

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary and Hawaiian Affairs**

February 23, 2022

H.B. No. 2169 HD1: RELATING TO THE COMPREHENSIVE OFFENDER
REENTRY SYSTEM

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

The Office of the Public Defender strongly supports H.B. No. 2169 HD1, which will assist inmates procuring civil identification cards prior to their release.

An identification card can suffer a variety of fates when an individual is arrested and incarcerated. It is not uncommon for an identification card to be lost when an individual is arrested, either during the booking process or during the transition from cellblock to the correctional facilities. Sometimes, a pretrial detainee’s identification card is accidentally disposed of along with their personal belongings after thirty days if they have not been picked up by a friend or family member. For individuals serving longer sentences, their identification cards often lapse and expire.

Identification cards are necessary to transition into the workforce, access social services, and secure housing. Individuals are required to comply with federal Form I-9 (Employment Eligibility Verification) to verify their identity and employment authorization of individuals hired in the United States before legally starting any job and must provide a government-issued identification card. *See* <https://www.uscis.gov/i-9>. Typically, in order to rent an apartment, in addition to submitting an apartment application, an individual can be expected to show proof of a driver’s license or another form of government-issued identification, pay stubs, proof of residence, banks statements, and rental history. Identification cards are now even necessary to show along with COVID-19 vaccination cards to enter government facilities (including libraries and state government buildings) and food/retail/entertainment establishments.

The process of obtaining an identification card is a difficult and lengthy process. For those who did not have an identification card prior to arrest, as of January 1, 2013, applicants for an initial state identification card are required to provide original or

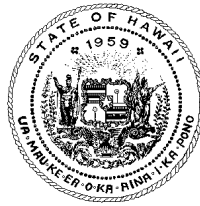
certified documents to prove each of the following categories: (1) legal presence, (2) legal name, (3) date of birth, and (4) social security number, and effective May 1, 2014, (5) Hawai‘i principal residence address. The documents presented for proof must be valid originals or certified copies, and unexpired. *See* <https://hidot.hawaii.gov/highways/files/2021/06/Acceptable-Documents-for-a-REAL-ID-Compliant-Star-DL-SID-Print-Button-2021-06-18.pdf>. Many inmates do not have access to the aforementioned documents. If the documents are not in their possession, it may take weeks, if not months, to obtain the necessary documents, and their lives are literally on hold during this wait time. Meanwhile, there are high expectations for some of these newly released individuals who must answer to a parole officer or probation officer.

For those recently released inmates who previously possessed an identification card, the process to obtain a duplicate card (or renewing an expired card) is also difficult. Walk-in appointments to the local department of motor vehicles are difficult (or non-existent); appointment times made on-line are weeks away. Requesting a duplicate card via U.S. Mail is often impractical, as many of the released inmates do not have a permanent or reliable mailing address.

Clearly, for newly released inmates to have a chance to succeed in the community, it is essential that the Department of Public Safety and the Department of Transportation assist inmates in procuring civil identification cards before their release. To neglect this crucial responsibility is to set-up many of these individuals for failure.

Thank you for the opportunity to comment on this measure.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

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 2169, HOUSE DRAFT 1
RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

by
Max N. Otani, Director
Department of Public Safety

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

Wednesday, February 23, 2022; 2:00 p.m.
Via Videoconference

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

The Department of Public Safety (PSD) has reviewed House Bill (HB) 2169, House Draft (HD) 1, which amends section 353H-32, Hawaii Revised Statutes, to clarify that the Department of Public Safety's role is to work with the Department of Transportation and the county Examiners of Drivers to assist inmates in procuring civil identification necessary to transition into the workforce, access social services, and secure housing, rather than to actually issue civil identification cards. PSD supports the intent of this measure, to clarify its role to work with other agencies, rather than issue civil identification cards itself.

Thank you for the opportunity to provide testimony in support HB 2169, HD 1.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, February 23, 2022

2:00 PM

Via Video Conference

in consideration of
HB 2169, HD1**RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.**

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

Common Cause Hawaii provides comments on HB 2169, HD1, which clarifies that the department of public safety's role is to work with the department of transportation and county examiners of drivers to assist inmates in procuring civil identification cards necessary to transition into the workforce, access social services, and secure housing, rather than issue civil identification cards

Common Cause Hawaii is a nonprofit, nonpartisan, grassroots organization dedicated to reforming government and strengthening our representative democracy through voting modernization efforts such as adopting Automatic Voter Registration (AVR). AVR was passed by this Legislature in 2021 and signed into law as Act 126, SLH 2021.

Common Cause Hawaii provides comments inquiring as to how HB 2169, HD1 will interface, or if it will at all, with AVR, Act 126, SLH 2021. Common Cause Hawaii supports proactively providing assistance to incarcerated individuals in procuring civil identification necessary to transition into the workforce, access social services, and secure housing.

Common Cause Hawaii is unclear as to how this assistance will interface with AVR or if it will at all. “[I]f a person is placed on probation or the person is paroled after commitment to imprisonment, the person may register and vote during the period of the probation or parole.” See <https://elections.hawaii.gov/voting/voters-with-a-felony-conviction/> (retrieved Jan. 31, 2022). AVR, Act 126, SLH 2021, provides an application for voter registration shall be part of the issuance of an identification card under Hawaii Revised § 286-303.

Thank you for the opportunity to provide comments on HB 2169, HD1. If you have questions for me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

HB-2169-HD-1

Submitted on: 2/21/2022 12:50:00 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kat Brady	Community Alliance on Prisons	Support	Yes

Comments:

SUPPORT WITH AMENDMENT DELETING THE UNDERLINED PHRASE ON PAGE 2,

LINES 9-11!

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

HEARING DATE: Wednesday, February 23, 2022
TIME: 2:00 PM, Via Videoconference

SUPPORT FOR HB2169 RELATING TO COMPREHENSIVE OFFENDER REENTRY SYSTEM

My name is Linda Rich and I am testifying on behalf of Women's Prison Project in **STRONG SUPPORT** of HB 2169, mandating the Department of Public Safety to work with the Department of Transportation to assist persons transitioning from correction facilities to the community to obtain a civil Identification card prior to transition.

The lack of an identification card is a serious barrier to reintegration back into the community. The wait time for an appointment to obtain an identification card can be quite long. The Department's facilitation of this process can remove that barrier, making it easier for formerly incarcerated individuals to seek employment, housing and health and social services. Inability to access these basic needs is a risk factor for recidivism. In this time of COVID, identification cards must also be shown with a Vaccination card to enter many places. It is a basic need for all community members.

Thank you for considering the Women's Prison Project's thoughts on this matter.

Linda Rich on behalf of the Women's Prison Project



Hawai'i

Committee: House Committee on Judiciary and Hawaiian Affairs
Hearing Date/Time: Wednesday, February 23, 2022 at 2:00 P.M.
Place: Via videoconference
Re: **Testimony of the ACLU of Hawai'i; Comments on HB 2169 HD1 Relating to the 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) submits comments relating to **HB 2169 HD1** which clarifies that "the Department of Public Safety's role is work with the Department of Transportation and County Examiners of Drivers to assist inmates in procuring civil identification cards necessary to transition into the work force, access social services, and secure housing, rather than issue civil identification cards."

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color. Simultaneously, we advocate for sensible conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and **comprehensive re-entry support services that starts from the first day of incarceration.**

The U.S. Department of Justice has recognized the provision of identity documents as being "critical to successful reentry."¹ Since 2017, the Department of Public Safety (PSD) has been statutorily mandated to provide effective and comprehensive reentry planning and to issue civil identification documents to people exiting jails and prisons. Under Hawai'i Revised Statutes section 353-H, DPS "shall issue civil identification cards" for people who are imminently reentering society.² Additionally, DPS "shall assist" people in "obtain[ing] the inmate's birth certificate, social security card and any other relevant identification documents necessary for the inmate to transition into the workforce."³

More than five years later, PSD has failed to meet this mandate, both for people leaving jails and prisons. **According to PSD' own Reentry Coordination Office, 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.**⁴ The failure to provide identification documents to incarcerated and returning individuals to our community is putting already vulnerable people at further risk of harm during the present pandemic by leaving individuals more susceptible to housing and economic

¹ U.S. Dep't. of Justice, *Prison Reform: Reducing Recidivism by Strengthening the Federal Bureau of Prisons* (2017), available at <https://www.justice.gov/archives/prison-reform>.

² Haw. Rev. Stat. section 353H-32.

³ *Id.*

⁴ Dep't of Pub. Safety, Reentry Coordination Office Annual Report on Civil Identification Documents (2019), available at <https://dps.hawaii.gov/wp-content/uploads/2020/01/RC-12.4.19-Minutes-DRAFT-01.02.20.pdf>

insecurity. These documents are necessary to secure housing and employment, to enroll in many benefit programs, and to fill prescriptions for medication.

In a letter dated May 19, 2020, former PSD Director Nolan Espada, confirmed that PSD “received approval from the SPO (State Procurement Office) to use the same vendor that C & C uses to purchase its specialized equipment and software, to be eventually installed at correctional facilities statewide. PSD is awaiting the vendor’s final compliance issue to be resolved by the State’s SPO as required for this purchase” for the purpose of issuing civil identification documents.

Now, two years after the issuance of this letter, ***PSD is submitting testimony to lawmakers requesting to water down the Comprehensive Reentry law by making what was once mandatory (DPS “shall issue civil identification cards to inmates who have one year or less...”) into a less definitive requirement (DPS “shall assist inmates . . . in obtaining a civil identification card.”)***

As the Hawai’i Correctional Oversight Commission observed in their prior testimony, the proposed bill improperly places the onus on the incarcerated person to request assistance, when really it should be the default for DPS to provide assistance (even absent a request).

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 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 our jails and state prisons will eventually be released.*** Reentry programs that help people secure civil identification, jobs, treatment, housing, and education, have proven effective in facilitating the successful transition of formerly incarcerated people out of jails and prisons and back to their families and communities.

In closing, we urge lawmakers to ensure PSD’s compliance with their legal obligations to provide comprehensive reentry planning, including the issuance of civil identification documents under the Comprehensive Offender Reentry System.

Thank you for your consideration of these concerns relating to **HB2169 HD1**.

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.

American Civil Liberties Union of Hawai’i
P.O. Box 3410
Honolulu, Hawai’i 96801
T: 808.522.5900
F: 808.522.5909
E: office@acluhawaii.org
www.acluhawaii.org

HB-2169-HD-1

Submitted on: 2/20/2022 8:41:05 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carolyn Eaton	Individual	Comments	No

Comments:

Aloha, Chair Nakashima, Vice Chair Matayoshi and members of the Committee,

My name is Carolyn Eaton and I hope this measure passes without the language in Section1(c): "Provided that the inmate requests assistance after being notified that assistance is available." The people are asking the State to take this responsibility. No one who has served a sentence should be without a civil ID upon release. Our State has shirked this responsibility far too long already. Mahalo for your hearing and consideration of my stand.

HB-2169-HD-1

Submitted on: 2/21/2022 10:55:27 AM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
E. Ileina Funakoshi	Individual	Support	No

Comments:

I am e. ileina funakoshi writing in support of HB2169 and humblingasking for your favorable cosideration for passage of this bill.

Upon release from prison, the inmate often does not havetransportation to wherever he needs to go. He cannot apply for jobs because he doesnt have the necessary documents to apply.

lThank you for the opportunity to submit my testimony.