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GOVERNOR



DEPT. COMM. NO. 160

STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

December 24, 2019

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

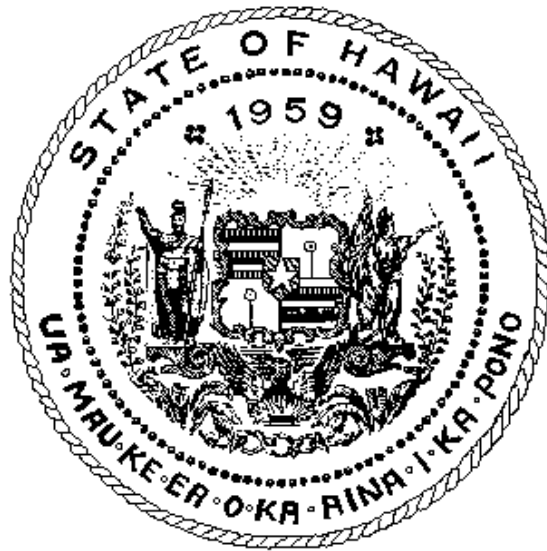
For your information and consideration, I am transmitting a copy of the **Reentry Coordination Office Annual Report on Civil Identification Documents**, as required by Act 56, Section 2, Session Laws of Hawaii 2017. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: https://dps.hawaii.gov/wp-content/uploads/2019/12/Reentry_Coordination_Office_Annual_Report_on_Civil_Identification_Documents.pdf.

Sincerely,

A handwritten signature in black ink that reads "Nolan P. Espinda".

Nolan P. Espinda
Director

Enclosures



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2020 LEGISLATURE**

**REENTRY COORDINATION OFFICE
IN RESPONSE TO ACT 56, SECTION 2 (2017)
CIVIL IDENTIFICATION**

December 2019

OVERVIEW

ACT 56, Section 2, Session Laws of Hawaii 2017 (HRS §353H-32: Offender Reentry; Identification Documents), requires the Department of Public Safety (PSD), “in collaboration with the Department of Transportation (DOT) and the Examiner of Drivers in each county, to inform inmates that departmental assistance is available to obtain civil identification cards.” PSD, “in collaboration with appropriate federal, state and county agencies, shall inform inmates of the availability of departmental assistance to obtain the inmate’s birth certificates, social security card and any other relevant identification documents necessary for the inmate to transition into the workforce, access social services, and secure housing, and upon request, shall assist the inmates who have one year or less prior to the inmate’s parole or release date.” The Director of PSD, “shall submit an annual report to the Legislature no later than twenty (20) days prior to the convening of each regular session, starting with the regular session of 2019, that shall include:

- a) “The number of inmates released from prison with, and without, civil identification cards, birth certificates, Social Security Cards and any other relevant identification documents necessary for their transition into the workforce, access social services, and secure housing”;
- b) “The identification of impediments encountered in assisting inmates in obtaining their documents and civil identification cards”; and
- c) “Any recommendations, proposed legislation and other relevant information deemed appropriate by the Director of PSD.”

REPORTING DETAILS

The following table shows the number of sentenced felons, prison and jail, who were released from custody statewide, between November 30, 2018 and October 30, 2019, with and without the three (3) main types of civil identification documents:

<u>PRISON</u>					
<u>ID CARD</u>		<u>BIRTH CERTIFICATE</u>		<u>SOCIAL SECURITY CARD</u>	
With	Without	With	Without	With	Without
438	375	480	312	428	362
TOTAL:	813	TOTAL:	792	TOTAL:	790

JAIL

ID CARD		BIRTH CERTIFICATE		SOCIAL SECURITY CARD	
With	Without	With	Without	With	Without
220	276	212	254	221	231
TOTAL:	496	TOTAL:	466	TOTAL:	452

***All facilities reported that inmates who applied for one (1) or more of the above items, secured them prior to release.**

IMPEDIMENTS ENCOUNTERED:

One of the greatest difficulties PSD continues to face, has been complying with the requirements of the Federal REAL ID Act of 2005. The REAL ID Act, “set(s) standards for the issuance of sources of identification, such as driver’s licenses.” The Act also sets minimum security standards for state-issued driver’s licenses and identification cards and prohibits federal agencies from accepting, for official purposes, licenses and identification cards from states that do not meet these standards. Although Hawaii has made considerable progress in complying with the REAL ID Act, the issues experienced by PSD have been very complicated, and progress has been slow.

- In accordance with Act 56, SLH 2017, PSD continues to work towards securing agreements with DOT and initially, the City & County of Honolulu (CCH) Examiner of Drivers, to develop a timely, safe, and secure process to secure IDs for Hawaii’s incarcerated prior to release, in keeping with PSD’s commitment to easing their reentry to the community. Plans are to expand services to all counties following the successful implementation of these processes on Oahu.
- Some progress has been made with PSD having secured the proper documentation from the same vendor who supplied the CCH Examiner for Drivers with the equipment and software they use to process applications, so that PSD can initiate the process of purchasing the same equipment and corresponding software, enabling direct connection with the Examiner’s office. A pilot program will be established at the Halawa Correctional Facility, to connect with the Honolulu Examiner of Drivers to issue State Identification cards, to include the “gold star” certification, required under the REAL ID Act, that would allow the cashing of checks and air travel, following parole or release.
- Confirmation of an inmate’s identity with the Social Security Administration (SSA) is more complicated for PSD than for the Federal Detention Center (FDC), which goes directly to the Federal Bureau of Investigation (FBI) to confirm an inmate’s

identity. PSD must take the intermediate step of going through the Hawaii Criminal Justice Data Center (HCJDC), a division of the State Department of the Attorney General, which, in turn, goes to the FBI, to confirm an inmate's identity and notifies PSD if/when an alias/aliases is/are detected. PSD has learned that the SSA will only enter into an agreement once it has thoroughly inspected HCJDC's operational and data storage procedures. We are hopeful that the SSA will be more receptive once we are able to broker an agreement to issue State IDs and Driver's Licenses with the DOT, which is the designated State agency for these functions.

- Submitting out-of-country applications for vital documents continues to be challenging, with difficulties in making contact and sometimes, requirements that inmates must apply in person at a consulate. Obstacles such as these are not addressed in Act 56.
- Finally, it has come to light that some states require a copy of the driver's license of the person requesting a birth certificate. Since many applicants do not possess current driver's licenses, PSD's immediate solution has been to work with the PSD Health Care Office and Hawaii Department of Health (DOH) to obtain a letter from a private physician (other than one working in a facility), as proof of an inmate's identity, to complete the application.

FINDINGS

- PSD successfully brokered an agreement with the DOH to secure, at no cost to the inmate, original birth certificates for anyone born in the State of Hawaii. In addition, PSD was able to assist inmates born out-of-state and on rare occasions, out-of-country, to order original birth certificates free of charge and without undue restrictions.
- As the program progresses, PSD has seen the number of applications being submitted to the DOH, increase. It is anticipated that, the number of requests will continue to climb, as new inmates are taken into custody and previous ones are returned to custody. In order to accommodate the increase in population, and possibly, allow recent parolees to participate, additional funding may be needed in the future.
- Out of the \$25,000 encumbered in 2018, PSD and the DOH sponsored a total of 692 prison and jail inmates, to receive a copy of their birth certificate. At a cost of \$10 per copy requested, approximately \$6,920.00 was spent in the 2019 fiscal year, in comparison with \$2,330 for the cost of documents for the 233 inmates assisted in the 2018 fiscal year. Of the total \$25,000 appropriated for FY 2018,

\$10,000.00 was provided to the DOH for the purchase of new equipment for the issuance of certificates, in anticipation of the subsequent increase in applications. Approximately 25 out-of-state applications were submitted in FY 2019 at an approximate cost of \$660. The total cost for birth certificates for 2019, comes to approximately \$7,581. The balance of FY 2019 funds was encumbered for the purchase of the ID equipment and other expenses.

- Despite its many efforts since the law was passed in 2017, PSD has experienced and has continued to work through an array of issues in trying to broker an agreement with the DOT, SSA, and the company that supplies the equipment necessary to process State IDs and driver licenses at the various offices of the Examiner of Drivers.
- PSD is glad to report that it finally was able to submit just recently, an application to purchase the preferred, portable unit, with the specialized software, that will allow PSD to intersect with the Honolulu office of the Examiner of Drivers, to issue a State ID card, in accordance to the REAL ID Act. PSD has already installed the required electrical wiring necessary, at Halawa Correctional Facility, where PSD will first begin, and working with the CCH Office of the Examiner of Drivers, to issue State IDs with the now required, Gold Star. PSD has plans to expand to other facilities, once the program at Halawa is firmly established, and to provide services statewide. The total cost of the unit is currently \$15,200 per unit, which includes the price for the specialized software that will allow PSD to work with the various offices to issue State IDs.
- As the need arises and the programs continue to grow, PSD will continue discussions with these agencies, to expand services in instances when inmates are required to appear in person at the DMV for a replacement license.
- PSD will continue covering the cost of vital documents necessary for inmates transitioning to the community, such as a birth certificates and State IDs. The Department is gratified that the numbers of IDs issued over the 2018 and 2019 fiscal years have increased and anticipates that the current appropriation of \$25,000 should be sufficient to complete the 2020 fiscal year. However, PSD anticipates greater progress in the next two years, which would necessitate an increased appropriation.
- Finally, the Department would like to highlight the need for other documents for transitioning inmates, particularly, women. These include divorce decrees and marriage certificates, that are necessary for confirming their true identity. PSD views the language in Act 56 as sufficiently broad to apply to this category of documents, but anticipates they will contribute to the increasing need for civil identification in future years.

RECOMMENDATIONS/PROPOSED LEGISLATION

- PSD has none at this time.