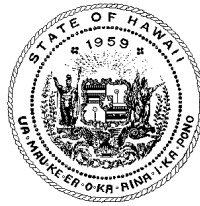


DAVID Y. IGE
GOVERNOR



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 SENATE BILL 2305
RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

by
Max N. Otani, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022; 1:00 p.m.
State Capitol, Via Video Conference

Chair Nishihara, Vice Chair DeCoite, 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 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 SB 2305.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 1, 2022

TO: The Honorable Senator Clarence Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental and Military
Affairs

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

SUBJECT: **SB 2305, Relating to the Comprehensive Offender Reentry System**

POSITION: STRONG SUPPORT

Chair Nishihara, Vice Chair DeCoite 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.

Mark Patterson
Chair
Hawaii Correctional System Oversight Commission

COMMUNITY ALLIANCE ON PRISONS

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

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022

1:00 PM

SB 2305 - STRONG SUPPORT

Aloha Chair Nishihara, Vice Chair DeCoite 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 4,103 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!

Statement Before The
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Tuesday, February 1, 2022
1:00 PM
Via Video Conference

in consideration of
SB 2305

RELATING TO THE COMPREHENSIVE OFFENDER REENTRY SYSTEM.

Chairs NISHIHARA, Vice Chair DeCoite, and Members of the
Senate Public Safety, Intergovernmental, and Military 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

Committees: House Committee on Public Safety,
Intergovernmental and Military Affairs
Hearing Date/Time: Tuesday, February 1, 2022, 1:00 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 Nishihara, Vice Chair DeCoite 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.

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 SB2305. 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
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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.

SB-2305

Submitted on: 1/29/2022 3:45:12 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carla Allison	Individual	Support	No

Comments:

I support SB2305 to change the wording from *maximum* to *minimum term*.

SB-2305

Submitted on: 1/30/2022 10:04:31 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

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

Comments:

Aloha, Senators, Chair Nishihara, Vice Chair DeCoite and members of this Committee. My name is Carolyn Eaton and I support this bill. Please restore the language of original intent to Act 179, words concerning timely release of incarcerated people who have served their minimum terms. I will be gratified for the sake of our State as it takes steps toward downsizing the numbers of people we incarcerate unnecessarily, and specifically the numbers of folks we retain beyond the required minimum sentence. Passing this bill is an important place to start.

SB-2305

Submitted on: 1/30/2022 10:12:18 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shannon Rudolph	Individual	Support	No

Comments:

Support

SB-2305

Submitted on: 1/30/2022 10:45:05 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Wendy Gibson-Viviani	Individual	Support	No

Comments:

TO: COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

From: Wendy Gibson RN/BSN

Dear Senator Clarence K. Nishihara, Chair, Senator Lynn DeCoite, Vice-Chair, and Members of the Committee,

Please support fixing this bill by changing the word "maximum" to "minimum" term, related to release after the time has been served by the inmate. This will be in alliance with the intent of the HCR85 Prison Reform Task Force, to shift away from punitive and towards rehabilitation models

Thank you for your consideration of supporting this important bill.

Wendy Gibson-Viviani RN/BSN

Kailua

SB-2305

Submitted on: 1/30/2022 3:40:10 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

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

Comments:

Aloha Chair Nishihara and Committee members,

I am Chair of the Public Safety Committee of Pearl City Neighborhood Board #21 and have submitted a resolution supporting the Oversight Committee.

Therefore, I strongly support SB2305 which is to correct the intent of Act 179 to change from a punitive system to a rehabilitative one by Task Force 85. Programs which cannot be completed due to covid further extends their time in prison.

Thank you for the opportunity to submit my testimony and humbly ask for your support.

Mahalo and Aloha

e. ileina funakoshi

SB-2305

Submitted on: 1/31/2022 4:26:28 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert K. Merce	Individual	Support	No

Comments:

This bill corrects an obvious error in HRS §353L-3.

SB-2305

Submitted on: 1/31/2022 11:11:22 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Bethel	Individual	Support	No

Comments:

Aloha Chair Nishihara, Vice Chair DeCoite, and Members of the Committee,

I am writing in support of SB 2305 which would correct a mistake in Act 179, which was passed in 2019. It would delete the word "maximum" and replace it with the word "minimum" in the sentence related to the comprehensive offender reentry system which provides programs and services that result in the timely release of inmates on parole. The change would say that inmates should be released when the minimum term, rather than the maximum term, has been served by the inmate.

Mahalo for taking care of this housekeeping matter.

Diana Bethel, Honolulu