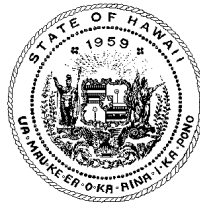


DAVID Y. IGE
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No. _____

**TESTIMONY ON HOUSE BILL 2258
RELATING TO CORRECTIONS.**

By
Max N. Otani, Director
Department of Public Safety

House Committee on Corrections, Military, and Veterans
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

February 4, 2022; 10:00 a.m.
State Capitol, Room 430 & and Via Video conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed House Bill (HB) 2258, which seeks to establish a Women's Corrections Implementation Commission within the Department of Public Safety (PSD), to provide oversight over state correctional facilities that incarcerate women, receive, and investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, etc.

The Department provides comments regarding HB 2258 and notes that this measure is very similar to the duties and responsibilities of the current Hawaii Correctional Systems Oversight Commission. It appears to be duplicative of that entity. In addition, it should also be noted, recidivism outcomes are tracked by the Interagency Council on Intermediate Sanctions (ICIS) that is spearheaded by the Judiciary. The ICIS publishes an annual recidivism study that tracks in detail the recidivism rates of probationers, parolees, and inmates who have completed their term(s) of incarceration.

Thank you for the opportunity to provide comments on HB 2258.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 4, 2022

TO: Honorable Representative Takashi Ohno, Chair
House Committee on Corrections, Military, and Veterans

FROM: Mark Patterson, Chair, Hawaii Correctional System Oversight
Commission

SUBJECT: **HB 2258, RELATING CORRECTIONS**

POSITION: COMMENTS

Chair Ohno, Vice Chair Ganaden 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. The Commission's statutory responsibilities include all of the duties and responsibilities that would be assigned to the Women's Correctional Implementation Commission that would be if HB 2258 were enacted.

Our Commission takes its responsibilities seriously. We have met in public monthly – sometimes more often – for two years. Our five volunteer members are all experienced criminal justice professionals who are interested and concerned about our correctional system. However we have been unable to obtain the staff support that was provided by Act 179. We have made two unsuccessful attempts to hire the staff we need. Our latest request has been pending since early December.

If the Legislature chooses to enact this bill, you may be assured that we will fully cooperate with the new Commission.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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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 CORRECTIONS, MILITARY, & VETERANS
ON
HOUSE BILL NO. 2258

February 4, 2022
10:00 a.m.
Room 430 and Videoconference

RELATING TO CORRECTIONS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2258 establishes the Women's Correctional Implementation Commission (WCIC) within the Department of Public Safety to provide oversight over State correctional facilities that incarcerate women, receive and investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, and monitor programs and data that are important to ensuring successful outcomes for women in the correctional system. This bill also appropriates an unspecified amount of general funds to the WCIC for FY 23 to fund the operations of the commission, including the hiring of necessary staff.

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.

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

HEARING DATE: February 4, 2022
TIME: 10AM

SUPPORT FOR HB HB2258 RELATING TO PRISON REFORM

The Women’s Prison Project **STRONGLY SUPPORTS HB 2258** which establishes a Women’s Corrections Implementation Commission in the Department of Public Safety (DPS) to ensure implementation of the recommendations from the House Concurrent Resolution No. 85 (2016). These recommendations include Trauma Informed Care training for all DPS personnel and contractors working with incarcerated women as well as ensuring evidence-based, gender responsive rehabilitative and therapeutic programs, appropriate support services, and access to appropriate community services. The report states with regard to women prisoners: “Hawaii should recognize the behavioral and social differences between male and female offenders and adopt gender responsive policies, programs, and practices, particularly with respect to trauma informed care, developing healthy relationships, and providing holistic support to women.”

Change within complex systems is difficult. As noted in the 2019 report of the Resolution 85 task force, experience has shown that without implementation oversight, recommendations and planned programs may fall by the wayside and not be fully implemented. The report emphasized the need for “an Independent Commission to ensure that recommendations and Legislature enacts are faithfully and executed.”

The high rate of incarceration of women in Hawaii and the high rate of recidivism indicate a need for change. We can do better. The establishment of an Implementation Commission within the DPS to direct and oversee the changes needed to develop a more effective and gender responsive system for incarcerated women is vital. We have all seen too many task force reports gather dust on shelves. Women are a small percentage within the correctional systems. They need advocates with the authority to move reforms forward on their behalf. They need an Implementation Commission empowered not only to review and plan, but to actually affect implementation of evidence-based gender responsive enhancements and reforms within Hawaii's jails and prisons.

The majority of Hawaii's incarcerated women are convicted of drug related crimes, including property crimes and other low risk offenses. The Women's Prison Project advocates services and programs that identify and address women's issues and needs and recognize and build on their strengths. There are a number of bills before the legislature now that seek to establish a more gender responsive system for women within the DPS, including gender specific assessments, cultural activities, visitation with children, education, restorative justice circles, transition planning circles. There are also many excellent, evidence-based models for programing for corrections involved women, in many parts on the nation and the state. We encourage the commission to investigate them and bring forward innovations to improve conditions for Hawaii's incarcerated women.

The Women's Prison Project is glad to see that the Implementation Commission would receive and investigate complaints from incarcerated women. Incarceration itself is a traumatizing experience. Unfortunately, we know that women are also vulnerable to abuses within correctional facilities. Lack of privacy, unwanted sexual advances and innuendos and treatment that feels dehumanizing are causes of further trauma. Safety is the first requirement for healing for trauma. Therapeutic programming must be combined with a humane and respectful environment.

Women's Prison Project hopes that this Implementation Commission is established within the DPS and that it brings about the changes needed to more fairly, humanely and effectively address the needs and recognize the strengths of women offenders in the justice system so that they may successfully integrate back into our communities and not reoffend. It is time for change.

Thank you for considering the Women's Prison Project's support of HB2258.

HB-2258

Submitted on: 2/2/2022 9:05:39 PM

Testimony for CMV on 2/4/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nikos Leverenz	Hawaii Health & Harm Reduction Center	Support	No

Comments:

Hawaii Health & Harm Reduction Center supports HB 2258.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.