



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

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

TESTIMONY ON SENATE CONCURRENT RESOLUTION 107  
REQUESTING THE DEPARTMENT OF PUBLIC TO CORRECT ISSUES AND  
DISMANTLE BARRIERS RELATING TO THE PROVISION OF CIVIL  
IDENTIFICATION DOCUMENTS TO AND SUCCESSFUL COMMUNITY  
REENTRY OF INMATES EXITING INCARCERATION.

by  
Max N. Otani, Director

House Committee on Corrections, Military, and Veterans  
Representative Takashi Ohno, Chair  
Representative Sonny Ganaden, Vice Chair

Wednesday, April 7, 2021; 9:00 a.m.  
State Capitol, Via Video Conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

Senate Concurrent Resolution (SCR) 107 requests the Department of Public Safety (PSD) to correct issues and dismantle barriers relating to the provision of civil identification documents to enhance the successful community reentry of inmates exiting incarceration. The Department supports this resolution and has already established an Offender Reentry Office, which provides a variety of comprehensive evidenced-based programs designed to assist offenders with successful reintegration back into the community.

In addition, PSD recently entered into a Memorandum of Agreement (MOA) with the Department of Transportation (DOT) on the process by which PSD, with the assistance of the City and County of Honolulu's Department of Customer Service (DSC), will issue State Identification Cards to inmates exiting correctional facilities. The Department is currently working with the Attorney General's office and the DSC on the MOA between our two agencies. We

Anticipate the MOA to be in place within the next few months. At that time, PSD will begin working with the respective agencies and offenders to apply for and obtain State Identification Cards. Despite the challenges, PSD was able to assist 560 incarcerated persons (353 – Prison and 207 – Jail) exiting incarceration with the procurement of some form of civil identification prior to their release.

The Department is also working closely with the Department of Health to assist exiting inmates in securing their birth certificate. During calendar year 2020, 736 incarcerated persons (534 – Prison and 202 – Jail) were released with a birth certificate.

PSD continues to work with both the Attorney General's Criminal Justice Data Center (CJDS) and the Federal Bureau of Investigation (FBI) on issues relating to the requirements of the Social Security Administration (SSA) to assist offenders with obtain their Social Security cards prior to release.

Thank you for the opportunity to provide testimony on this measure.

**SCR107**

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CORRECT ISSUES  
AND DISMANTLE BARRIERS RELATING TO THE PROVISION OF  
CIVIL IDENTIFICATION DOCUMENTS TO AND SUCCESSFUL  
COMMUNITY REENTRY OF INMATES EXITING INCARCERATION  
Ke Kōmike Hale o nā mea Pa‘ahao, ke Kuleana Pū‘ali Koa, a me Nā Koa Kahiko  
House Committee on Corrections, Military, & Veterans

‘Apelila 7, 2021

9:00 a.m.

Lumi 430

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SCR107, which requests the Department of Public Safety (PSD) to expeditiously identify and correct issues that prevent PSD from complying with its statutory obligations to facilitate the provision of requested civil identification cards and other identification documents to pa‘ahao exiting correctional facilities.

Hawai‘i’s traditional criminal justice approach has led to mass incarceration in our State at tremendous cost to prisoners, their communities, and our society as a whole. Over the last several decades, Hawai‘i’s prison and jail population have increased at an alarming rate.<sup>1</sup> The Native Hawaiian community has been particularly impacted by this increase: Native Hawaiians and part-Native Hawaiians make up approximately 21% of the general population, but 37% of the prison population.<sup>2</sup> Although Hawai‘i now faces a tremendous prison population that, for the most part, will inevitably be released, there are very few reentry services available or provided by PSD to successfully reintegrate pa‘ahao into the community.<sup>3</sup>

Notably, state-issued identification may be critical for pa‘ahao to successfully reenter the community after paying their debt to society. Pa‘ahao need official identification to apply for employment, find housing, comply with conditions of parole, and apply for other services for themselves and their families – important steps towards their successful reintegration into the community upon release. The Native Hawaiian Justice Task Force (NHJTF), after finding that pa‘ahao detained at Hālawā Correctional

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<sup>1</sup> See HCR85 TASK FORCE, CREATING BETTER OUTCOMES, SAFER COMMUNITIES FINAL REPORT OF THE HOUSE CONCURRENT RESOLUTION 85 TASK FORCE ON PRISON REFORM TO THE HAWAI‘I LEGISLATURE 2019 REGULAR SESSION 1 (2018).

<sup>2</sup> *Id.* at xiii.

<sup>3</sup> See Yoohyun Jung, *Hawaii Behind Bars Critics Say Hawaii Prisons Are Failing to Help Released Inmates*, HONOLULU CIVIL BEAT (May 23, 2020), <https://www.civilbeat.org/2020/05/critics-say-hawaii-prisons-are-failing-to-help-released-inmates/>.

Facility did not know where their official state-issued identification could be found or obtained,<sup>4</sup> also recommended that “[t]he Department of Public Safety should ensure that prior to work furlough and/or release, all inmates obtain official state identification and if needed, a social security card.”<sup>5</sup> Unfortunately despite subsequent legislation to require PSD to assist pa‘ahao in obtaining such identification, challenges persist in ensuring that this statutory responsibility is meaningfully fulfilled.

Accordingly, OHA supports this measure as a critical means to facilitate the successful reintegration of pa‘ahao, and further suggests that the Committee consider expanding its provisions to include inmates participating in work furlough and community placement programs, consistent with the NHJTF’s recommendation.

Therefore, OHA urges the Committee to **PASS** SCR107. Mahalo piha for the opportunity to testify.

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<sup>4</sup> See THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 23 n. 28 (2012), available at [http://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](http://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

<sup>5</sup> *Id.* at 29.



## Hawai‘i

Committees: Committee on Corrections, Military, and Veterans  
Hearing Date/Time: Wednesday, April 7, 2021, 9:00 a.m.  
Place: Via videoconference  
Re: *Testimony of the ACLU of Hawai‘i in Support of S.C.R. 107, Requesting the Department of Public Safety to Correct Issues and Dismantle Barriers Relating to the Provision of Civil Identification Documents to and Successful Community Reentry of Inmates Exiting Incarceration*

Dear Chair Ohno, Vice Chair Ganaden, and members of the Committee,

The American Civil Liberties Union of Hawai‘i (“ACLU of Hawai‘i”) writes **in support of S.C.R. 107**, which calls upon the Hawai‘i Department of Public Safety (“PSD”) to comply with its statutory obligation to issue civil identification documents to those exiting correctional facilities. The resolution further calls upon PSD to actively identify and work to dismantle existing barriers to successful reentry.

Comprehensive reentry planning services are more important now than ever because those exiting jails and prisons in the time of COVID-19 face incredible challenges, including high unemployment rates<sup>1</sup> and an increase in the number of people requiring housing assistance. Prioritizing reentry planning is not only humane—it makes our communities safer. Ninety-five percent of people incarcerated in state prisons will eventually be released.<sup>2</sup> Reentry programs that help people secure jobs, treatment, housing,<sup>3</sup> and education,<sup>4</sup> have proven effective in facilitating the successful transition of formerly incarcerated people out of jail/prison and back to their families and communities, and have been shown to reduce recidivism.

PSD is required to provide comprehensive reentry and support services,<sup>5</sup> but has failed to meet its obligations. PSD *still* does not always provide people leaving facilities with civil identification

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<sup>1</sup> *Hawaii’s unemployment rate ties for third-worst in nation*, Associated Press (September 18, 2020), <https://apnews.com/article/virus-outbreak-archive-hawaii-cc0f4e3fcdcafb3cc5f80f0b35347cea>.

<sup>2</sup> Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States*, U.S. Dep’t of Justice, Office of Justice Programs, Bureau of Justice Statistics (last revised Dec 29, 2020), <http://www.bjs.gov/content/reentry/reentry.cfm>.

<sup>3</sup> Nathan James, *Offender Reentry: Correctional Statistics, Reintegration into the Community, and Recidivism*, Congressional Research Service (2015), <https://fas.org/sgp/crs/misc/RL34287.pdf>.

<sup>4</sup> Patrick Oakford, Cara Brumfield, Casey Goldvale, Laura Tatum, Margaret diZerega, and Fred Patrick. *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison*. New York: Vera Institute of Justice, 2019, <https://www.vera.org/downloads/publications/investing-in-futures.pdf>.

<sup>5</sup> Haw. Rev. Stat. § 353H-3(a) provides, “[t]he department of public safety shall develop a comprehensive and effective offender reentry system plan for adult offenders exiting the prison system.”

documents, despite a 2017 law requiring it to do so.<sup>6</sup> These documents are necessary to secure housing and employment, to enroll in many benefit programs, and to fill prescriptions for medication. Between October 2018 and November 2019, more than half (56 percent) of people exiting jails and nearly as many (46 percent) exiting prison statewide left without state identification cards.<sup>7</sup>

This resolution recognizes the barriers faced by those exiting jails and prisons—barriers exacerbated by the COVID-19 pandemic—and affirms the importance of comprehensive reentry services for people transitioning back into their communities. The resolution acknowledges that, despite HRS § 353H-32, PSD has failed provide necessary civil identification documents to those exiting correctional facilities, and urges PSD to comply with these legal obligations. The resolution further calls upon PSD to identify barriers to successful reentry and work with community stakeholders to develop and implement policy changes to dismantle these barriers.

For the above reasons, we urge the Committee to support S.C.R. 107. Thank you for the opportunity to testify.

Sincerely,



Mandy Fernandes  
Policy Director  
ACLU of Hawai'i

*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.*

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<sup>6</sup> Act 56, Session Laws of Hawai'i 2017; Haw. Rev. Stat. § 353H-32.

<sup>7</sup> Hawai'i Department of Public Safety, *Reentry Coordination Office Annual Report on Civil Identification Documents* (December 2019), <https://dps.hawaii.gov/wp-content/uploads/2019/12/RCO-Annual-Report-on-Civil-Identification-Documents-Transmittal.pdf>.

**SCR-107**

Submitted on: 4/4/2021 4:13:18 PM

Testimony for CMV on 4/7/2021 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Courtney Mrowczynski	Individual	Support	No

Comments:

I strongly **SUPPORT** SCR107.