

LINDA LINGLE  
GOVERNOR



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**DEPARTMENT OF PUBLIC SAFETY**  
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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2082  
RELATING TO PUBLIC SAFETY  
Clayton A. Frank, Director  
Department of Public Safety

Senate Committee on Public Safety  
Senator Will Espero, Chair

Tuesday, January 29, 2008; 2:45 PM  
State Capitol, Room 225

Senator Espero, Senator Nishihara, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of Senate Bill 2082, which requires the department to 1) develop a plan to return all female prisoners incarcerated on the mainland to Hawaii by January 1, 2009, and 2) return all female prisoners to Hawaii by July 1, 2009. The Department is currently exploring various options and plans to return at least some of the female prisoners from the mainland to Hawaii.

However, given the limited number of secure beds and community beds, and the lack of available program space, we have a daunting challenge ahead in order to fully comply with this measure.

There are several critically important challenges we face in attempting to comply with this and other similar measures, which include, but are not limited to

the lack of current and sustained future funding to return, house, treat, and transition the female prisoners in Hawaii.

Further, the Department lacks the necessary bed space in our Hawaii facilities for such a large increase in this segment of the incarcerated population. There is also a lack of community-based housing options for these prisoners. The Department also lacks sufficient facility and community-based program space to accommodate all the female prisoners.

While we have already begun discussions and planning sessions with the Warden of the Federal Detention Center (FDC) Honolulu regarding housing, program, treatment, and transitional services options for female prisoners if they were transferred to the FDC, federal restrictions will severely reduce the number of prisoners eligible for transfer to that facility. Some of the restrictions include the offenders' status and length of time remaining on sentence(s). Moreover, the level of medical care needed by some prisoners exceeds the current capabilities of the FDC.

For example, of the current mainland female prisoner population of 177, 120 (68%) are not eligible for transfer to the FDC due to the level of medical care they require. The remaining 57 (32%) are medically eligible for transfer, but some have longer than 4 years remaining on their sentence(s) and/or until their tentative parole date, which will preclude their transfer to the FDC.

Therefore, in order comply with this measure, the PSD must look to available community-based options for the majority of the female prisoners that would be returned to Hawaii. The Women's Community Correctional Center (WCCC) is

currently operating over its designed capacity of 258 inmates as it now houses 260 female prisoners. This does not make the WCCC a viable transfer option for female prisoners housed on the mainland.

Despite the challenges explained in this testimony, the Department will continue our planning efforts and make every effort to comply with this measure. We will also continue to work with the Warden of the FDC and our partners in the community on all available options.

Thank you for the opportunity to testify on this important matter.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, January 29, 2008

2:45 PM

Room 225

## STRONG SUPPORT - SB 2082 - DEVELOPING A PLAN TO BRING OUR WOMEN HOME

Aloha Chair Espero, Vice Chair Nishihara and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai`i for a decade. I respectfully offer our testimony always being mindful that Hawai`i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

SB 2082 appropriates funds to the department of public safety to develop a plan by July 1, 2008, to return all female Hawaii prisoners incarcerated in mainland prisons back to Hawaii by July 1, 2009.

Community Alliance on Prisons strongly supports this legislation. The recent incident at Otter Creek where the warden's secretary allegedly smuggled a loaded 22 into the prison right past the security checkpoint only increases our concern for the 175 Hawai`i women living there.

Recent data from the Classification study show that more than 52% of the women held in Otter Creek are either minimum or community custody. Most of these women would be better served in community programs that supported their reentry and, where appropriate, reunification with their families was incorporated in the programming. The study data also show that 87% of our women incarcerated abroad are non-violent.

The Classification study consultants also recommended putting more people in minimum or community custody classifications into reentry programs is considered best practices in corrections. Traditionally, women have posed little to no risk in community settings and providing support and assistance during this transition is crucial to successful reintegration.

If we do the math, 52% of 175 women = 91 women. 91 women at \$55/day = \$5,005/day; \$150,150/month; \$1,801,800/year. What could we do with that money? We could buy real services to help women transition from prison to the community and reunite with their loved ones to rebuild their lives and restore their families.

We CAN do this. We can bring our women home AND provide the services they need. Mahalo for this opportunity to testify in support of this great bill!

# TJ MAHONEY & ASSOCIATES

## Ka Hale Ho`āla Hou No Nā Wāhine

*The Home of Reawakening for Women*

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COMMITTEE Public Safety  
Senator Will Espero, Chair; Senator Clarence Nishara, Vice Chair  
DATE, TIME Tuesday, January 29, 2008; 2:45 p.m.  
PLACE Hawaii State Capitol, Conference Room 225  
RE **Senate Bill 2082**

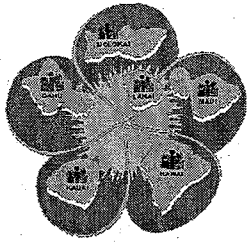
Good afternoon, Chair Espero, Vice Chair Nishihara, and members of the Committee. My name is Lorraine Robinson. I am the Executive Director of TJ Mahoney & Associates, Ka Hale Ho`āla Hou No Nā Wāhine. I've served in this capacity for over 12 years and prior to that as a social worker at the Women's Community Correctional Center.

I am here in support of the concept of Senate Bill 2082. It is incumbent upon the state and the Department of Public Safety to create systems which will facilitate the successful reentry of offenders back into our communities. To do otherwise is fiscally and socially irresponsible. Bringing the women home from the mainland prisons is in the best interest of the women, their children, families and our community. However, if we are to do this, it is essential that we have plans, programs and services in place so that the time the women spend in the facilities is productive and geared toward their eventual successful reintegration back into society.

In working with the female offender population, I hear tremendous ambivalence on the part of the women regarding serving time on the mainland versus here in Hawaii. Many of the women credit the mainland prisons for having classes, programming and services that have planted seeds with positive life changing implications for them. The ideal of course is to have the type of services and programs here at home that they have had access to on the mainland. The women state that if given a choice between a prison with good services and programs and one without those opportunities, they would choose the facility with services even if it means being away from family and home. This makes complete sense in that it is better for people to be engaged in growth and productive change rather than stagnating and doing idle time.

The increase in the female offender population over the past few decades combined with the reality that women offenders are typically non-violent and do not pose a risk to public safety creates an opportunity for the state. With the implementation of the new classification system, it will likely be that a larger number of incarcerated women will be classified as community status and could benefit from community based services such as those offered by TJ Mahoney. Dedicating resources towards the establishment of more community beds would serve as a strategy to address the overcrowded prison problem, the reason we have sent women to mainland prisons in the first place.

Therefore, I support SB 2082 with the stipulation that programs, services and plans are in place for the women before we bring them home so that they are not doing idle time. Thank you for the opportunity to testify on this bill.



**Maui Economic  
Opportunity, Inc.**  
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**BEST Reintegration Program**  
**Being Empowered  
and Safe Together**



**COMMITTEE ON PUBLIC SAFETY**

Senator Wil Espero, Chair  
Senator Clarence K. Nishihara, Vice Chair  
Tuesday, January 29, 2008  
2:45 PM in Room 225

Re: SB 2082 - Relating to Public Safety  
Return the Women Home

Aloha Chair Espero, Vice Chair Nishihara, and Members of the Committee:

My name is Ken E.K. Hunt and I am the Program Director of Maui Economic Opportunity's Being Empowered and Safe Together (BEST) Reintegration Program. Over the past five years, BEST has demonstrated that providing comprehensive training and support services to individuals during their incarceration and upon their release into the community is critical to successful reentry.

Typically, BEST clients are enrolled into our program six months to one year prior to release into the community. However, in a handful of cases, we have worked with individuals for more than a year prior to release, as well as individuals referred to us after they were released. A critical component of our reintegration efforts is family reunification and strengthening through training and hands-on activities. Based on our observations, clients are more successful in their transition from prison into the community the earlier we begin to work with them. Indeed, research on best practices dictates that reentry planning should begin on the day an individual enters prison or reports to community supervision following a jail sentence.

We believe that the Department of Public Safety working in partnership with community agencies like BEST can find viable options to bring women back home and closer to their communities and families while providing safe housing, treatment, counseling and support services to address factors that contributed to their criminal offenses. Women who have been transferred to prisons on the north American continent face tremendous challenges when returning home – because of the distance and disconnect with their 'ohana and children. The proposed measure would allow programs like BEST to work with each individual, build healthy sources of support with family, friends and sponsors, and use community resources to help. We are here to offer our support.

Mahalo for this opportunity to testify on SB 2082.

Sincerely,

Ken E.K. Hunt  
BEST Program Director

# HAWAII YOUTH SERVICES NETWORK

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Joseph Fichter, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser  
Permanente Medical Care System

Aloha Pride Center

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Services of West Hawaii

Foster Family Programs of Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Foster Parent Association

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)

Project

Kids Behavioral Health

Kids Hurt Too

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

Turning Point for Families

Waikiki Health Center

Women Helping Women

World Healing Institute

YWCA of Kauai

January 25, 2008

To: Senator Will Espero, Chair  
And members of the Committee on Public Safety

## Testimony in Support of SB 2082 Relating to Public Safety

Hawaii Youth Services Network, a statewide coalition of more than 50 youth serving organizations, supports SB 2082 Relating to Public Safety

When incarcerated persons and their families are able to maintain strong family bonds, there are substantial benefits to family members (particularly the children), the prisoner, and to the correctional facility administration. It is extremely difficult to sustain family ties when the prisoner is housed thousands of miles away.

Children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental problems, and difficulty in school. Children of incarcerated parents are seven times more likely to enter the juvenile or adult correctional systems themselves. Providing opportunities to sustain the parent-child bond can alleviate many of these problems.

Prisoners who have regular contact with family members benefit as well. They are less likely to violate prison rules and create trouble for prison authorities. They are more likely to take advantage of rehabilitation and educational opportunities while in prison. Regular contact with family members increases the chances of successful reintegration into the community when a person is released from prison.

Hawaii Youth Services Network believes that children and their incarcerated parents would benefit considerably from efforts to keep these parents in Hawaii, rather than incarcerating them in out-of-state facilities.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH  
Executive Director

## **SB 2082 Relating to Public Safety**

*Appropriates funds to the department of public safety to develop a plan by July 1, 2008, to return all female Hawaii prisoners incarcerated in mainland prisons back to Hawaii by July 1, 2009.*

SENATE COMMITTEE ON PUBLIC SAFETY  
Jan. 29, 2008 2:45: PM Conference Room 225

Senator Will Espero, Chair  
Senator Clarence K. Nishihara, Vice Chair

## **HAWAII SUBSTANCE ABUSE COALITION**

GOOD MORNING CHAIR ESPERO, VICE CHAIR NISHIHARA AND DISTINGUISHED COMMITTEE MEMBERS:

My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of more than twenty non-profit treatment and prevention agencies.

We commend the legislature for addressing the escalating offender population issues in Hawaii. According to a report from the Women's Prison Association, convictions for violent crimes have fallen while more women are being sent to prison for drug offenses – most notably methamphetamine use. More than 85% of our inmates need some form of substance abuse treatment.

### **HSAC supports SB 2082:**

Rehabilitation, as well as treatment, for women is significantly different for women than men. Given the national average that 85% of women prisoners suffer from drug addiction, we cite the research as presented by the Federal agency, SAMHSA about the different issues between women and men with respect to rehabilitation. The differences are:

- Women rehab efforts require more focus on relationship issues involving spouse and children.
- Women are generally the primary care giver for their children – any long term alienation dramatically affects the well-being of their children.
- Women often have mental health issues of post traumatic stress disorder due to domestic violence and sexual abuse issues.
- Re-entry issues often involve reunification with children – the more separation issues, the more difficult the reunification issues especially for children.
- Family therapy is critical, which involves not only therapy for women, but also therapy with women and children present.

Effective rehabilitation strategies for women must include a strategy to address relationship issues with their children, of which reunification is a primary concern. Separation practices compound and limit the effectiveness of any rehabilitation efforts.

We appreciate the opportunity to provide information and are available for questions, if needed.



COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, January 29, 2008 2:45 PM Room 225

**SUPPORT – SB 2082 - RELATING TO PUBLIC SAFETY. PBS, WAM**

My name is Ka`iana Haili I am an instructor at Hawai`i Community College and I am the director of Ke Kahua Pa`a providing rehabilitation programs with cultural and spiritual based curriculum and facilitators. I work with Nā Maka Hāloa 501c3 non profit organization that obtains grants and funding for these programs. In addition, we work with numerous individuals and organizations implementing these programs in Hawai`i and mainland facilities.

Over 80% of Hawai`i's women are nonviolent. Research has been showing for years that most women would be better served in community programs that directly address their pathways to crime. More than 80% of our incarcerated women are nonviolent – let's bring them home, and along with women at OCCC, HCCC, WCCC, MCCC, and KCCC, let's place those women who pose no risk to public safety in community beds and programs to help them reunite with their families and realize their full potential.

We all have an obligation to bring back every woman who is minimum or community custody and reallocate that money into community program beds that would help those women transition back to their families and their community.

Numerous community projects and non profit agencies have worked tirelessly to accomplish programs for this agenda. The DPS and other state agencies have stated they need public help in providing for our incarcerated, let us be of service. Allow innovative proven programs for local communities to provide alternatives to incarceration, thus reducing over crowded state facilities while presenting cultural based programs that reduce recidivism and promote successful reentry.

Mahalo for your resourceful insights

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COMMITTEE ON PUBLIC SAFETY

Chair: Sen. Will Espero

Vice Chair: Sen. Clarence Nishirara

Tuesday, January 29, 2008

2:45 PM

Room 225

Bill # SB 2082

Position: Strong Support

Hello Chair Espero , Vice Chair Nishihara and Members of the Committee

My name is Cathy Tilley and I am a member of the Community Allianace on Prisions and my son is an inmate at Saguaro Correctional Facility in Arizona.

I ma strongly in support of SB2082 to appropriate funds to bring our women home. The majority of our women inmates are mothers and non violent criminals .These women should be near their families.

Studies have shown it is much better for the children to have a relation ship with their mothers while they are serving their time. The nonviolent women who are not a risk to the public should be in community based programs when wthey can transition back into their communities and back with their families. It is expensive to send these women out of state. The money would be much better used if we spent in on community program beds.

Sincerely,  
Cathy Tilley  
621 Pauku St.  
Kailua HI 96734 261-3170

## COMMITTEE ON PUBLIC SAFETY

Sen. Wil Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, January 28, 2008

Room 225

2:45pm

25 copies

Re: Strong Support of SB 2082 Relating to Public Safety  
Return Female Prisoners Home

Aloha Chair Espero, Vice-Chair Nishara, and Members of the Committee:

As a former Public Defender, member of Community Alliance on Prisons, and as an individual who has had loved ones incarcerated in Hawai'i, I have witnessed firsthand the generational cycle of incarceration in our community. On the other hand, I have also witnessed the transformation and rehabilitation of "hardened criminals" through my work with a reentry program on Maui. For those who turned their lives around, family support was instrumental in contributing to their successful reintegration into the community and becoming productive, law-abiding citizens and responsible family members.

I support SB 2082 because it would require the Department of Public Safety to develop a strategic plan by July 1, 2008, to return all female Hawaii prisoners incarcerated in the continental United States back to Hawaii. Although some individuals are better served by not maintaining contact or returning to a family environment still characterized by substance abuse, criminal behavior and other negative influences that could trigger past behaviors, strong family support is critical to successful reentry into the community. Indeed, research shows that strategies that prepare and build on the strengths of family relationships show great promise in improving outcomes for returning prisoners and their families. See *From Prison to Home, The Dimensions and Consequences of Prisoner Reentry*, Urban Institute Justice Policy Center, June 2001.

Although opponents of this bill may argue that its "cheaper" to house Hawai'i's inmates on the continent, the costs on "paper" tell only half the story. The daily rates charged by CCA to incarcerate women at Otter Creek Correctional Center in Kentucky amounts to \$51.90 per inmate. However, this daily rate does NOT include certain medical expenses, routine transport of inmates to and from Hawaii under special circumstances, inmate wages for work performed during incarceration and video-conferencing via long-distance telephone costs. More important, CCA's rates do NOT include the social costs of separating women from their 'ohana, especially their keiki. Without a doubt, incarceration has a major impact on the entire family. The role that mothers play in the development of their children's lives and the impact of parent-child separation demands that we, as a community, find ways to help families keep in touch during incarceration and upon their release into the community.

I firmly believe that we must reverse the shameful trend in Hawai'i of exporting the highest percentage of prisoners to other states. Upon recognition of the importance of family visitation and connection in reducing recidivism rates, other states enacted policies that facilitated the return of prisoners home. I humbly ask that we have the courage and

wisdom to do the same for women in Hawai'i who have made bad choices, but deserve a second chance to rebuild their lives. I also ask that we not punish innocent children by separating them from their incarcerated mothers and effectively denying them visitation opportunities when housed in prisons on the American continent.

Mahalo for this opportunity to submit written testimony, and for recognizing the importance of family visitation to rehabilitation and the successful reentry of inmates returning home. Please support SB 2082 to permanently brings women prisoners – our mothers and daughters – back to Hawai'i.

Sincerely,

Carrie Ann Shirota, Esq.  
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