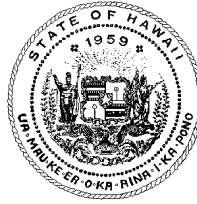


DAVID Y. IGE
GOVERNOR



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 1739, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY.**

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

Thursday, March 17, 2022; 1:00 p.m.
State Capitol, Videoconference

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

The Department of Public Safety (PSD) has reviewed House Bill (HB) 1739, House Draft (HD) 1, 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, HD 1.



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

March 17, 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: **HB 1739, HD1 Relating to Public Safety**

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.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Thursday, March 17, 2022

1:00 PM

STRONG SUPPORT - HB 1739 - CLARIFYING SECTION 353L – 3, HRS

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 HD1 of the more than 4,008 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.

Community Alliance on Prisons is grateful for the opportunity to testify in strong support of HB 1739 HD1. This is a housekeeping bill to amend 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.

We respectfully ask the committee to pass this measure.

¹ Department of Public Safety, Weekly Population Report, March 7, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-97.pdf>



HB1739 Minimum Term Not Maximum

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Thursday, Mar 17, 2022, 1:00: Videoconference

HSAC 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.

Every once in a while, it's good to have something easy to fix that everyone agrees!

We support the change to minimum.

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

Statement Before The
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Thursday, March 17, 2022

1:00 PM

Via Video Conference and Conference Room 229

in consideration of
HB 1739, HD1

RELATING TO PUBLIC SAFETY.

Chair Nishihara, Vice Chair DeCoite, and Members of the
Senate Public Safety, Intergovernmental, and Military Affairs Committee

Common Cause Hawaii supports HB 1739, HD1, 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 people and undermines the promise of a democracy that works for everyone.

HB 1739, HD1 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, HD1 and Common Cause Hawaii respectfully asks that the effective date be changed to upon approval. If you have further questions of me, please contact me at sma@commoncause.org.

Very respectfully yours,

Sandy Ma
Executive Director, Common Cause Hawaii

HB-1739-HD-1

Submitted on: 3/12/2022 3:06:19 PM

Testimony for PSM on 3/17/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

They need to serve there full sentence not get out early. That is why we have so many repet offenders. Our laws are to lax and need to be tougher!!

HB-1739-HD-1

Submitted on: 3/15/2022 9:53:40 AM

Testimony for PSM on 3/17/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

HB1739 HD1 Description:

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.

This is a housekeeping matter that has taken far too long to correct.



Committee: Senate Committee on Public Safety, Intergovernmental,
and Military Affairs
Hearing Date/Time: Thursday, March 17, 2022, 1PM
Place: Via videoconference
Re: **Testimony of the ACLU of Hawai'i in Support of HB 1739 HD 1
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 HB 1739 HD 1** 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 from day one

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>

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 HD 1**. 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.

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.