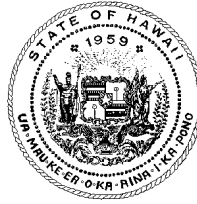


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
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No. _____

**TESTIMONY ON HOUSE BILL 1739
RELATING TO PUBLIC SAFETY.**

by
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Wednesday, February 16, 2022; 2:00 p.m.
State Capitol, Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed House Bill (HB) 1739, which seeks to clarify and correct language in section 353L-3, Hawaii Revised Statutes (HRS), relating to parole consideration. PSD supports this measure.

Specifically, the bill would correct an error in Section 1(b)(4) of Act 179, Session Laws of Hawaii 2019, which mistakenly states, in part, "...release of inmates on parole when the "maximum" terms have been served... ", which should have read, "...release of inmates on parole when the "minimum" terms have been served...".

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

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, February 16, 2022

2:00 PM

Via Video Conference and Conference Room 325

in consideration of
HB 1739**RELATING TO PUBLIC SAFETY.**

Chair NAKASHIMA, Vice Chair MATAYOSHI, and Members of the House Judiciary & Hawaiian Affairs 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

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Wednesday, February 16, 2022

2:00 PM

HB 1739 - STRONG SUPPORT

Aloha Chair Nakashima, Vice Chair Matayoshi 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 4,069 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 1,112 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

Committee: House Committee on Judiciary and Hawaiian Affairs
Hearing Date/Time: Wednesday, February 16, 2022, 2:00 P.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 Nakashima, Vice Chair Matayoshi 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.

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

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>

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 Shirota

Carrie Ann Shirota
Policy Director
ACLU of Hawai‘i
cshirota@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.

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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.