



The Judiciary, State of Hawai‘i

**Testimony to the Thirty-First Legislature
Regular Session of 2022**

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

Thursday, March 17, 2022 at 9:35 A.M.
VIA VIDEOCONFERENCE

by
R. Mark Browning
Chief Judge, First Circuit

Bill No. and Title: House Bill No. 2421, HD1 Relating to Women’s Court.

Purpose: Establishes a three-year women’s court pilot program within the judiciary’s first circuit. Establishes temporary positions. Requires a report. Appropriates funds. Repeals 6/30/2025. (HD1)

Judiciary's Position:

The Judiciary urges the strong support of House Bill No. 2421, HD1 to create a Women’s Court pilot program in the First Circuit. The Judiciary appreciates the Legislature's recognition that women enter the criminal justice system in pathways distinct from men's, that the current tools and policies in place are not effective at keeping justice-involved women out of jail and prison, and that innovation is necessary to not only prevent more women being incarcerated but also to help them break the cycle of re- entering the criminal justice system.

The Judiciary supports this bill for the following reasons:

1. There is a need for a program like this. Nationally, women have been outpacing men in entering the prison population since 1980, at a rate of 700% compared to 50% for men.



2. The majority of these women enter the criminal justice system for non-violent felonies. This is true in Hawaii, where 32.3% of women versus 24.5% of men entered the system for a felony property crime and 35.9% of women versus 27% of men entered the system for a felony drug crime.
3. Research has shown that being in jail even for a day negatively impacts recidivism outcomes. This is especially an important consideration because prison and jail policies are historically designed to address male offenders and do not address the issues that typically affect women and lead them to become justice-involved.
4. Research shows that women become justice-involved in different pathways from men. Poverty, abuse, mental health issues, substance abuse disorders, trauma, marginalization, and unhealthy relationships all intersect the unique pathways that lead women to criminal behaviors. So, women typically enter the criminal justice system with trauma and need services to address their mental health issues and substance abuse disorders.
5. If these things are not addressed, the outcome is that these women risk re-entering the system, which creates a cycle of suffering not only for them but for their families and their community. This is true when you consider the fact that most women are the primary caretakers for their children, and being in jail can lead to serious and permanent consequences for their families such as losing custody of their children.
6. The goal of this program is to address these issues at the outset. Rather than sending women to jail for nonviolent crimes, the program will be based on the probation model with the core objective of providing services in mental health and substance abuse treatment, trauma-informed care, and education.
7. By making these issues a priority rather than a supplement to the way the court deals with nonviolent women offenders, we can end the cycle of women needlessly going through the system. It will save the State money in the long run and make a positive impact on our community as a whole.
8. To do all that, the program needs to appropriate funds for services such as mental health care, substance abuse treatment, trauma treatment, and education. Moreover, the funds will also be applied to establishing temporary positions to staff the program with individuals who possess specialized knowledge and experience in this field to ensure the program's success.
9. The program will first be established as a three-year pilot project. The Judiciary will provide annual reports to assess if and how the program should move forward.

The Judiciary is requesting an appropriation in the amount of \$695,236 for fiscal year 2022-2023 for equipment, contracted services for mental health, substance abuse, and other



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services, and the establishment of seven temporary positions for the Women's Court pilot program.

Thank you for the opportunity to testify on House Bill No. 2421, HD1.

DEPARTMENT OF THE PROSECUTING ATTORNEY
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**THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-First State Legislature
Regular Session of 2022
State of Hawai'i**

March 17, 2022

RE: H.B. 2421, H.D. 1; RELATING TO WOMENS COURT.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of H.B. 2421, H.D. 1, with comments.

The purpose of this bill is to create a three-year women’s court pilot program in the First Circuit of the Judiciary to provide rehabilitative/re-entry services and programs to address the unique needs of female offenders in the criminal justice system.

The Department recognizes that female offenders face unique and complex barriers in successful re-entry after incarceration. The implementation of women’s court will ensure that a gender-responsive approach exists to address the various obstacles encountered by female offenders as they transition from parole or probation back into the community. Although there are other models used nationwide to address this disparity of services, a “one size fits all” design might not address Hawaii’s unique makeup, thus, a model tailored to address our special dynamics would be paramount for future success. While this bill provides the necessary mandate and resources to establish the women’s court pilot program, the Department believes that it will be important for the various stakeholders, including the Judiciary, the Department, and the Office of the Public Defender, to meet to build a general framework for this court and to ensure that all involved agencies understand what role they must play to ensure successful implementation.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 2421, H.D. 1, with comments. Thank you for the opportunity to testify on this matter.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
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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
ON
HOUSE BILL NO. 2421, H.D. 1

March 17, 2022
9:35 a.m.
Room 016 and Videoconference

RELATING TO WOMEN'S COURT

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

House Bill No. 2421, H.D. 1, proposes the following:

- Establishes a three-year women's court pilot program in the First Circuit Court to address women's individualized needs to divert them from incarceration, support them in the community and reduce recidivism.
- Appropriates unspecified general funds in FY 23 to the Judiciary and authorizes 7.00 temporary, full-time positions including 1.00 Social Worker V, 4.00 Social Worker IVs, 1.00 Circuit Court Clerk II, and 1.00 Judicial Clerk.
- Requires the Judiciary to submit a report on its findings and recommendations to the Legislature for each year of the three-year pilot program.
- Repeals the pilot program on June 30, 2025.

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.

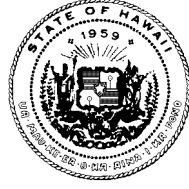
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

March 16, 2022

TO: The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary

FROM: Cathy Betts, Director

SUBJECT: **HB 2421 HD1 – RELATING TO WOMEN'S COURT.**

Hearing: March 17, 2022, 9:35 a.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, offer comments, and defers to the Judiciary.

PURPOSE: The purpose of the bill is to establish a three-year women's court pilot program within the Judiciary's first circuit. Establishes temporary positions. Requires a report. Appropriates funds. Repeals 6/30/2025. (HD1) The HD1 amended the measure by,

- (1) Making the appropriation amounts, including amounts per position, unspecified;
and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

Incarceration of women often means a separation of families that may cause life-long trauma. Diversion programs such as the women's court will maintain relationships, bonding, and attachment between parents and children.

In addition to implementing trauma-informed, gender-responsive programs and services, cultural responsiveness and multi-generational approaches should be considered when establishing a diversion program. Many culturally responsive and multi-generational

programs and services are yet to be considered evidence-based; this measure limits the programming to employ evidence-based practices. Allowing programs to build evidence to make them evidence-informed will expand the culturally appropriate service delivery.

Successful diversion services need collaboration with relevant government agencies and community partners to support these individuals and their families. The Department will work with the Judiciary and communities to improve access to needed public benefits and services.

Thank you for the opportunity to provide testimony on this measure.



TESTIMONY

Senate Committee on Judiciary

Hearing: Thursday, March 17, 2022 (9:35 a.m.)

TO: The Honorable Karl Rhoads, Chair
The Honorable Jarrett Keohokalole, Vice Chair

FROM: Shannon S. Sheldon
HSBA President

RE: House Bill No. 2421, HD1
Relating to the Women’s Court

Section 1 of this measure succinctly and accurately sets forth the significant increase in the number of female offenders in correctional facilities, and the difficulties and obstacles women face pre-incarceration, during incarceration, and post-incarceration. The lives of women in the criminal system are made even more difficult as many are the primary caregivers of children whose formative years are disrupted.

The proposed three-year pilot program for the establishment of a Women’s Court in the First Circuit is a bold step forward to meet the needs of female offenders, who themselves are often victimized.

Specifically, the services to be offered have been raised, discussed, and verified as needed by numerous community service and educational organizations throughout the decade.

- Support to improve parenting and positive relationships.
- Life skills training.
- Educational opportunities and vocational training.
- Medical services and well-being-education.
- Safe and affordable housing.

The bill’s sponsoring legislators are to be commended for their foresight and leadership. The HSBA requests that new funding be provided for this innovative initiative which will not detract from existing appropriations or the Judiciary’s priorities in its 2022 legislative package.

Thank you for the opportunity to submit comments in **STRONG SUPPORT** of this bill.

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March 15, 2022

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

Re: H.B. 2421, H.D. 1 Relating to Women's Court

Hearing: Thursday, March 17, 2022, in Conference Room 016 & Videoconference

Dear Chair Rhoads, Vice Chair Keohokalole and Members of the Committee on Judiciary:

Hawaii Women Lawyers strongly **supports H.B. 2421, H.D. 1** which establishes a three-year Women's Court Pilot Program within the Judiciary's First Circuit.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

The proposed bill recognizes the significant increase in the number of women in Hawaii jails over the past forty years, resulting in a higher proportion of women who are incarcerated. In consideration of this increasing demographic, and the unique and individualized experiences women have that lead them into the criminal justice system, the proposed bill appropriates funds to establish a Women's Court Pilot program. The services provided through the program shall address the following areas: *trauma and mental health treatment; family support; life-skills training; education and vocational training; document violence prevention; medical services and health education; substance abuse services; mentoring; and housing support*. Hawaii women and their families stand to benefit significantly from this program, which aims to divert women participants from incarceration, support their success in the community and reduce recidivism.

For the above reasons, we strongly support **H.B. 2421, H.D. 1** and respectfully request that the Committee pass this measure.

Thank you for the opportunity to testify in strong support of this measure.

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HB-2421-HD-1

Submitted on: 3/14/2022 3:16:47 PM

Testimony for JDC on 3/17/2022 9:35:00 AM

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

Comments:

Stand in Support.