



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE CONCURRENT RESOLUTION 107
AND SENATE RESOLUTION 84 -
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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

Tuesday, March 23, 2021; 1:10 p.m.
State Capitol, Via Video Conference

Chair Nishihara, Vice Chair English, and Members of the Committee:

Senate Concurrent Resolution (HCR) 107 and Senate Resolution (HR) 84 request the Department of Public Safety (PSD) to correct issues and dismantle barriers relating to the provision of civil identification documents to and successful community reentry of inmates exiting incarceration. The Department supports these resolutions and has already established an offender reentry office, which provides 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 obtaining some form of civil identification prior to their release.

The Department is also working with the Department of Health to assist inmates exiting incarceration with obtaining their birth certificate. During calendar year 2020, 792 incarcerated persons (480 – Prison and 212 – 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 these measures.



Hawai'i

Committees: Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing Date/Time: Tuesday, March 23, 2021, 1:10 p.m.
Place: Via videoconference
Re: *Testimony of the ACLU of Hawai'i in Support of S.C.R. 107/S.R. 84, 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 Nishihara, Vice Chair English, 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/S.R. 84**, 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 rates¹ 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.² Reentry programs that help people secure jobs, treatment, housing,³ and education,⁴ 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,⁵ but has failed to meet its obligations. PSD *still* does not always provide people leaving facilities with civil identification

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

² 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>.

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

⁴ 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>.

⁵ 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.⁶ 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.⁷

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/S.R. 84. 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.

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

⁷ 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>.

3/22/2021

State Senate Committee on Public Safety, Intergovernmental & Military Affairs
Hearing on Tuesday, 3/23/2021 at 1:10 p.m.
Senator Clarence K. Nishihara, Chair
Senator J. Kalani English, Vice Chair

LATE

From: Connie Mitchell, MS, APRN
Executive Director
IHS, The Institute for Human Services, Inc.

Re: Testimony in Support of SCR107, Dismantling Barriers for Re-Entry

IHS, The Institute for Human Services has been a critical safety net of our community for over 42 years. We provide a full spectrum of services to help those in our community experiencing homelessness to achieve housing and those who are on the precipice of homelessness to remain stably housed. **IHS stands in strong support of SCR 107.**

This resolution would provide much-needed support for those who are re-entering our community after incarceration. Many of those being released from our prisons have severely inadequate support for the logistics of leading productive, legally compliant lives back in the community. When people have been incarcerated for a long time, the world has changed considerably and many of the released offenders need some reorientation to overcome barriers to re-entry to our community.

For example, many of those released do not have proper identification cards and registration for benefits they may be eligible for. They need orientation to things that many of us take for granted, such as computers, phones, laws, employer expectations and tenancy skills. Identifying common needs for re-entry, and identifying service providers for skills/re-orientation training, are critical to whether these members of our community will be able to successfully re-integrate and become self-sufficient.

This resolution can help us identify policy changes to dismantle barriers to re-entry, in a manner that would make our correctional system more successful in the long run. Without elimination of these barriers, rehabilitation efforts will likely be unsuccessful, and lives will be lost to recidivism and repeated incarceration.

Thank you for considering my testimony, offered on behalf of IHS and the many homeless mentally ill people we continue to serve and protect across our island.

SCR-107

Submitted on: 3/22/2021 9:04:03 AM

Testimony for PSM on 3/23/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
donn viviani	Individual	Support	No

Comments:

I support SCR107. The language in the Bill well describes the many reasons providing identification is a good idea. I will add one more. Incarceration can strip a prisoner of his dignity and sense of self worth. Providing him proof of his identity, so he can better navigate all the obstacles he'll face is one small way to help him regain that dignity. Please pass this Bill

Mahalo, Donn Viviani, Kailua

SCR-107

Submitted on: 3/22/2021 9:25:20 AM

Testimony for PSM on 3/23/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Support

SCR-107

Submitted on: 3/22/2021 9:45:03 AM

Testimony for PSM on 3/23/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Wendy Gibson-Viviani	Individual	Support	No

Comments:

WE need to remove barriers to reentry. Thank you for supporting SCR107

LATE

SCR-107

Submitted on: 3/23/2021 9:32:12 AM
Testimony for PSM on 3/23/2021 1:10:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments:

SUPPORT