The Department presently maintains careful records of inmate achievement, as these are key to determining the inmate's progress in working towards furlough and other reentry programs. The issuance of certificates would formalize the current process and serve as recognition of an inmate's achievement and forward progress. PSD notes that certificates of completion are commonly issued at other correctional institutions.

Thank you for the opportunity to present this testimony.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**HAWAII PAROLING AUTHORITY**  
1177 Alakea Street, First Floor  
Honolulu, Hawaii 96813

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ADMINISTRATOR

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 320, HD1  
A BILL FOR AN ACT RELATING TO OFFENDER REENTRY

BY

HAWAII PAROLING AUTHORITY  
Edmund "Fred" Hyun, Chairman

House Committee on Judiciary  
Representative Chris Lee, Chair  
Representative Joy A. San Buenaventura, Vice Chair

**LATE**

Tuesday, February 19, 2019, 2:05p.m.  
State Capitol, Conference Room 325

Chair Lee, Vice Chair San Buenaventura, and Members of the Committee:

The Hawaii Paroling Authority (HPA) opposes House Bill 320, HD1, which seeks in part to have the Department of Public Safety provide verification of completed rehabilitative programs by the former inmate to the potential employer. Included in the list of "rehabilitative programs" are substance abuse, mental health, sex offender programs, and others. HPA's concerns are with the release of potentially protected health care and/or treatment information as it relates to substance abuse, mental health, sex offender treatment programs, and any other rehabilitative program where the program provided treatment that is considered protected under State and/or Federal law.

As written, House Bill 320, HD1 does not address how the information will be used by the potential employer, what the potential employer will do with the information, and does not prevent the potential employer from disseminating and/or sharing the information with others as no disposition regarding the release of the information is provided. Further, no penalties are listed for the unauthorized release of the information by potential employers.

Thank you for the opportunity to provide testimony on House Bill 320, HD1.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON JUDICIARY

Rep. Chris Kalani Lee, Chair

Rep. Joy San Buenaventura, Vice Chair

Tuesday, February 19, 2019

2:05 pm

Room 325

## SUPPORT w AMENDMENT - HB 320 HD1 - REENTRY

Aloha Chair Lee, Vice Chair San Buenaventura and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the families of **ASHLEY GREY, DAISY KASITATI, JOEY O'MALLEY, JESSICA FORTSON AND ALL THE PEOPLE WHO HAVE DIED UNDER THE "CARE AND CUSTODY" OF THE STATE** as well as the approximately 5,500 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that more than 1,600 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

HB 320 requires the department of public safety to issue certificates to incarcerated persons who complete rehabilitation programs. The HD1 amended the bill by issuing the certificate to the incarcerated person upon completion of the program instead of "no later than the earlier of the inmate's parole or release date".

Community Alliance on Prisons has supported this measure and we still do with the following AMENDMENT:

**Please DELETE all language on Page 1 - lines 8-16 and Page 2 - line 1-5.**

## JUSTIFICATION

In the prior committee, the testimony was all in support except for the Hawai`i Paroling Authority's opposition. After speaking with Chair Hyun, I went back and reread the bill seeking to understand HPA's opposition. I get it now, and thank Chair Hyun for bringing this to light.

These certificates are for the incarcerated person who earned them. I know many people who value them - some because it is the first time they ever received any recognition - and it helps keep them on a healthy track toward successful reentry.

We now see that involving potential employers only puts the person back in time making it very difficult for s/he to move forward if they have to explain and perhaps justify each program in which they participated and successfully completed.

There are also privacy issues involving some of the programs and these should remain confidential as we don't know how this information could be used by potential employers.

As HPA asserted, the bill contains no safeguards to prevent a potential employer from disseminating and/or sharing the information with others as no disposition regarding the release of the information is provided. Further, no penalties are listed for the unauthorized release of the information by potential employers. Community Alliance on Prisons concurs with HPA's analysis.

Every program a person successfully completes is a positive step toward successful reentry.

People exiting incarceration have so many barriers to overcome just to get a job, please don't make it any more difficult than it already is for people reintegrating back to their families and communities.

Community Alliance on Prisons supports all employers who give others a second chance and we hope that this committee does as well. We, therefore, urge the committee to support our amendment and pass this bill with an HD2 deleting the employer language.

Mahalo for this opportunity to testify.

*If you are still breathing, you have a second chance.*

*Oprah Winfrey*

**HB-320-HD-1**

Submitted on: 2/18/2019 11:27:34 AM

Testimony for JUD on 2/19/2019 2:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments: