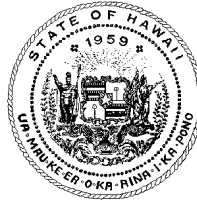


DAVID Y. IGE
GOVERNOR



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 HOUSE BILL 1739
RELATING TO PUBLIC SAFETY**

by
Max N. Otani, Director

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

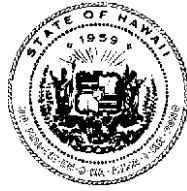
Wednesday, February 2, 2022; 10:00 a.m.
State Capitol, Room 430 and Via Video Conference

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

The Department of Public Safety (PSD) has reviewed House Bill (HB) 1739, which seeks to correct language in Section 353L-3, Hawaii Revised Statutes (HRS).

PSD notes that the language being amended in HB 1739 was codified in Act 179, Session Laws of Hawaii 2019 (Part I, Section 2). The Department agrees with the need for the correction and therefore, supports the passage of this measure.

Thank you for the opportunity to provide testimony on HB 1739.



**STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

February 2, 2022

TO: The Honorable Representative Takashi Ohno, Chair
Senate Committee on Corrections, Military and Veterans

FROM: Mark Patterson, Chair Hawaii Correctional System Oversight
Commission.

SUBJECT: **HB 1739, Relating to Public Safety**

POSITION: STRONG SUPPORT

Chair Ohno, Vice Chair Ganaden and Members of the Committee

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. We strongly support this bill, which seeks a simple but critical change in the statute that created the Commission. We believe the inclusion of the word "maximum" instead of "minimum" in the statute was a simple mistake that can have enormous consequences.

Our sentencing laws provide that the courts are responsible for setting maximum terms of imprisonment in accordance with the statutes. The Hawaii Paroling Authority establishes the minimum terms, as which point the inmate becomes eligible for release into the community on parole. Our laws further promote community safety by requiring the Department of Public Safety to develop and implement comprehensive reentry plans to help each inmate. Such plans prepare inmates, upon parole eligibility, to make the difficult transition from the highly structured prison setting to life in the free community. This is a critical point. Offenders released on parole are subject to supervision and are much more likely to succeed. When offenders are held until their maximum terms expire they have more difficult adjustment and are not subject to parole supervision.

This is a very important bill. We urge its passage.

Statement Before The
HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS
Wednesday, February 2, 2022
10:00 AM
Via Video Conference & Conference Room 430

in consideration of
HB 1739

RELATING TO PUBLIC SAFETY.

Chair OHNO, Vice Chair GANADEN, and Members of the House Corrections, Military, & Veterans Committee

Common Cause Hawaii supports HB 1739, which clarifies that the comprehensive offender reentry system provides programs and services that result in the timely release of inmates on parole when the minimum term, rather than the maximum term, has been served by the inmate.

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy. We need a democracy that guarantees a more equitable and just society. The mass criminalization and incarceration of especially black and brown communities disenfranchises and disempowers millions of Americans and undermines the promise of a democracy that works for everyone.

HB 1739 is a housekeeping measure to correct an error in Act 179, SLH 2019 that inadvertently provided that people must serve their maximum terms versus their minimum terms before being released on parole.

Thank you for the opportunity to testify in support of HB 1739. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



HB1739 Minimum release for Reentry

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Rep. Takashi Ohno, Chair

Rep. Sonny Ganaden, Vice Chair

Tuesday, Feb 2 2022: 10:00 am : Videoconference

Hawaii Substance Abuse Coalition Supports HB1739:

ALOHA CHAIR, VICE CHAIR AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide organization for substance use disorder and co-occurring mental health disorder treatment and prevention agencies.

HSAC stands ready to support offender reentry by providing treatment for the most chronic substance use disorders or co-occurring mental health disorders as well as address criminality.

We appreciate the opportunity to provide testimony and are available for further questions.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, February 2, 2022

10:00 AM

Hb 1739 - STRONG SUPPORT

Aloha Chair Ohno, Vice Chair Ganaden 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 more than 4,100 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 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.

This bill amends Section 353L–3, Hawaii Revised Statutes by clarifying that the comprehensive offender reentry system must provide programs and services that result in the timely release of inmates on parole when the **MINIMUM term, rather than the maximum term**, has been served by the inmate.

Community Alliance on Prisons is in strong support of this measure.

Mahalo for this opportunity to testify!



Hawai'i

Committees: House Committee on Correction, Military and Veterans
Hearing Date/Time: Wednesday, February 2, 2022, 10:00 A.M.
Place: Via videoconference
Re: Testimony of the ACLU of Hawai'i in Support of HB 1739 Relating to Comprehensive Offender Reentry System

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 HB 1739** which clarifies that the comprehensive offender reentry system provides programs and services that result in the timely release of inmates on parole when the minimum term, rather than the maximum term, has been served by the incarcerated person.

Prioritizing reentry planning and comprehensive treatment, education and support services should start at day one of incarceration, not at the tail end of a person's incarceration.¹ This reentry principle and best practice is not only humane – it makes our communities safer, and is essential now more than ever during the COVID pandemic.

Reentry programs that help people secure jobs, treatment, housing² and education³, have proven effective in facilitating the successful transition of formerly incarcerated people out of jails and prisons, and back to their families and communities. Moreover, comprehensive support services have been shown to reduce recidivism.

¹ Interagency Council on Intermediate Sanctions, *State of Hawaii, FY 2016 Cohort, 2019 Recidivism Update*. Recidivism rates are highest for persons with maximum term releases compared to persons under probation or parole supervision. Recidivism is defined as a new arrest, or the revocation of probation or parole, within three years of the start of supervision. The total recidivism rate in 2015 was 53.8%, 54.6% for Probationers, 50.1% for Parolees and 57.1% for people with Maximum Term releases.

² Nathan James, *Offender Reentry: Correctional Statistics, Reintegration into the Community and Recidivism*, Congressional Research Service (2015). <https://sgp.fas.org/crs/misc/RL34287.pdf>

³ 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/publications/investing-in-futures-education-in-prison>

Given that ninety-five percent of people incarcerated in our state jails and prisons will eventually be released and return home, we should invest in comprehensive reentry programs and services from day one of their incarceration.⁴ Similarly, people should not have their release on parole delayed due to the Department of Public Safety's failure to provide timely programs and services required by the Hawai'i Paroling Authority.⁵

For these reasons, we urge the Committee to support HB1739. Thank you for the opportunity to submit testimony.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota
Policy Director
ACLU of Hawai'i
cshiota@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
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Honolulu, Hawai'i 96801
T: 808.522.5900
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www.acluhawaii.org

⁴ Timothy Hughes and Doris James Wilson, Reentry Trends in the United States, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (last revised Dec. 29, 2020), <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>

⁵ Hawai'i Paroling Authority has discretion to permit individuals to complete programs and services in the community as a condition of parole supervision. However, they frequently require people to complete these programs while incarcerated. Since there are waitlists for programs and services including substance use treatment, this contributes to delays in individual's release into the community – and higher fiscal costs to the taxpayers who foot the bill for incarceration.

HB-1739

Submitted on: 2/1/2022 7:06:39 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Polk	Individual	Support	No

Comments:

Strongly support! This is a correction to an obvious mistake.