

‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
Hawai‘i State Commission on the Status of Women

Comments re: H.B. 2312 HD 1

Dear Chair Nishihara, Vice Chair DeCoite, and Honorable Members,

The Hawai‘i State Commission on the Status of Women supports the intent of this measure and **provides comments on H.B. 2312 HD1**, which would establish the women's corrections implementation commission in the judiciary to ensure implementation of the recommendations from the final report of the House Concurrent Resolution No. 85 (2016) task force, to develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system.

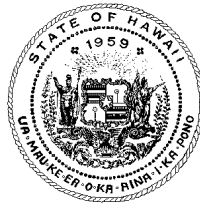
Amendments

We believe that this measure is duplicative of the functions of the Hawai‘i State Commission on the Status of Women and a more cost-effective approach would be to add this project to Hawai‘i State Commission on the Status of Women legislatively mandated duties with one FTE to coordinate with the Judiciary. Alternatively, the Hawai‘i State Commission on the Status of Women as the State’s main consultant on gender-responsive planning, should be explicitly named as a member of this taskforce.

Mahalo,

Khara Jabola-Carolus
Executive Director

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 2312, HOUSE DRAFT 1
RELATING TO PRISON REFORM.

By
Max N. Otani, Director
Department of Public Safety

Senate on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

March 17, 2022; 1:00 p.m.
Via Videoconference

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

The Department of Public Safety (PSD) offers comments on House Bill (HB) 2312, House Draft (HD) 1, which seeks to establish a Women's Corrections Implementation Commission within the Judiciary to ensure implementation of the recommendations from the final report from the HCR 85 (2016) Task Force and address the other issues related to the work of the task force.

The Department supports efforts to divert offenders from incarceration and notes that the statewide data on female risks and needs assessments collected by the Interagency Council on Intermediate Sanctions (ICIS), spearheaded by the Judiciary, would greatly assist the measure's Women's Corrections Implementation Commission, also proposed to be located within the Judiciary. PSD supports the continued funding for the efforts of the ICIS to help fulfill the purposes of this bill.

Thank you for the opportunity to provide comments on HB 2312, HD 1.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

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

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

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 SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS
ON
HOUSE BILL NO. 2312, H.D. 1

March 17, 2022
1:00 p.m.
Conference Room 229 and Videoconference

RELATING TO PRISON REFORM

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

House Bill No. 2312, H.D. 1, proposes the following:

- Establishes the Women's Corrections Implementation Commission (Commission) under the Judiciary, for administrative purposes, to implement the recommendations from the final report from the House Concurrent Resolution No. 85 (2016) task force. The purpose of the seven-member Commission consisting of all women is to develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system.
- Makes an unspecified general fund appropriation in FY 23 to the Judiciary to establish the Commission.

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:

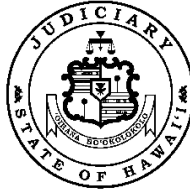
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support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



The Judiciary, State of Hawai‘i

Testimony to the Thirty-First State Legislature, 2022 Regular Session

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Thursday, March 17, 2022, 1:00 P.M.
Conference Room 229 & Videoconference

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2312, H.D. 1, Relating to Prison Reform.

Purpose: Establishes the Women's Corrections Implementation Commission in the Judiciary to ensure implementation of the recommendations from the final report from the House Concurrent Resolution No. 85 (2016) task force, to develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal justice system. Requires the commission to consider model programs including residential, in-person and community-based rehabilitation programs, supportive and subsidized housing, restorative justice, and educational programs. Effective 7/1/3000.

Judiciary's Position:

The Judiciary writes in support of this measure that is consistent with a collaborative and gender-specific approach to rehabilitating women in the criminal justice system. The commission this measure proposes would be a helpful forum for ongoing improvements in this area. To this end, the Judiciary also endeavors to establish in the First Circuit a Women's Court pilot, which will apply a gender-specific and trauma-informed approach to those in need; this pilot is proposed in House Bill 2421 and Senate Bill 3207.

Thank you for the opportunity to testify on this measure.

TESTIMONY IN SUPPORT OF HB 2312, HD 1

TO: Chair Nishihara, Vice Chair DeCoite, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: March 17, 2022 (1:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 2312, HD 1, which establishes a Women's Corrections Implementation Commission in the Judiciary to ensure implementation of the recommendations from the [final report of the HCR 85 Task Force on Prison Reform](#). The Commission would develop and implement an evidence-based, gender-responsive plan to divert non-violent women offenders, especially those with minor children, from the criminal legal system.

As the HCR 85 Task Force Report notes, "female offenders tend to have a history of physical and/or sexual abuse, and they are the primary caretakers of young children at the time of arrest. Their involvement in criminal activity is often motivated by poverty and/or substance abuse, and they are less likely than men to have been convicted of a violent crime." The report further provides that "programs for justice-involved women should be holistic and support the entire woman."

Prevailing prosecutorial practices, along with the continued absence of substantive bail reform, sentencing reform, and probation reform, set the stage for perennially overcrowded carceral facilities. The continued criminalization of personal drug use and possession significantly perpetuates lasting social, medical, and legal stigma. Criminalization subjects persons from under-resourced communities to prolonged periods of criminal legal supervision. [The enforcement of drug laws pertaining to personal use and possession of drugs has disproportionately impacted Native Hawaiians](#). In this regard, the criminal legal system's enforcement of punitive drug laws embodies the structural [racism that this Legislature declared a public health crisis via HCR 112](#) just last year.

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.

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

HEARING DATE: Thursday, March 17, 2022

TIME: 1:00 PM, Via Videoconference

SUPPORT FOR HB2312, HD1 RELATING TO PRISON REFORM

The Women's Prison Project **strongly supports** HB2312, HD1, which establishes a Women's Corrections Implementation Commission in the Department of Public Safety (DPS) to ensure timely implementation of the recommendations from the House Concurrent Resolution No 85 (2016). In this 2016 resolution, the House recommended that the state implement certain gender-specific reforms, including the provision of specialized Trauma Informed Training for all DPS personnel and contractors working with incarcerated women. In addition, the House recommended that Hawaii implement evidence-based, gender-responsive rehabilitative and therapeutic programs, support services, and community services needed to comprehensively and holistically respond to the needs of women in the state criminal justice system. Six years later, the need for a comprehensive approach to women's issues is needed more than ever.

Because most crime is committed by men, the criminal justice system is set up to address the correctional concerns and needs of men. However, criminal justice researchers have established that women differ in their offending patterns, both in kind and in degree. Women, for example, are more likely than men to be arrested, convicted, and sentenced for minor crimes, including narcotic-related crimes and property crimes. Women are also less likely to engage in acts of violence against others, which reduces the public safety risk to others if they are sentenced to probation, community service, or residential treatment programs instead of prison. Women are also more likely to suffer from substance abuse addiction and poor mental health, that, if left properly untreated, become risk factors that can lead to increased recidivism.

Perhaps most importantly, women are far more likely to serve as primary caretakers for minor children within the home. A prison sentence, therefore, represents a far greater punitive sentence for women than men. Incarceration unnecessarily isolates women from their support networks, and it inflicts emotional and psychological trauma by separating mothers (and grandmothers) from their minor children for extended periods of time. It also creates a cyclical problem, as children who have a mother in prison are more likely to end up in foster care and/or juvenile justice system as a result. In fact, one federal study estimates that children are *six times more likely* to go to prison themselves if they have one or more parent in prison (Martin, *National Institute of Justice*, 2017).

The Hawaii legislature can help to address this problem by passing HB2312. A Women's Corrections Implementation Commission within the Department of Public Safety will ensure that Hawaii's justice system is reviewing policies and procedures with gender in mind and staying abreast of the latest gender-responsive research.

There are numerous studies highlighting the benefits of implementing rehabilitative and correctional programs tailored to the unique needs of women, and the Implementation Commission will be poised to evaluate and implement program recommendations in order to improve the outcomes for women and their dependent children.

In reviewing the draft legislation, we have two recommendations for this committee:

- In Section 2, add one Commission member who represents the Office of the Public Defender. This will ensure that policy recommendations advanced by the Commission include the perspectives of public defenders who work with women offenders on a daily basis and have particular expertise in addressing behavioral patterns leading to arrest, conviction, and sentencing;

- In Section 2, clarify that appointees to the Commission may come from any county in Hawaii, not only Honolulu.

With new gender-specific research readily available, policy makers and program evaluators will be able to realize the societal benefits that can result from tailoring our justice programs to the unique needs of women. Just as vehicle safety can be improved through the use of gender-specific "crash-test dummies" and pharmacological effectiveness of drug therapies can be improved through clinical trials that enroll an equal number of women and men, society can benefit when states abandon a "one-size-fits-all" correctional model that treats women exactly the same as men.

By adopting a Commission that has an eye on these gender-specific recommendations and reforms, we can help to ensure that our systems are functioning as well as they can to ensure the ongoing health and safety of our communities.

Jennifer E. Walsh, Ph.D., on behalf of the Women's Prison Project. She can be reached at: jewalsh@hpu.edu

HB-2312-HD-1

Submitted on: 3/11/2022 8:33:27 PM

Testimony for PSM on 3/17/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Beth Anderson	Individual	Support	Written Testimony Only

Comments:

I support HB2312. These women need rehabilitation services and support to put their broken lives together and hopefully become productive citizens who take care of their children.

HB-2312-HD-1

Submitted on: 3/12/2022 12:36:59 AM

Testimony for PSM on 3/17/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupalyk	Individual	Support	Written Testimony Only

Comments:

There is only one way to reintegrate our women successfully and it is with assistance. Thank you.