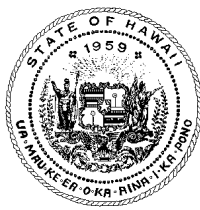


DAVID Y. IGE
GOVERNOR



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 SENATE BILL 2305
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, March 30, 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 Senate Bill (SB) 2305, which seeks to correct language in Section 353L-3, Hawaii Revised Statutes (HRS). PSD notes that the language being amended in SB 2305 was codified in Act 179, Session Laws of Hawaii 2019 (Part 1, 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 SB 2305.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Wednesday, March 30, 2022

2:00 PM

STRONG SUPPORT for SB 2777 SD1, HD1 – SEARCHES OF INCARCERATED FEMALES

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 HD1 of the more than 3,993 Hawai`i individuals living behind bars¹ under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that 1,110 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.

Mahalo for the opportunity to testify in strong support for SB 2305. 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.

Act 179 was enacted in 2019 and we have been trying to correct the error in the statute ever since!

¹ Department of Public Safety, Weekly Population Report, March 21, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-21.pdf>



SB2305 Minimum release for Reentry
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Rep. Mark M. Nakashima, Chair
Rep. Scot Z. Matayoshi, Vice Chair
Wednesday, Mar 30 2022: 2:00 : Videoconference

Hawaii Substance Abuse Coalition Supports SB2305:

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 supports the correction to the intended “minimum” time served.

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.

Statement Before The
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Wednesday, March 30, 2022

2:00 PM

Via Videoconference and Conference Room 3325

in consideration of
SB 2305**RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.**

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

Common Cause Hawaii supports SB 2305, 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.

SB 2305 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 SB 2305. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii



Hawai'i

Committee: House Committee on Judiciary and Hawaiian Affairs
Hearing Date/Time: Wednesday, March 30, 2022, 2:00 P.M..
Place: Via videoconference
Re: Testimony of the ACLU of Hawai'i in Support of S.B. 2305 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 S.B. 2305** 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 **SB 2305**. Thank you for the opportunity to testify.

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

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.

SB-2305

Submitted on: 3/27/2022 8:10:50 AM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Support	Written Testimony Only

Comments:

SUPPORT

SB-2305

Submitted on: 3/27/2022 11:32:06 AM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2305 (**In support**)

Hearing: Wednesday, March 30, 2022, at 2:00 PM

Dear Chair, Rep. Mark M. Nakashima, Vice Chair Rep. Scot Z. Matayoshi, and Members of the Committee,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 28 years. I support SB2305 because it will make a much-needed correction of the language from MAXIMUM to MINIMUM –when describing the term served by the incarcerated person.

Thank you for your attention to this important matter and for giving me the opportunity to submit testimony.

Wendy Gibson-Viviani RN/BSN

Kailua

SB-2305

Submitted on: 3/27/2022 2:03:34 PM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Penn	Individual	Support	Written Testimony Only

Comments:

I support this bill because we need more social services for the inmates. We must give them a chance to re-enter society successfully. NO NEW PRISONS! Poverty is not a crime. Mahalo.

SB-2305

Submitted on: 3/28/2022 11:39:17 AM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lee Curran	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi, and Members of the House of Representatives Committee on Judiciary & Hawaiian Affairs.

My name is Lee Curran and I am testifying both as an individual who is a co-facilitator of the Transformative Justice Task Force which is part of the non-profit grass roots faith-based organization, Faith Action for Community Equity, (FACE) I am testifying in **STRONG SUPPORT** of SB2305 that 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.

As we work towards transforming our criminal legal system which incarcerates more people per capita than any other country in the world, we need to create true safety, not the illusion of safety we currently suffer under through mass incarceration and then the expectation that people magically re-enter our communities safely and seamlessly once released.

Please note that Probation, Parole and Prison are all grounded in Punitive actions and start with the letter “P”. Let’s evolve to a new letter.... “R”.... Reimagine, Refocus, Reform, Rehabilitate. Legislation that reflects this evolution is needed to allow people to safely **RE-ENTER** and **REMAIN** with their families in their communities as they **READJUST** to life outside of incarceration. Please vote YES on SB2305 to help successfully facilitate the re-entry process, keep our loved ones together and keep ALL of us truly safe.

Thank you for this opportunity to testify.

Lee Curran, Makaha

SB-2305

Submitted on: 3/28/2022 12:49:03 PM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Esperanza Paredes	Individual	Support	Written Testimony Only

Comments:

Esperanza Paredes

SB 2305: RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

To: Chair Mark M. Nakashima and Vice Chair Scot Z. Matayoshi

I am in strong **support** of SB 2305: RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM. My name is Esperanza Paredes. I am a social work student, intern, employee, advocate, and resident of Hawai'i. I feel it is imperative that I speak up, especially since my main life goal is to advocate for those with less rights, those who are oppressed under systems, and those who may not have their voices heard.

In an "Evaluation of Hawaii Huikahi Reentry Circles & 12 Week Cognitive Class", the author Janet T. Davidson, Ph. D. found the following:

- The control group (no intervention) demonstrated statistically significantly higher recidivism rates than the Huikahi participants group (58.3% compared to 43.1%, $t=1.660$, $p < .05$).
- The state parole release group demonstrated substantively higher recidivism rates than the Huikahi participants (56.4% compared to 43.1%).
- Of the rearrests within 3 years of release from prison, the control had more felony and misdemeanor criminal arrests than the Huikahi participants
- Of the rearrests within 3 years of release from prison, the state release group had more parole revocations and slightly fewer criminal rearrests and criminal contempt of court arrests. (Janet T. Davidson, Ph. D. Professor, Criminology and Criminal Justice Chaminade University of Honolulu Email: jdavidso@chaminade.edu October 3, 2016)

This **clearly** shows the effectiveness of instituting and upholding reintegration interventions that will lower recidivism rates. This will directly *prevent* the overcrowding in correctional facilities,

and *lower* complaints about correctional systems failing inmates in transition to a rehabilitative and therapeutic model.

I stand by my statement in **supporting SB 2305**. I believe that this progress will also **increase** facility educational, treatment programs, rehabilitative services, work furloughs, and Hawaii paroling authority's oversight of parolees. Thank you for your time and consideration when reading my testimony.

Esperanza Paredes

SB-2305

Submitted on: 3/28/2022 9:46:41 PM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

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

My name is Carolyn Eaton and I support this language correction measure.

Mahalo for hearing this critical change bill and for the days and hours of work you are doing for the good of Hawaii's people.

SB-2305

Submitted on: 3/29/2022 3:12:50 AM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Dean	Clean The Pacific and Recycle Hawaii	Support	Written Testimony Only

Comments:

We are all so grateful to Ernie Lau for his courage and integrity. I have written to him personally thanking him for his courage but I know everyone in Hawaii thinks he's a hero, because he is. So, let's take this opportunity to speak for the citizens who are too busy, or too timid, or don't know how, to say thank you.

SB-2305

Submitted on: 3/29/2022 2:00:34 PM

Testimony for JHA on 3/30/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Peter Koulogeorge	Individual	Support	Remotely Via Zoom

Comments:

Please support SB2305, I will provide further comments at tomorrows meeting. Thank you for hering this bill.