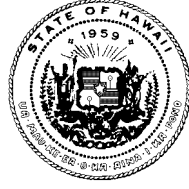


DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 16, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 1776 HD1 – RELATING TO PUBLIC SAFETY.**

Hearing: February 16, 2022, 2:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the measure's intent, offers comments, and defers to the Department of Public Safety. The Department requests that any appropriation not reduce or replace priorities identified in the executive budget.

**PURPOSE:** The purpose of this bill is to mandate that there be a community-based work furlough program for incarcerated women in the State. Appropriates funds.

Effective 7/1/3000. (HD1)

The HDI amendments are:

- (1) Removing the mandate that a community-based work furlough program be made available to all female offenders, in recognition that this option may not be the best option for each incarcerated woman;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Reentry and transition support programs are needed to help individuals be successful upon release from prison and jail. Increasing opportunities while incarcerated to obtain substance abuse and behavioral health treatment, assistance with obtaining government-issued identification, general education degrees, employment training, whole-family-focused activities, and programming to maintain relationships can be transformative experiences. Individuals preparing to reenter the community need to begin establishing relationships with community-based and peer-support programs before release so that upon release, recently released individuals will have more confidence, a support network, and the minimum qualifications to return to their community, their families, and the workforce.

Women exiting incarceration need education and credentials to return to the competitive workforce to support themselves and their families. Most women also have children and return to the family and their parenting role. Children react differently to their parent's return, and having work experience and educational confidence may help parents restore their relationship as they guide their children through school and life. Parental incarceration is a cause of multi-generational trauma and is an Adverse Childhood Experience (ACE) that disproportionately impacts children of color and children in poverty. Education that supports employment opportunities is crucial to breaking the cycle of multi-generational poverty and incarceration.

Successful diversion, reentry, and rehabilitation services need collaboration with community-based organizations to support returning individuals and their families. The Department will continue to work with the Department of Public Safety, the Judiciary, and community organizations to assist individuals with accessing available public benefits as soon as they are released.

Thank you for the opportunity to provide comments on this measure.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 1776, H.D. 1

**February 17, 2022**  
**2:00 p.m.**  
**Room 325 and Videoconference**

RELATING TO PUBLIC SAFETY

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 1776, H.D. 1.

H.B. No. 1776, H.D. 1, amends Section 353-6.5, HRS, by mandating a community-based work furlough program for incarcerated women in the State; and appropriates an unspecified amount of general funds to the Department of Public Safety for FY 23 to ensure the continuation and expansion of community-based work furlough for women. This bill intends to ease family reunification efforts and provide for gender-responsive, community-based programs for the eventual integration of incarcerated women back into the communities.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

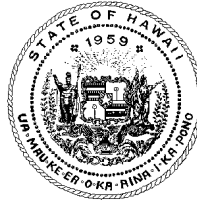
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

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 1776, HOUSE DRAFT 1  
RELATING TO PUBLIC SAFETY.

by  
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair,

Thursday, February 17, 2022; 2:00 p.m.  
State Capitol, Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed House Bill (HB) 1776, House Draft (HD) 1, which seeks to require PSD to make available community-based work furlough programs for incarcerated women and appropriates an unspecified amount of funding for FY 2022-23 to continue and expand the program.

PSD supports the intent of this measure and welcomes the infusion of funding for this program, with the recognition that it is one component in the array of treatment, rehabilitation, and reentry programs necessary for female inmates to undertake to successfully reintegrate into the community.

Thank you for the opportunity to provide testimony on HB 1776, HD 1.

**STATE OF HAWAII**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai'i to the House Committee on  
Judiciary & Hawaiian Affairs**

February 17, 2022

H.B. No. 1776: RELATING TO CRIMINAL PROCEDURE

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Office of the Public Defender (“OPD”) supports H.B. No. 1776, which mandates funding for a community-based work furlough program for incarcerated women in the State and mandating funding for such program.

The OPD represents the majority of the incarcerated women across the State, many of whom are housed on Oahu at the Women’s Community Correctional Center (“WCCC”). The OPD represents inmates in both pre-trial and post-conviction matters. In the context of post-conviction legal representation, the OPD works closely with the case managers, facility mental health providers, and facility program counselors at WCCC to assist the inmate in their required in-house programming compliance and community re-entry parole consideration hearings before the Hawai’i Paroling Authority (“HPA”).

In representing incarcerated female inmates at WCCC, both WCCC’s programming requirements and HPA have required inmates to participate in and complete work furlough as a precursor to parole or release into the community. Further, work furlough is an often-requested program by the inmates. Work furlough enables the inmate to secure a job prior to release, pay off outstanding fines, fees and restitution while incarcerated, establish a savings account for future living expenses, and ingraining a sense of independence and self-confidence, all of which ensure a smooth re-entry into the community and decrease the potential for recidivism.

Community based work furlough for women is necessary to achieve WCCC and HPA programming requirements, to ensure furlough programming benefits and to reduce recidivism ensuring a win-win situation for both the inmates and the community. First, the WCCC facility-based furlough program is limited in its capacity and inadequate to accommodate all of the eligible inmates who are required to participate and complete a furlough program. It also enables inmates to obtain employment throughout the community as opposed to the geographically area around the WCCC facility. Although the inmates are working in the community,

they are limited in the hours that they can be away from the facility. Travelling time, often by foot or by The Bus, limit the inmate's prospective jobs to those near the facility. A community-based furlough program also enables family reunification for inmates whose families are unable to travel to WCCC's location. The community-based program can also intensely work with the inmate and her family to re-establish familial bonds with counselors at the program. Further, a community-based furlough program can, as in the past, provide temporary housing for inmates to transition to once she completed the furlough program or she is released on parole. Although the transitional housing is not permanent, it enables the inmates more time to save money, find a permanent residence or become more comfortable with parole requirements in a safe, affordable and supportive environment.

The work furlough program that services the female inmates is an integral part of rehabilitation. A community-based furlough program is vital to achieve the goals of rehabilitation, reducing recidivism while contributing to and benefiting the larger community economically and emotionally.

Thank you for the opportunity to comment on this measure.



## **HB1776 Women Work Furlough for Offenders**

### COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Thursday, Feb 17 2022: 2:00 pm : Videoconference

### **Hawaii Substance Abuse Coalition Supports HB1776:**

*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.*

We are hopeful that this funding would allow PSD to restart a women's work furlough program:

- If the substance use disorder is chronic to severe, then some form of substance use disorder treatment is needed, and it is important for outcomes to be sustained that it be followed by a reentry furlough program to practice the behavioral tools while transitioning back into their community. If substance is mild, then treatment may be less, but a transition program is still important to make life changes.
- A furlough program includes a residential housing component, which is a needed transition time for women with substance abuse to practice what they learned from formalized substance use disorder treatment such as social learning, cognitive, and recovery skills,
- Transitioning into the community would include family therapy, psychological services, job development/employment services, education.
- The furlough program would include aftercare as is done after completing treatment in a substance use disorder program. Aftercare is critical for follow-up after residential and outpatient treatment, which can address any issues with cravings and triggers. If challenges arise, the woman could be referred to formalized treatment for additional outpatient treatment.

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



COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

HEARING DATE: Thursday, February 17, 2022

TIME: 2:00 PM, Via Videoconference

**SUPPORT FOR HB1776, HD1 (HSCR 124-22) RELATING TO PUBLIC SAFETY**

The Women's Prison Project is in STRONG SUPPORT of HB1776 RELATING TO PUBLIC SAFETY which would ensure community based work furlough programs are provided by the Department of Public Safety for all women under its supervision.

To desist from crime a formerly incarcerated person is helped when she has employment that is meaningful to her, relationships with law abiding others, and a self-narrative that is positive and strength-based (Maruna, 2001). Because most incarcerated women come from families that are economically disadvantaged and many are single parents who will be raising children, it is especially important that they have and can keep employment. Opportunities to work, and having practice being an employee after being incarcerated are vital for individuals to succeed in desisting from crime (McNeill, et al, 2012). Work furlough programs for women are most successful when they include therapeutic interventions that address , in a gender responsive manner, the issues of trauma, relationships, parenting, and the substance abuse and mental health needs of women. Community based programs offer the formerly incarcerated positive employment opportunities as seen from the success of programs on O`ahu . The Fernhurst YWCA,'s work furlough program has demonstrated that gender responsive programs can achieve a low rate of recidivism among graduates.

Please support this measure to ensure more gender responsive work furlough opportunities are developed and sustained by our community to help make our community safer and healthier.

Linda Rich , Women's Prison Project



February 16, 2022

Representative Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

**Re: H.B. 1776, HD 1 Relating to Public Safety**

**Hearing: Thursday, February 17, 2022, 2:00 PM, Via Videoconference**

Dear Chair Nakashima and Members of the Committee on Judiciary & Hawaiian Affairs:

Hawaii Women Lawyers submits testimony in **strong support of H.B. 1776, HD 1**, which mandates that there be a community-based work furlough program for incarcerated women in the State of Hawaii.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers concurs with the Legislature's findings that community-based work furlough programs for women transitioning back into the community are extremely important. Hawaii Women Lawyers recognizes the value of such programs in easing the transition from prison life to independent living and promoting and emphasizing community safety, especially when these programs are located in the communities into which the inmates will return.

The provisions of H.B. 1776, HD 1 are consistent with the current requirements of Hawaii Revised Statutes Section 353H-3 and the Department of Public Safety's obligation to develop a "comprehensive network of transitional programs to address the needs of individuals exiting the correctional system." H.B. 1776, HD 1 seems to serve largely as a way to further the intent of the statute and expand its impact.

For the above reasons, we strongly support H.B. 1776, HD 1 and respectfully request that the Committee pass this measure.

Thank you for the opportunity to testify in strong support of this measure.

## TESTIMONY IN SUPPORT OF HB 1776, HD1

TO: Chair Nakashima, Vice Chair Matayoshi, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 17, 2022 (2:00 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 1776, HD 1, which mandates a community-based work furlough program for incarcerated women.

Work furlough programs can provide incarcerated women with key opportunities to build skills that will benefit them when they are released from custody, including an increased likelihood of securing gainful employment. These programs can also [result in reduced rates of subsequent arrests and convictions](#).

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse. Criminalization compounds their suffering and further jeopardizes their health and well-being.

Thank you for the opportunity to testify on this measure.

House Committee on Judiciary & Hawaiian Affairs  
Wednesday, February 17, 2022, 2:00pm  
Conference Room 325, Via Videoconference

### **Testimony in Support of HB 1776**

Chair Nakashima, Vice Chair Matayoshi, and members of the committee,

Thank you for the opportunity to testify in **strong support of HB 1776**, mandating that there be a community-based work furlough program for all incarcerated women in the State.

YWCA O'ahu is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom, and dignity for all. In 1900 we opened our doors to provide opportunity to women for growth, leadership and power to change. Today, over a century later, the YWCA O'ahu is the largest and oldest women's membership organization in the State of Hawaii. We are a charter member of the YWCA USA and is one of more than 200 community associations nationwide that share the mission of empowering women and eliminating racism.

As a new core of women are preparing for our future, we are committed to reinventing the YWCA for the 21<sup>st</sup> century so it remains relevant to all women as their lives and needs change. The YWCA offers a unique place – a place where women and girls can build relationships for life and have opportunities to move forward in life and give back to their community. Our three centers at the YWCA, Fernhurst, Kokokahi and Laniakea, provide valuable programs and services that develop women and girls' social, economic, leadership and community skills.

In December of 2018, the HCR 85 Task Force released its findings and final report to the legislature. In this report they stated that while they came from diverse backgrounds and viewpoints that they all agreed that "Hawaii's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change". The primary recommendation from the task force was to "begin to transition from a punitive to a rehabilitative correctional system".

Mandating the need for community-based work furlough for women and investing in and expanding community-based work furlough for women are vital components in moving our state forward and with intention away from a punitive correctional system and toward a rehabilitative correctional system. This bill will provide positive opportunities and pathways women leaving incarceration and the positive impacts will be generational.

Thank you for hearing this important measure, HB 1776 HD1, and for the opportunity for us to testify in strong support of it.

Jen Wilbur  
Director of Advocacy  
YWCA O'ahu



Committee: House Committee on Judiciary and Hawaiian Affairs  
Hearing Date/Time: Thursday, February 17, 2022 at 2:00 P.M.  
Place: Via videoconference  
Re: Testimony of the ACLU of Hawai'i; Comments on HB 1776 HD1  
Relating to Incarcerated Women

Dear Chair Nakashima, Vice Chair Matayoshi and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i) provides **comments on HB 1776 HD1** which mandates that there be a community-based work furlough program for all incarcerated women in the State.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color. Simultaneously, we advocate for sensible conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive re-entry support services that starts from the first day of incarceration.

***Consequently, we should prioritize diverting women from jails and prisons in the first place and providing support services within our community.*** Many of the women at WCCC, most of whom are mothers and survivors of physical and sexual assaults – are better served in the community. Native Hawaiian women are 19% of the female population in Hawai'i, yet 44% of the female incarcerated population in Hawai'i. **If we invest in comprehensive bail, diversion, probation and parole reform, the female population in our jails and prisons would be significantly reduced without compromising community safety.**

Re-entry and reintegration programs that help people secure jobs, treatment, housing<sup>1</sup> and education<sup>2</sup>, have proven effective in facilitating the successful transition of formerly incarcerated

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<sup>1</sup> Nathan James, Offender Reentry: *Correctional Statistics, Reintegration into the Community and Recidivism*, Congressional Research Service (2015). <https://sgp.fas.org/crs/misc/RL34287.pdf>

<sup>2</sup> 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>

people out of jails and prisons, and back to their families and communities. Moreover, comprehensive support services have been shown to reduce recidivism.

Prioritizing reentry planning and comprehensive treatment, education and support services should start at day one of incarceration.<sup>3</sup> 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.

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.<sup>4</sup>

For these reasons, we urge the Committee to implement Smart Justice laws that divert and release women from our jails and prisons, and in the rare circumstances where women are incarcerated, **expand community-based work-furlough and other re-entry services operated by community based providers in the community.**

**Please listen to the first hand experiences of women who have participated in YWCA’s work furlough and transitional program as opposed to the Department of Public Safety’s work furlough program, and closely evaluate the cost-effectiveness of each program.**

**We are concerned that this bill, as currently drafted, would potentially increase work-furlough services solely operated by the Department of Public Safety – rather than requiring the Department of Public Safety to contract with community-based providers that have a proven track record of successful work-furlough and re-entry programs for justice-involved women such as YWCA.**

Based on PSD’s proposed Budget, they are requesting additional funding to hire over 100+ correctional officers at the Women’s prison. Rather than increasing PSD’s budget to expand prison cells and additional staffing, public funding should be invested in diversion, and community-based work furlough and re-entry programs.

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<sup>3</sup> 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.

<sup>4</sup> 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>

To address these concerns, we recommend the following amendments:

1. Require the expansion of community-based work-furlough and re-entry programs for women with community-based service providers whether the funding is placed with the Department of Public Safety or another agency, such as the Department of Human Services.
2. Require the Department of Public Safety or other state agencies that contract with community-based work furlough and re-entry programs to submit an annual report to the State Legislature. The Annual Report should include the amount of funding expended, the number of women served, a description of services provided, and program participation outcomes.

Thank you for the opportunity to express support of HB1776 HD1 with the proposed amendments.

Sincerely,

*Carrie Ann Shirota*

Carrie Ann Shirota  
Policy Director  
ACLU of Hawai'i  
[cshirota@acluhawaii.org](mailto: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  
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