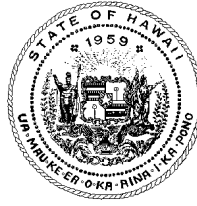


DAVID Y. IGE  
GOVERNOR



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 SENATE BILL 2637, SENATE DRAFT 1  
RELATING TO PUBLIC SAFETY.

by  
Max N. Otani, Director

House Committee on Corrections, Military, and Veterans  
Representative Takashi Ohno, Chair  
Representative Sonny Ganaden, Vice Chair

March 16, 2022; 10:00 a.m.  
Via Videoconference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2637, Senate Draft (SD) 1, which seeks to require community-based work furlough programs for all incarcerated women in the State and appropriates an unspecified amount of funding for this purpose.

PSD supports the intent of this measure and notes that most the items/services listed in Section 2 of SB 2637, SD 1 are already being provided during the offender's term of incarceration. The Department will continue its efforts to address further concerns in these areas and ensure the treatment, rehabilitative, and reentry needs of female offenders are being met. PSD further notes, any increase in the current level of programs and/or services provided to female offenders must be matched by appropriate permanent funding.

Thank you for the opportunity to provide testimony on SB 2637, SD 1.



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

March 16, 2022

TO: The Honorable Representative Takashi Ohno, Chair  
Committee on Corrections, Military, & Affairs

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

SUBJECT: **SB 2637, SD1 Relating to Public Safety**

POSITION: STRONGLY SUPPORT

Chair Ohno, Vice Chair Ganaden and Members of the Committee

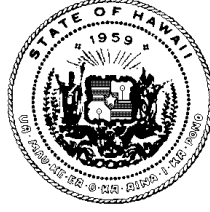
The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. The Commission's statutory responsibilities include monitoring and reviewing the comprehensive offender reentry program of the Department of Public Safety and ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

The Commission strongly supports SB 2637, which would require community-based work furlough programs for incarcerated women in Hawaii. This mandate would be consistent with the requirement in HRS 353H-3 that the Department of Public Safety develop a "comprehensive network of transitional programs to address the needs of individuals exiting the correctional system." Such a network promotes community safety by facilitating the adjustment from the highly structured prison setting to independent living. These transitional services work best when located in the communities into which the inmates will return. In these settings programs can provide navigational supports as the inmate adjusts to the demands of life in the community; and much needed emotional support.

Very frequently, such services are best provided by non-profit agencies whose focus is on assisting inmates within their communities. Hawaii has a rich history of such services. They include the Fernhurst YWCA in Honolulu; the Maui Best program on Maui, and the Going Home Consortium on Hawaii Island. These agencies have been a critical part of the correctional system "infrastructure" for years. For example, the Fernhurst program and its predecessors have provided services since the 1970s. They

have struggled, and often they are underutilized. But they remain resilient because they are dedicated to their mission and many in the communities recognize their value.

SB 2637 will be an important step toward ensuring that this network of community-based services can not only survive, but perhaps thrive. They will play a central role as Hawaii moves to a rehabilitative and therapeutic model of corrections. We urge you to pass this bill.



‘O kēia ‘ōlelo hō’ike no ke  
**Komikina Kūlana Olakino o Nā Wāhine**

Testimony on behalf of the  
**Hawai‘i State Commission on the Status of  
Women**

Support for S.B. 12637  
March 14, 2022

Dear Chair Ohno, Vice Chair Ganaden, and Honorable Members:

The Hawai‘i State Commission on the Status of Women supports S.B. 2637 which mandates that there be a community-based work furlough program for all incarcerated women in the State.

This bill will institutionalize a critical program that advances gender and racial equity that is owed by the State to disenfranchised communities. Women’s agencies, services and programs are often the first to be cut and last to receive adequate investment when economic crisis hits. This was clear during the COVID-19 crisis when the Fernhust program for women transitioning to post-prison life was inaccurately dubbed a “casualty” of the pandemic. This is sexism, not scarcity.

Accordingly, the Commission asks that the Committee pass S.B. 2637.

Sincerely,

Khara Jabola-Carolus, Executive Director

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

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

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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 CORRECTIONS, MILITARY, & VETERANS  
ON  
SENATE BILL NO. 2637, S.D. 1

**March 16, 2022**  
**10:00 a.m.**  
**Room 430 and Videoconference**

RELATING TO PUBLIC SAFETY

The Department of Budget and Finance (B&F) offers comments on Senate Bill (S.B.) No. 2637, S.D. 1.

S.B. No. 2637, S.D. 1, amends Section 353-6.5, HRS, by mandating a community-based work furlough program for all incarcerated women in the State; and appropriates an unspecified amount of general funds to the Department of Public Safety for FY 23 to ensure the continuation of community-based work furlough for women and its expansion to all incarcerated women. This bill intends to ease family reunification efforts and provide for gender-responsive, community-based programs, including a community-based work furlough program, for the eventual integration of incarcerated women back into the communities.

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 CORRECTIONS, MILITARY, AND VETERANS  
Rep. Takashi Ohno, Chair  
Rep. Sonny Ganaden, Vice Chair

HEARING DATE: March 16, 2022

TIME: 10:00 AM, Via Videoconference

**SUPPORT FOR SB2637 RELATING TO PUBLIC SAFETY**

The Women's Prison Project is in **STRONG SUPPORT** of SB2637 RELATING TO PUBLIC SAFETY which would ensure community-based work furlough programs are provided by the Department of Public Safety for all women under its supervision.

To desist from crime a formerly incarcerated person is helped when she has employment that is meaningful to her, relationships with law abiding others, and a self-narrative that is positive and strength-based (Maruna, 2001). Because most incarcerated women come from families that are economically disadvantaged and many are single parents who will be raising children, it is especially important that they have and can keep employment. Opportunities to work, and having practice being an employee after being incarcerated are vital for individuals to succeed in desisting from crime (McNeill, et al, 2012).

Work furlough programs for women are most successful when they include therapeutic interventions that address, in a gender responsive manner, the issues of trauma, relationships, parenting, and the substance abuse and mental health needs of women. Community-based programs offer the formerly incarcerated positive employment opportunities as seen from the success of programs on O`ahu . The Fernhurst YWCA,'s work furlough program has demonstrated that gender responsive programs can achieve a low rate of recidivism among graduates.

Please support SB2637 to ensure more gender responsive work furlough opportunities are developed and sustained by our community to help make our community safer and healthier.

Linda Rich, Women's Prison Project



HAWAII SUBSTANCE ABUSE COALITION

**SB2637 SD1 Work Furlough Program WCCC**

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Rep. Takashi Ohno, Chair

Rep. Sonny Ganaden, Vice Chair

Wednesday, Mar 16 2022: 10:00 : Videoconference

**Hawaii Substance Abuse Coalition Supports SB2637 SD1:**

*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 supports a women's work furlough programming that establishes community-based work programs and wrap-around support services for women returning to the community after incarceration.

As substance use disorder and co-occurring mental health disorders treatment providers (treatment is residential and outpatient that addresses criminality too) as well as agencies who provide recovery-oriented services such as harm reduction, outreach, and case management, we stand ready to assist as best we can.

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



# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, March 16, 2022

10:00 AM

### **STRONG SUPPORT - SB 2637 SD1 - STATEWIDE WORK FURLOUGH for WOMEN**

Aloha Chair Ohno, Vice Chair Ganaden and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf HD1 of the more than 4,008 Hawai`i individuals living behind bars<sup>1</sup> under the “care and custody” of the Department of Public Safety on any given day. We are always mindful that 1,110 of Hawai`i’s imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for this opportunity for Community Alliance on Prisons to share our strong support for SB 2637 SD1 - statewide work furlough programs for women. The system is normed to medium security, violent males, so their numbers (3,609) are far greater and males get more attention than incarcerated women (399). The department’s March 7, 2022 population report showed that women represented about 10% of the total incarcerated population (4,008).

We know that many of the women are mothers, therefore, helping them develop work skills to facilitate their reentry is a win-win situation for themselves, their families, and the community!

We respectfully ask the committee to pass this measure with a recommendation for appropriate funding.

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<sup>1</sup> Department of Public Safety, Weekly Population Report, March 7, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-97.pdf>

House Committee on Corrections, Military & Veterans  
Wednesday, March 16, 2022, 10:00am  
Conference Room 430, Via Videoconference

### **Testimony in Support of SB 2637 SD1**

Chair Ohno, Vice Chair Ganadan, and members of the committee,

Thank you for the opportunity to testify in **support of SB 2637 SD1**, mandating that there be a community-based work furlough program for all incarcerated women in the State.

YWCA O'ahu is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom, and dignity for all. In 1900 we opened our doors to provide opportunity to women for growth, leadership and power to change. Today, over a century later, the YWCA O'ahu is the largest and oldest women's membership organization in the State of Hawaii. We are a charter member of the YWCA USA and is one of more than 200 community associations nationwide that share the mission of empowering women and eliminating racism.

As a new core of women are preparing for our future, we are committed to reinventing the YWCA for the 21<sup>st</sup> century so it remains relevant to all women as their lives and needs change. The YWCA offers a unique place – a place where women and girls can build relationships for life and have opportunities to move forward in life and give back to their community. Our three centers at the YWCA, Fernhurst, Kokokahi and Laniakea, provide valuable programs and services that develop women and girls' social, economic, leadership and community skills.

In December of 2018, the HCR 85 Task Force released its findings and final report to the legislature. In this report they stated that while they came from diverse backgrounds and viewpoints that they all agreed that "Hawaii's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change". The primary recommendation from the task force was to "begin to transition from a punitive to a rehabilitative correctional system".

We support this bill, mandating that there be a community-based work furlough option for women in Hawaii. We would like to suggest adopting the amendments made by the House in the companion bill, HB 1776 HD 2, which deleted the word "all" from the bill, line 1, page 3 and allowed for other state agencies to fund community-based work furlough. Community-based work furlough is an option that should always be available in the State, but we realize that this option may not be the best option for all incarcerated women.

Thank you for the opportunity to testify in support of SB 2637 SD1.

Jen Wilbur  
Director of Advocacy  
YWCA O'ahu



Committee: Committee on Corrections, Military, and Veterans  
Hearing Date/Time: Wednesday, March 16, 2022 at 10:00 a.m.  
Place: Via videoconference  
Re: ***Testimony of the ACLU of Hawai'i; Support for SB 2637 S.D. 2  
Relating to Public Safety with proposed Amendment***

Dear Chair Ohno, Vice Chair Ganaden and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i) supports **SB2637 S.D. 2** which mandates that there be a community- based work furlough program for all incarcerated women in the State.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color. Simultaneously, we advocate for tailored conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive re-entry support services that starts from the first day of incarceration.

***Consequently, we should prioritize diverting women from jails and prisons in the first place and providing support services within our community.*** Many of the women at WCCC, most of whom are mothers and survivors of physical and sexual assaults – are better served in the community. Native Hawaiian women are 19% of the female population in Hawai'i, yet 44% of the female incarcerated population in Hawai'i. ***If we invest in comprehensive bail, diversion, probation and parole reform, the female population in our jails and prisons would be significantly reduced without compromising community safety.***

Re-entry and reintegration programs that help people secure jobs, treatment, housing<sup>1</sup> and education<sup>2</sup>, have proven effective in facilitating the successful transition of formerly incarcerated people out of jails and prisons, and back to their families and communities. Moreover, comprehensive support services have been shown to reduce recidivism.

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<sup>1</sup> Nathan James, Offender Reentry: *Correctional Statistics, Reintegration into the Community and Recidivism*, Congressional Research Service (2015). <https://sgp.fas.org/crs/misc/RL34287.pdf>

<sup>2</sup> Patrick Oakford, Cara Brumfield, Casey Goldvale, Laura Tatum, Margaret diZerega and Fred Patrick, *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison*. New York: Vera Institute of Justice, 2019, <https://www.vera.org/publications/investing-in-futures-education-in-prison>

Prioritizing reentry planning and comprehensive treatment, education and support services should start at day one of incarceration.<sup>3</sup> This reentry principle and best practice is not only humane – it makes our communities safer, and is essential now more than ever during the COVID pandemic.

Given that ninety-five percent of people incarcerated in our state jails and prisons will eventually be released and return home, we should invest in comprehensive reentry programs and services from day one of their incarceration.<sup>4</sup>

For these reasons, we urge the Committee to implement Smart Justice laws that divert and release women from our jails and prisons, and in the rare circumstances where women are incarcerated, **expand community-based work-furlough and other re-entry services operated by community based providers in the community.**

### **Proposed Amendment**

Require subcontractors that receive appropriations under this measure to directly submit an Annual Report to the State Legislature. Subcontractor's Annual Report should include: 1) internal metrics of effectiveness/success, 2) any barriers to individual's successful participation in the community based work-furlough program and 3) proposed solutions to overcome those barriers.

Thank you for the opportunity to express support of SB2637 SD1 with the proposed amendment.

Sincerely,  
*Carrie Ann Shiota*  
Carrie Ann Shiota  
Policy Director  
ACLU of Hawai'i  
cshiota@acluhawaii.org

American Civil Liberties Union of Hawai'i  
P.O. Box 3410  
Honolulu, Hawai'i 96801  
T: 808.522.5900  
F: 808.522.5909  
E: office@acluhawaii.org  
www.acluhawaii.org

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

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<sup>3</sup> Interagency Council on Intermediate Sanctions, *State of Hawaii, FY 2016 Cohort, 2019 Recidivism Update*. Recidivism rates are highest for persons with maximum term releases compared to persons under probation or parole supervision. Recidivism is defined as a new arrest, or the revocation of probation or parole, within three years of the start of supervision. The total recidivism rate in 2015 was 53.8%, 54.6% for Probationers, 50.1% for Parolees and 57.1% for people with Maximum Term releases.

<sup>4</sup> Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (last revised Dec. 29, 2020), <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>

**SB-2637-SD-1**

Submitted on: 3/12/2022 4:12:02 PM

Testimony for CMV on 3/16/2022 10:00:00 AM

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

Comments:

Stand in Support.

**SB-2637-SD-1**

Submitted on: 3/13/2022 5:14:56 PM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Ohno, Vice Chair Ganaden and members of the Committee,

My name is Carolyn Eaton and I urge your support of this bill. Mahalo for your hard work and discernment in service to all the people of this State.

**SB-2637-SD-1**

Submitted on: 3/14/2022 11:08:31 AM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

SB2637 SD1 Description:

Mandates that there be a community-based work furlough program for all incarcerated women in the State. Appropriates moneys.

Community-based furlough programs help prepare incarcerated persons to be independent in the community. They reduce recidivism thereby lowering the high costs of incarceration that is borne by taxpayers.

Please support SB2637 SD1.

**SB-2637-SD-1**

Submitted on: 3/14/2022 11:19:33 AM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

It is time we ensure all our siblings imprisoned in Hawaii have access to work furlough programs. Please support SB2637



**SB-2637-SD-1**

Submitted on: 3/14/2022 2:13:56 PM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Andrea Nandoskar	Individual	Support	Written Testimony Only

Comments:

Support!

**SB-2637-SD-1**

Submitted on: 3/14/2022 4:25:16 PM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Tamara Swift	Individual	Support	Written Testimony Only

Comments:

I support creating a community-based work furlough program for all incarcerated women in the State, which benefits the community and children and families of these women.

**SB-2637-SD-1**

Submitted on: 3/15/2022 11:15:56 AM

Testimony for CMV on 3/16/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: House of Representatives, The Thirty-First Legislature Regular Session Of 2022

Committee On Corrections, Military, & Veterans

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2637 (In Support)

Dear Chair Ohno Vice-Chair, Ganaden, and Members of the Committee,

Please support this bill. We have a lot of work to do to improve our criminal justice system.

Passing this community-based work furlough (for women) bill is an important step towards this goal.

Thank you,

Wendy Gibson-Viviani RN/BSN

Kailua

(Oahu Resident for 29 years)