

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

CLAYTON A. FRANK  
DIRECTOR

DAVID F. FESTERLING  
Deputy Director  
Administration

TOMMY JOHNSON  
Deputy Director  
Corrections

JAMES L. PROPOTNICK  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 2345 SD1  
RELATING TO CHILDREN

by  
Clayton A. Frank, Director  
Department of Public Safety

House Committee on Public Safety and Military Affairs  
Representative Cindy Evans, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, March 13, 2008, 8:30 a.m.  
State Capitol, Room 309

Representative Evans, Representative Har, and Members of the Committee:

The Department of Public Safety (PSD) supports the intent of Senate Bill 2345 SD1 which seeks to establish guiding principles for the children of incarcerated parents. PSD is concerned about the effect of establishing in statute, a set of guiding principles that seeks to provide certain children with rights without specifying who is responsible for the enforcement of these principles. Further, these principles could often conflict with existing regulations or policies.

There are many principles that most parents would like to be able to guarantee for their children but are realistically unable to perform. If this measure were become law, the duty could clearly be imputed to the State. It is not clear what the overall effect of passing this measure would be, especially if someone attempts to enforce the measure in a court of law.

Thank you for the opportunity to provide testimony on this matter.



**SB 2345 SD1**  
**RELATING TO CHILDREN**  
HOUSE COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Date: March 13, 2008  
Room: 309

Time: 8:30am

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The Office of Hawaiian Affairs supports SB 2345 SD 1. In 2007, Hawai`i's inmate population accounted for more than 6,000 individuals. Twenty years ago, in 1987, Hawai`i's inmate population was just a third of that amount of 2,259 individuals. The unprecedented rates of incarceration has greatly impacted effected every possible system attached to an individual, ranging to judicial system to family system.

When an incarcerated parent is removed from society, in the eyes of a child, it is someone that they feel a strong attachment, a sense of identity and kinship. An individual who is incarcerated continues to be a parent, even behind bars.

In the recent Hawai`i County's Children of Incarcerated Parents: A Needs Assessment of Parents, Children and Caregivers Report, 75% of the inmates were parents to children. These parents reported an average of 2-3 children.

Studies confirm that family relationships, particularly incarcerated parents with children have a greater percentage of successful re-entry. Children who want to visit their parents are unable for reasons of shame, stigma, or feelings of being unsafe. This is why the passage of SB 2345 SD 1 is so important.

The revised version of this bill has been crafted carefully and thoughtfully. The Office of Hawaiian Affairs supports SB 2345 SD 1. Mahalo nui loa for the opportunity to present testimony.



the  
**Drug Policy  
Forum**  
of hawaii

March 13, 2008

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To: Representative Cindy Evans, Chair  
Representative Sharon Har, Vice Chair  
And Members of the Committee on Public Safety and Military Affairs

From: Jeanne Y. Ohta  
Executive Director

Re: SB2345 SD1 Relating to Children  
Hearing: March 13, 2008, 8:30 a.m., Room 309

Position: Support

The Drug Policy Forum of Hawaii testifies today in support of this measure which provides guiding principles to be used by state agencies when dealing with children of incarcerated parents.

It is anecdotally estimated that there are 6,000 children in Hawaii with incarcerated parents. These children are six to seven times more likely than other children to become incarcerated themselves.

When parents are incarcerated, their children serve their own form of incarceration. They are often ridiculed at school and in the community where there is a stigma attached to having a parent who is "serving time."

These proposed principles are important because the needs of a child to maintain a relationship with their incarcerated parent will be taken into consideration in situations where that relationship would be appropriate.

The principles are similar to those of the United Nations Conventions on the Rights of the Child. Other similar bills are being adopted by other jurisdictions as they consider the importance of providing services to children of incarcerated parents.

If we are to reduce the rate of incarceration and reduce our prison costs, we must address the well-being of these children. This vulnerable population needs to be considered in our incarceration policies. We urge you to pass this measure. Thank you for this opportunity to testify.

P.O. Box 61233  
Honolulu, HI 96839

Phone: (808)-988-4386  
Fax: (808) 373-7064

Email: [info@dpfhi.org](mailto:info@dpfhi.org)  
Website: [www.dpfhi.org](http://www.dpfhi.org)

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai`i 96817

Phone/E-mail: (808) 533-3454/communityallianceonprisons@hotmail.com



## COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon Har, Vice Chair

Thursday, March 13, 2008

8:30 AM

Room 309

### **STRONG SUPPORT of SB 2345 SD1 –Children of Incarcerated Parents Task Force**

Aloha Chair Evans, Vice Chair Har 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 2345 SD1 re-establishes the children of incarcerated parents task force, which ceased to exist on December 31, 2007 and appropriates funds.

Community Alliance on Prisons strongly supports this measure. As Coordinator of Community Alliance on Prisons, I served as Co-Chair of the Children of Incarcerated Parents Task Force, along with Ted Sakai. Although Act 256 continued the SCR 128 Task Force (2005) in 2006, we did not re-convene until May of 2007. We, therefore, had a mere five months to continue a huge task. Although we did great work in such a short time, there is still much to be done. The need for programs and services for this population is obvious when one looks at the data, which show that these children and youth are six times more likely than other children to end up incarcerated themselves.

#### **Still Much Work To Be Done:**

- We still have not developed a system that identifies these children and youth while protecting their privacy rights. That is a pivotal piece in these discussions.
- We cannot develop an appropriate array of programs and services until we know who these children and youth are, their ages, their living situation, and where they go to school, for starters.

The Task Force is still working on 'guesstimate' numbers of children and youth with incarcerated parents. The Department of Public Safety must be mandated to participate since incarcerated parents are processed through their Intake Service Centers and only they can revise their intake forms to capture information about these children and youth. The respectfully ask the committee to either amend the bill to bring PSD to the table or note that this is the committee's intent in the committee report.

### What the Task Force Accomplished:

- **Survey at Hilo Community Correctional Center.** In 2007 Task Force members from Hawai'i Island distributed a preliminary survey at the Hilo Community Correctional Center. That data is incorporated in our Report to the Legislature dated January 2007. The Task Force would like to gather more data at all facilities holding Hawai'i's incarcerated parents. The Hawai'i Island survey was led by Dr. Marilyn Brown and captured much valuable data.
- **Community Gatherings.** The Task Force held community meetings and gatherings on three islands.
  - \* **Hawai'i Island:** Hilo and Kona
  - \* **Maui:** Wailuku
  - \* **O'ahu:** Wai'anae and Honolulu

Our community meetings revealed the dearth of support services for caregivers. Some children do go into the child care system of the Department of Human Services, but many children are cared for by family members who receive little to no support. The lack of support for caregivers was a theme repeated over and over in every community gathering. The problem of how to identify caregivers, as well as the children they care for, is another issue with which the Task Force is grappling. Identifying caregivers appears to be as huge a problem as identifying the children of incarcerated parents.

### Problems Encountered by the Task Force:

Act 256 allocated \$25,000 to the Department of Human Services. I have never received a final tally of what was actually spent, but it was probably around \$10,000 including interisland travel, task force and community meetings and the contract with the facilitator. The balance of the allocated funding was returned to the general fund.

The problem we encountered was that the Task Force then had to identify non-profits on every island to accept the funding. After we did that, we were then told that they wouldn't actually get the funding, but would be reimbursed for funds expended. This meant that non-profit agencies had to advance the funding to this Legislative Task Force and then await reimbursement by the state. This is not what we were told when the Task Force convened and we were all stunned by this revelation after agreements were signed.

I am, therefore, wondering if there is some other system that could be employed to avoid having non-profits use their meager funds to pay for travel and activities for a Legislative-appointed task force and then have to wait for reimbursement by the state. This issue has created problems, frustration, and resentment. Is there some way the Legislature could help in this area?

The Task Force believes that providing services to these children and assistance to their caregivers will benefit the state in the long run by stopping generational incarceration. In order for the Task Force to complete its work, we need more time, more thoughtful input from children and youth, caregivers, service providers, and more participation from agencies.

The Children of Incarcerated Parents Task Force supports HB 2763 and is committed to developing a system of identification and recommendations for programs and services to support these children that protects their privacy and assists them in reaching their full potential. Community Alliance on Prisons, therefore, urges the committees to pass HB 2763 HD1. Mahalo for this opportunity to testify.

Testimony  
re: SB 2345, SD 1 Relating to Children  
by Ted Sakai, Co-Chair  
Task Force on Children of Incarcerated Parents

House Committee on Public Safety and Military Affairs  
Representative Cindy Evans, Chair  
Representative Sharon E. Har, Vice Chair

Thursday, March 13, 2008  
Conference Room 309, 8:30 a.m.  
State Capitol

Representative Evans and Members of the Committees:

This testimony is in support of SB 2345, SD 1, relating to Children. The Task Force on Children of Incarcerated Parents was established in Act 8, SLH 2006, with an ambitious set of responsibilities including:

- (1) Develop a system to identify children of incarcerated parents in Hawaii and to make referrals as appropriate;
- (2) Determine the impact that parental incarceration has on children of incarcerated parents;
- (3) Identify the needs of children of incarcerated parents and develop responsive programs;
- (4) Identify local programs and models, including neighbor island programs and models; and
- (5) Review other jurisdictions' activities, policies, directives, and laws relating to children of incarcerated parents and derive best practices models there from.

The Task Force was not able to complete its work by December 31, 2007, its sunset date. However, we have been able to compile enough information to conclude that the issue of children of incarcerated parents is real, and that the children of Hawaii's inmates deserve and require recognition. These children are virtually invisible in our society, despite the serious challenges they face. They are truly victimized by the acts of their parents. They deserve better from our justice, social, health and educational systems. The principles specified in SB 2345, SD 1 would be a big step toward affording these children the attention they need.

We urge you to pass SB 2345, SD 1 – for the children.