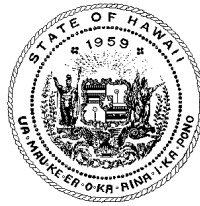


DAVID Y. IGE  
GOVERNOR



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 2313, HOUSE DRAFT 1  
RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.

by  
Max N. Otani, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

Wednesday, February 23, 2022; 2:30 p.m.  
Via Videoconference

Chair Luke, Vice Chair Yamashita, and Members of the Committee:

House Bill (HB) 2313, House Draft (HD), 1 seeks to require the Department of Public Safety (PSD) to develop a female pretrial risk and needs assessment tool and conduct these assessments to measure the female offenders' risks of flight, reoffending, or harming the community, considering factors important to women and women's specialized treatment needs.

PSD offers comments regarding this measure along with some insight. At present, the Department already has underway an initiative to address the assessment, treatment, and reentry needs of female offenders. Specifically, PSD has redescribed a Corrections Program Specialist II position within the Reentry Coordination Office (RCO) to be dedicated to addressing the needs of female offenders.

This CPS II will also review nationally-recognized offender assessment instruments, including pretrial assessment tools and conduct research with the National Institute of Corrections (NIC), American Correctional Association (ACA), and other entities in determining the effectiveness of PSD's current assessment

instrument, Level of Service Inventory – Revised (LSI-R) to help determine if another more effective and accurate assessment instrument exists specifically for female offenders.

However, in order to develop, implement, and conduct a female-specific pretrial risk and needs assessment initiative, the Department will require substantial additional funding, which, as written, HB 2313, HD 1 does not provide.

In light of PSD's progress in this area, the Department respectfully recommends that this measure be held in abeyance, as we move forward with initiatives currently underway.

Thank you for the opportunity submit testimony on HB 2313. HD 1.

COMMITTEE ON FINANCE  
Representative Sylvia Luke, Chair

HEARING DATE: Wednesday, February 23, 2022

TIME: 2:30 PM

**SUPPORT FOR HB2313, HD1 (HSCR 133-22) RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS**

The Women's Prison Project **STRONGLY SUPPORTS** SB2313, HD1 (HCS 133-22) which mandates that a pretrial gender-responsive risk and needs assessment tool be implemented that considers factors important to evaluate women's risk to reoffend and women's specialized treatment needs, such as rates of trauma, including physical and sexual abuse prior to becoming an offender.

This mandate aligns with the recommendations of the Department of Justice National Corrections Institute, The National Resource Center for Justice Involved Women and Hawaii's own Criminal Justice Research Institute (CJRI).

There are several well researched and validated women's risk and needs assessment tools already available and in use in other states which identify women's unique needs as well as their strengths. We have identified four research based assessment tools that were validated through use with female offenders and are in use in other states. It is time for the Department of Public Safety (DPS) to move forward with selection and implementation of a gender responsive assessment tool. The proposed Implementation Commission described in HB 2258 would work with DPS to assure timely and effective implementation of a gender responsive assessment.

Women's and men's pathways into the criminal justice system are very different. This is why this issue is so important. In a recent review of research, the Hawaii CJRI identified women's pathways to incarceration overwhelmingly relate to social and economic marginalization. Sixty percent of the women in the study of

the Women's Community Correctional Center had at least one child living with them prior to incarceration and 75% were mothers. Parenting stress, lack of childcare, and the need as single mothers to support their family are among risks factors and needs not identified in non-gender responsive assessments. (Erin Harbinson, PhD, Aerielle Reynolds, MS ).

Research over several decades has validated that women's pathways to incarceration, their risk factors for recidivism and their rehabilitation needs differ from those of men and are not adequately identified or addressed by assessment tools that were originally developed for males in the justice system. For example, factors that may predict stability for men, such as family relationships, are more complex for women dealing with domestic abuse or caregiving or parenting stress.

The majority of women in Hawaii's corrections facilities are nonviolent offenders. In addition to focusing on risk, a gender responsive pretrial assessment tool would identify rehabilitation needs such as trauma, relationship issues, substance abuse and mental health, job training and housing needs. It would identify women who might be safely diverted to community-based programs with court supervision, reducing Hawaii's very high rate of incarceration of women.

Researchers have noted that women may be over classified as high risk, and the needs critical for their rehabilitation may be overlooked when women specific issues are not considered. This can result in a failure to match their needs and risk factors with appropriate classification and services. Accurate assessment is the foundation for effective intervention.

The Women's Prison Project strongly supports SB2313 which will lead to more accurate identification of women's risk factors and needs which will result in more effective interventions and services for women in the state justice system, lower rates of incarceration of women and reduction of recidivism.

Thank you for the opportunity to testify and for considering our thoughts on this important issue.

Linda Rich

On behalf of the Women's Prison Project



## **HB2313 HD1 Pretrial Risk and Needs Assessment Women**

### COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Wednesday, Feb 23 2022: 2:30 pm : Videoconference

## **Hawaii Substance Abuse Coalition Strongly Supports HB2313 HD1:**

*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.*

HSAC is in strong support for risk and needs assessments that include risk for reoffending as well as needs for specialized treatment for substance use disorders, especially if such needs assessment include assessing mental health disorders.

1. Often substance use disorders has co-occurring mental health disorders.
2. From these assessments a reentry plan as well as a treatment plan, if applicable, can be developed.
3. So much can be done when there is pre-planning, including involving more services and different types of support.
4. Outcomes can be substantially improved with early planning.

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