



The Judiciary, State of Hawai‘i

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

Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Senate Committee on Ways and Means

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, April 5, 2022, 10:05 A.M.
Conference Room 211 & Videoconference

by

Rodney A. Maile

Administrative Director of the Courts

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2312, H.D. 1, S.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 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. 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. (SD1).

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.

DAVID Y. IGE
GOVERNOR



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DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE BILL HB 2312, HOUSE DRAFT 1, SENATE DRAFT 1
RELATING TO PRISON REFORM.

by

Max N. Otani, Director
Department of Public Safety

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

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April 5, 2022; 10:05 a.m.
State Capitol, CR 211 and Via Videoconference

Chair Roads, Chair Dela Cruz and Members of the Committees:

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

The Department supports efforts to divert women offenders from incarceration and notes that the statewide data on female risks and needs assessments collected by the Interagency Council on Intermediate Sanctions (ICIS) that is 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, SD 1.

DAVID Y. IGE
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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 SENATE COMMITTEE ON JUDICIARY AND WAYS AND MEANS
ON
HOUSE BILL NO. 2312, H.D. 1. S.D. 1

April 5, 2022
10:05 a.m.
Room 211 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, S.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.

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON WAYS AND MEANS
Senator Donovan Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

HEARING DATE: Tuesday, April 5, 2022

TIME: 10:05 a.m.

PLACE: Conference Room 211 & Videoconference

SUPPORT FOR HB 2312 HD1 SD1 RELATING TO PRISON REFORM

The Women's Prison Project **strongly supports HB 2312 HD1 SD1**, which establishes a Women's Corrections Implementation Commission in the Judiciary to ensure implementation of the recommendations of Chapter 10 of the 2019 report of the House Concurrent Resolution No. 85 (2016) Task Force. The Implementation Commission would develop an evidence-based, gender-responsive plan to divert non-violent women offenders from incarceration, improve conditions and expand programs for women who are incarcerated, and implement a gender responsive transition process that would reduce recidivism.

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 ...are faithfully executed." The truth of their words is demonstrated by the fact that their own recommendations have not yet been implemented.

The proposed Women's Corrections IMPLEMENTATION Commission called for in HB2312 is specifically focused on the implementation of reforms for women in the justice system, including the Judiciary. It is not duplicating the mission or efforts of the Corrections Oversight Commission, although a collaborative relationship would be sought. The scope of the Women's Corrections Implementation Commission is focused on implementation of gender-specific reforms, and its membership consists of women with the knowledge and expertise to effectively guide the implementation of evidence-based reforms for justice involved women.

The Women's Corrections Implementation Commission should be housed in the Judiciary. Recommended reforms relate to diversion of women from prison with oversight by the courts, as well as reforms related to women's correction facilities.

In its 2018 report, the House Concurrent Resolution No 85 (2016) Task Force recommended to the House that the state implement certain gender-specific reforms, including the provision of specialized Trauma Informed Training for all Department of Public Safety (DPS) personnel and contractors working with incarcerated women. It was further 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, most of those recommendations have not been implemented. A comprehensive approach to women's issues is needed to reduce the incarceration rate of non-violent, low-risk women offenders and to ensure a successful pathway to transition and non-recidivism for those women who are transitioning out of prison. This would be the work of the Women's Corrections Implementation Commission.

Twelve percent of Hawaii's incarcerated population are women. That is the highest rate of any state in America. Women released from the Women's Community Correctional Center (WCCC) have a recidivism rate of 50%. 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 Judiciary will move forward the development of a more effective and gender-responsive system for justice involved women. Hawaii's correctional systems were designed and built to manage the much larger male corrections population. Justice involved women need advocates with the authority to move reforms forward on their behalf, or they will continue to be "lost in the shuffle". They need an Implementation Commission empowered not only to review and plan, but to actually affect implementation of gender-responsive reforms.

Women's Prison Project urges the Legislature to pass HB2312 HD1 SD1 which would establish the Women's Corrections Implementation Commission within the Judiciary. It is time to fairly, humanely and effectively address the needs of women offenders.

Linda Rich
Women's Prison Project

HB-2312-SD-1

Submitted on: 4/2/2022 11:10:43 AM

Testimony for JDC on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support.

HB-2312-SD-1

Submitted on: 4/4/2022 9:19:53 AM

Testimony for JDC on 4/5/2022 10:05:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chairs Dela Cruz and Rhoads, Vice Chairs Keith-Agaran and Keohokalole and members of the Committees,

My name is Carolyn Eaton and I strongly support the creation and support of this new commission. My hope is that in spotlighting the needs of women in our jails and prisons, and the children of these women, it will also speed support for staffing for our Hawaii Correctional System Oversight Commission, its sibling. The legislature has approved support for HCSOC, but the Administration has balked at funding staff positions. HCSOC Commissioners have held monthly meetings, which I've attended. Commissioners are exasperated at the disrespect shown them in the failure to fund staff. Oversight is not possible in these circumstances. Mahalo for your efforts to hold our State accountable for the treatment of people in our jails and prisons. The new commission you create with passage of this measure is a wonderful step toward reforming conditions for incarcerated women in Hawaii. Funds for staff should not be omitted.