

DAVID Y. IGE
GOVERNOR



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

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

TESTIMONY ON SENATE CONCURRENT RESOLUTION 117
ENCOURAGING THE CONTINUATION AND EXPANSION OF THE
COMMUNITY-BASED WORK FURLOUGH PROGRAMS TO ASSIST FEMALE
INMATES TRANSITION BACK INTO SOCIETY.

by
Nolan P. Espinda, Director
Department of Public Safety

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

Tuesday, March 28, 2017; 1:20 p.m.
State Capitol, Conference Room 229

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

The Department of Public Safety (PSD) **supports** Senate Concurrent Resolution (SCR) 117, which encourages the continuation and expansion of community-based work furlough programs to aid in the transition of female inmates back to the community. PSD has long recognized the importance of furlough programs for women and continues to apply its available resources towards the continuation and expansion of these programs.

Thank you for the opportunity to present this testimony.



SCR117
**ENCOURAGING THE CONTINUATION AND EXPANSION OF COMMUNITY-BASED
WORK FURLOUGH PROGRAMS TO ASSIST FEMALE INMATES TRANSITION BACK INTO
SOCIETY.**

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

March 28, 2017

1:20 p.m.

Room 229

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SCR117, which would urge the Department of Public Safety (PSD) to continue and grow its highly successful work furlough program for pa‘ahao women.

In 2010, OHA produced a comprehensive report detailing the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice system. This report found that between 1977 and 2008, the number of people incarcerated in Hawai‘i has increased by more than 900%,¹ and by 1,400% between 1977 and the present. The Native Hawaiian community has been particularly impacted by this increase, making up 40% of our prison population today; moreover Native Hawaiian women are penalized even more disproportionately, comprising 44% of our female inmate population.²

The 2012 Native Hawaiian Justice Task Force Report subsequently identified several factors exacerbating the disproportionate impact of the criminal justice system on Native Hawaiians. These included barriers to employment, housing, and reintegration into the community, which may lead to greater levels of recidivism by formerly incarcerated pa‘ahao.³ Community-based work furlough programs, such as Ka Hale Ho‘āla Hou No Nā Wāhine, may be critical to addressing these barriers. Such programs provide pa‘ahao with valuable opportunities to develop marketable skills, prosocial behaviors, and a positive work ethic, thereby increasing their ability to secure employment and find housing. Community-based reentry programs may also offer communal living arrangements for a transitional period, enabling pa‘ahao to find stability and support each other as they prepare to reintegrate with their communities. By addressing such common barriers to reentry, PSD’s community-based work furlough programs may significantly reduce recidivism rates, and should be supported for the betterment of our pa‘ahao and communities.

Therefore, OHA respectfully urges the Committee to **PASS** SCR117. Mahalo for the opportunity to testify on this measure.

¹ See THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 17 (2010), available at http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In contrast, Native Hawaiians only represent 24% of the general public in Hawai‘i. *Id.* at 36. OHA’s 2010 study found that the disproportionate impact of the criminal justice system on Native Hawaiians accumulates at every stage noting that Native Hawaiians made up “24 percent of the general population, but 27 percent of all arrests, 33 percent of people in pretrial detention, 29 percent of people sentenced to probation, 36 percent admitted to prison in 2009, [and] 39 percent of the incarcerated population.” *Id.* at 10. Moreover, controlling for many common factors including type of charge, the study revealed that Native Hawaiians were more likely to be found guilty, receive a prison sentence, and receive a longer prison sentence or probation term than most other ethnic groups. *Id.* at 28-38.

³ See THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 8, 20 (2012), available at http://lrhawaii.info/reports/legrpts/oha/2013/act170_slh11.pdf.

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, AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, March 28, 2017

1:20 pm

Room 229

STRONG SUPPORT - SCR 117-WORK FURLOUGH FOR WOMEN

Aloha Chair Nishihara, Vice Chair Wakai 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 two decades. This testimony is respectfully offered on behalf of the almost 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,700 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 Native Hawaiians, far from their ancestral lands.

SCR 117 encourages the continuation and expansion of community-based work furlough programs to assist female inmates transition back into society.

Community Alliance on Prisons is in strong support of this resolution. The highlights from a report¹ from Vera Institute of Justice read,

Women often become involved with the justice system as a result of efforts to cope with life challenges such as poverty, unemployment, and significant physical or behavioral health struggles. Most are jailed for low-level, nonviolent offenses.

Once incarcerated, women must grapple with systems designed primarily for men. As a result, many leave jail with diminished prospects for physical and behavioral health recovery, as well as greater parental stress and financial instability.

¹ Overlooked: Women and Jails in an Era of Reform, Vera Institute of Justice, August 2016.

<https://www.vera.org/publications/overlooked-women-and-jails-report>

Michelle Alexander, author of The New Jim Crow: Mass Incarceration in the Age of Colorblindness, moderated a panel discussion titled *“Invisible Woman: The Experience of Women and Girls in the Era of Mass Incarceration”* at Union Theological Seminary, where she is now a visiting professor and encouraged the community to help bring women to the forefront of the justice movement by recognizing their unique and often invisible struggles. For example, one problem facing women is how incarcerated mothers experience stigma differently than fathers. Incarcerated mothers are thought to be careless and negligent, and this affects society’s perception of their families. Earlier this year, Attorney General Loretta E. Lynch said, *“We know that when we incarcerate a woman we often are truly incarcerating a family, in terms of the far reaching effect on her children, her community and her entire family network.”*²

Community Alliance on Prisons has received many letters from women and their families asking about work furlough as a way to help ease their reentry back to society and to facilitate the reintegration with their families once again.

Intergenerational imprisonment is a huge issue in Hawai`i. And it is an issue that can be addressed when we decide that rehabilitation works better than punishment in building safe, healthy and just communities.

We, therefore, urge the committee to support more work furlough programs for women.

Mahalo for this opportunity to testify.

² Understanding the Needs of Women in the Justice System, Kristi DiLallo Intern, Communications, December 2, 2016. <https://www.vera.org/blog/understanding-the-needs-of-women-in-the-justice-system>

YWCA Fernhurst
1566 Wilder Avenue
Honolulu, Hawai'i 96822
(808) 941-2231

YWCA Kokokahi
45-035 Kāne'ohe Bay Drive
Kāne'ohe, Hawai'i 96744
(808) 247-2124

YWCA Laniākea
1040 Richards Street
Honolulu, Hawai'i 96813
(808) 538-7061

www.ywcaoahu.org

To: The Honorable Clarence Nishihara, Chair
The Honorable Glen Wakai, Vice Chair
House Committee on Public Safety

Re: SCR 117 – Encouraging the Department of Public Safety to Continue and Expand its
Community-based Work Furlough programs to Assist Formerly Incarcerated Female Inmates
Transition Back into Society - SUPPORT
Tuesday, March 28, 2017, 1:20PM -- Hawaii State Capitol, Rm. 229

Good morning Chair Nishihara, Vice Chair Wakai, and members of the committee:

Thank you for the opportunity to share our testimony in **strong support of SCR 117**, which aims to reduce recidivism and ensure safer communities through the expansion of successful community-based work furlough programs for female offenders.

This resolution highlights the importance of gender-specific, work furlough programs that are integrated in the community, and identifies the need to address the various factors that contribute to and perpetuate female incarceration in our state.

Expanding community-based work furlough programs is an investment in safer communities.

Nationally, 50-60% of women offenders who complete community-based work furlough programs stay out of prison for two years. Studies on recidivism show that former offenders who are not re-incarcerated for at least two years after being released from their sentence are unlikely to recommit crimes.

Our state is at a crossroads in regards to incarceration policies. Currently, House Concurrent Resolution Taskforce 85 is investigating effective incarceration policies. The interim report issued by the taskforce gave several recommendations but the first is "the State should begin to transition from a punitive correctional system to a rehabilitative, restorative, and therapeutic system." Work furlough programs for women, like *Ka Hale Ho'āla Hou No Nā Wāhine* (The Home of Reawakening for Women), support this recommendation and several others made the taskforce.

Structured, community-based work furlough programs are necessary to **give women offenders the resources and skills to face the challenge of building a successful life after incarceration**. These programs provide women with the support necessary to sustain employment and advance in their careers. Participants in work furlough programs are also more likely to find and retain employment 3-6 months post-release. Community-based work furlough programs also serve to reduce the potential for delinquency among children of program graduates through targeted skill building for their mothers. As many women offenders are mothers, reducing recidivism in this group is critical to preventing an intergenerational cycle of crime.

The criminal justice system has traditionally focused on male offenders, the rate of female incarceration has grown rapidly in the past few decades. To address this issue, criminal justice professionals and decision makers should consider the need for gender specific policy in reducing recidivism in female offenders. Women become involved in criminal behavior for different reasons than men do, and the treatment of women offenders must be differentiated from treatment of male offenders.

An overview of female offenders in our State shows that the vast **majority are victims of trauma and violence, many are mothers or grandmothers, and disproportionately Native Hawaiian**. Studies also show that women's most common pathways to crime are based on experiences of physical abuse, poverty and substance abuse. To respond to these variables, our program is modeled to specifically serve women offenders in Hawaii and is trauma-informed, gender-responsive, and culturally-sensitive. In comparison to the national statistic, our program is significantly more effective in reducing recidivism.

Community-based work furlough programs for women offenders can be **efficient and cost-effective in the long-term**. A Washington-based study found their work furlough program saw a \$3.82 benefit per dollar of cost. A decrease in recidivism and re-incarceration will reduce the high cost of keeping offenders behind bars. It also reduces the financial and social costs the cycle of crime has on offenders' families and communities.

As a formerly incarcerated population rejoins the greater community, the State faces an increased challenge and responsibility of promoting offender success as a means of achieving greater public safety. We urge the committee to support this measure to continue and expand the efforts of the Department of Public Safety and effective programs like *Ka Hale Ho`āla Hou No Nā Wāhine* on empowering women to successfully transition from prison into the community.

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

Kathleen Algire
YWCA O'ahu Advocacy Coordinator