

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

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

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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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 HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 2421

**February 24, 2022**  
**11:00 a.m.**  
**Room 308 and Videoconference**

RELATING TO WOMEN'S COURT

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

House Bill No. 2421 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 \$695,236 in general funds in FY 23 to the Judiciary and authorizes seven temporary, full-time positions including one Social Worker (SW) V, four SW IVs, a Circuit Court Clerk II, and one 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:

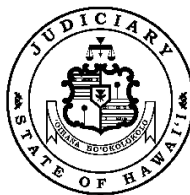
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support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



## *The Judiciary, State of Hawai‘i*

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

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

Thursday, February 24, 2022 at 11:00 A.M.  
VIA VIDEOCONFERENCE

by  
R. Mark Browning  
Chief Judge, First Circuit

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**Bill No. and Title:** House Bill No. 2421, 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.

### **Judiciary's Position:**

The Judiciary urges the strong support of House Bill No. 2421 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.

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



*The Judiciary, State of Hawai‘i*

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Representative Kyle T. Yamashita, Vice Chair

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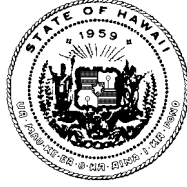
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  5. If these things are not addressed, the outcome is that these women risk re-entering the system, which creates a cycle of suffering not only for them but for their families and their community. This is true when you consider the fact that most 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.
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  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.

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

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

February 23, 2022

TO: The Honorable Representative Sylvia Luke, Chair  
House Committee on Finance

FROM: Cathy Betts, Director

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

Hearing: February 24, 2022, 11:00 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.

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.



DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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THOMAS J. BRADY  
FIRST DEPUTY  
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**THE HONORABLE SYLVIA LUKE, CHAIR**  
**HOUSE COMMITTEE ON FINANCE**  
**Thirty-First State Legislature**  
**Regular Session of 2022**  
**State of Hawai'i**

February 24, 2022

**RE: H.B. 2421; RELATING TO WOMENS COURT.**

Chair Luke, Vice-Chair Yamashita, and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (“Department”) submits the following testimony in support of H.B. 2421, 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, with comments. Thank you for the opportunity to testify on this matter.



**TESTIMONY**

House Committee on Finance

**Hearing: Thursday, February 24, 2022 (11:00 a.m.)**

**TO:** The Honorable Sylvia Luke, Chair  
The Honorable Kyle T. Yamashita, Vice Chair

**FROM:** Shannon S. Sheldon  
HSBA President

**RE:** House Bill No. 2421  
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 representatives 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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**HB-2421**

Submitted on: 2/22/2022 7:24:18 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Nikos Leverenz	Hawaii Health & Harm Reduction Center	Support	No

Comments:

Hawaii Health & Harm Reduction Center (HHHRC) supports SB 2421, which establishes a three year women's court pilot program within the judiciary's first circuit.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii 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. The continued criminalization of those with behavioral health problems compounds their suffering and further jeopardizes their health and well-being.

Thank you for the opportunity to testify on this measure.

COMMITTEE ON FINANCE  
Representative Sylvia Luke, Chair  
Representative Kyle Yamashita, Vice Chair

HEARING DATE: February 24, 2022  
TIME: 11 AM, Via Videoconference

**STRONG SUPPORT FOR SB3207 RELATING TO WOMEN'S COURT**

The Women's Prison Project **strongly supports** the concept of a Women's Court as described in SB3207 and offers recommendations for its implementation.

A recent review of research by the State of Hawaii Judiciary's Criminal Justice Research Institute (CJRI) found that women make up a larger percentage of Hawaii's total incarcerated population than in any other state in the nation. CJRI's study also found that only a small percentage of women offenders in Hawaii's corrections system were convicted of violent felonies. While Native Hawaiian women were approximately 19% of the state's female population in 2018, they were approximately 44% of women in prison. The majority of these women were convicted of drug offenses or property crimes often related to drugs. Simple assault is the primary conviction involving violence identified in studies. The report noted high rates of mental illness, use of illicit drugs, and histories of trauma related to abuse in childhood and as adults. These factors, as well as poverty, lack of access to education, job training and safe affordable housing have been identified as women's pathways to crime. These factors also put women at risk for recidivism, which at the time of the CJRI's study was at 51%.

The Women's Court could help reduce the rate of incarceration of women in Hawaii and reduce recidivism. Meeting the Needs of Women in California's County Justice Systems: A Toolkit for Policymakers and Practitioners (B. Bloom, 2015) reported that "By the nature of their lower-level offenses, women pose less of a threat to public safety than men and they often are more amenable to community-based programming than men."

A Women's Court would offer a much-needed shift to a rehabilitative and restorative approach to corrections that is trauma informed, culturally and gender responsive, and directly addresses women's pathways to crime and risk of recidivism by providing needed treatment and life skills development. It would keep more court-involved women in the community with their children.

"When women are provided programs and services that support their living productive, crime-free lives, there is a strong possibility, as well as empirical evidence, that their children also benefit." ( B. Bloom, 2015) Children of incarcerated mothers are more likely to enter the foster care system, drop out of school, and become involved with the justice system.

The Women's Court would simultaneously maintain a level of accountability and structure in its oversight of women's progress. We strongly support this movement toward keeping women out of incarceration.

Participants in the Women's Court might include women who have committed a first-time offense and are at low risk for recidivism and whose primary needs are treatment for

co-occurring mental health and substance abuse disorders, probation offenders, women who are pregnant or have children, women who are eligible for parole, or women nearing the end of their sentence who need preparation for successful transition into the community.

The Women's Reentry Court in Los Angeles County(WRC) provides mental health and substance use disorder treatment along with housing, employment and reunification of children with their mothers in the early stage of treatment. An evaluation of WRC by the County of Los Angeles Department of Public Health found that graduates of the WRC had an 18% recidivism rate compared to 49% for women released from prison the same year.WRC.

There is already a model for a gender-responsive court in Hawaii. Hawaii's Girls Court began in 2004 as a pilot project and was established in 2017 as a permanent court within the Judiciary. It has been acknowledged nationally as a best practice for working with court-involved girl offenders. The evaluation of that court ( *Janet T. Davidson, Lisa Pasko, Meda Cheney Lind, 2011*) offers some "lessons learned" that might be applied in the development of the Women's Court.

Lessons learned from the Girls Court experience would suggest that the Women's Court would need firm assessment and selection criteria to ensure appropriateness for the program. This would involve the implementation of a validated assessment specifically developed for use with women in the justice system. Staff, including probation officers

and social workers, must be educated in women's pathways to crime, and be committed to a trauma-informed, gender-responsive approach. Selection of a consistent judge who will provide "both nurturing encouragement and formal authority" is critical. One Girls Court staff interviewed in the evaluation stated that staff needed commitment to a gender-responsive philosophy, willingness to do things differently, to look at the reasons girls (women) are in the court in the first place, and not be too quick to judge and punish. This philosophy should be reflected in the Women's Court. The court should have a step-down system as women complete requirements and clear criteria for "graduation". Transitions should be planned early and connections made with any needed aftercare.

A 2019 review of problem solving courts for the Centre for Justice Innovation by Brown and Whitehead, while raising concerns about many specialty courts said of the emerging practice of specialty courts for women, especially those in the United Kingdom, "Based on the evidence, women's distinctive needs and the impact of gender specific approaches, we conclude that a problem solving court for female offenders who have complex needs or are at risk of custody has the potential to reduce re-offending. We see a strong theory of change for a specialized court that is evidence led, trauma informed, and gender responsive."

The Women's Prison Project strongly supports the intent of SB3207 to keep women out of prison, promote successful outcomes by addressing their pathways to crime and reduce recidivism.

Mahalo for considering our thoughts on this matter. If I can answer any questions, please contact me at [richl001@hawaii.rr.com](mailto:richl001@hawaii.rr.com)

Linda Rich



**HB-2421**

Submitted on: 2/22/2022 6:45:52 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Yamashita and members,

Strong support for this measure. I respect and agree with the Judiciary's assessment:

"Historically, criminal justice policies and practices have been designed for men as they account for the overwhelming majority of justice-involved persons. Because of this, the issues relevant to women have been overshadowed. While gender-neutral approaches, if evidenced-based, can be effective for reducing recidivism for both men and women, research has shown that gender-responsive approaches result in far better outcomes for women."

Mahalo,

Ann S. Freed, Life-time Feminist in Mililani

**HB-2421**

Submitted on: 2/23/2022 2:18:33 PM

Testimony for FIN on 2/24/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Leimomi Khan	Individual	Support	No

Comments:

Aloha, Fully support this bill for all of the reasons articulated by the Judiciary. On a personal level as a Native Hawaiian, it saddens me to read statistics that reflect that Native Hawaiian women are disproportionately represented in the prison system, and that the majority of these women were convicted of drug offenses or property crimes often related to drugs; and that many of these women suffer mental illness. I know first hand that this is true since this picture perfectly describes a close family member, sexually abused in childhood, encouraged to get involved in gambling at a young age, and then involved in the drug trade as a means to survival, and someone who attempted to commit suicide several times. I am all for any program that will help lift women to a better life. The proposed Women's Court program should help to address substance abuse, trauma and mental health in ways specific to women. Please fund this program.