



**STATE OF HAWAII'**  
**HAWAII'I CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

February 17, 2022

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

The Honorable Representative Scot Z. Matayoshi, Vice Chair  
Committee of Judiciary & Hawaiian Affairs

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

SUBJECT: **HB 2313, RELATING TO RISK AND NEDDS ASSESSMENT FOR FEMALE  
OFFENDERS.**

POSITION: STRONGLY SUPPORT

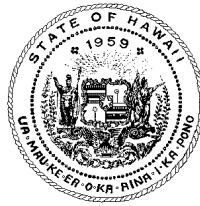
Chair Nakashima, Vice Chair Matayoshi and Members of the Committee

The Hawaii Correctional Systems Oversight Commission supports Senate Bill 2771, Relating to Risk and Needs Assessment for Female Offenders, which amends Section 353-10, HRS, to require a risk/needs assessment specifically intended to assess the risk reoffend and treatment needs of pre-trial female offenders.

Few pre-trial assessment tools have been normed to the gender-specific risk and needs of pre-trial women. There certainly are many gender-neutral risk factors, such as history of criminal convictions and failure to appear, that apply to both men and women, but without consideration of gender-specific risk factors we miss the opportunity to achieve more successful outcomes for justice involved women. Studies have shown that women are far less likely than men to incur pretrial failures and less likely to incur new arrests in the six months following arrest. Through gender-specific risk/needs assessments, coupled with proper referral to community-based resources, these tools can support the effectiveness of pre-trial diversion for women. We support the need for gender-specific tools to evaluate the risk and needs of pretrial women offenders. Thank you for the opportunity to testify.

Mark Patterson  
Chair  
Hawaii Correctional System Oversight Commission

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
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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 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, Conference Room 325 & Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, 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 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 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.



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

### 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 Strongly Supports HB2313:**

*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.

**HB-2313-HD-1**

Submitted on: 2/16/2022 8:38:04 AM

Testimony for JHA on 2/17/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Linda Rich	Women's Prison Project	Support	No

Comments:

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

SB2313, HD1 (HCS 133-22) 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).

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. 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.

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 [richl001@hawaii.rr.com](mailto:richl001@hawaii.rr.com)

On behalf of the Women's Prison Project



## TESTIMONY IN SUPPORT OF HB 2313, 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 2313, HD 1, which requires the Department of Public Safety (PSD) to develop a pretrial female risk and needs assessment tool and conduct internal pretrial female risk and needs assessments to measure the female offender's risk of flight, criminal conduct, or harm to the community. The tool should consider factors important to women when considering their risk to reoffend and treatment needs.

[As the HCR 85 Task Force Final 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.”

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.