

DAVID Y. IGE  
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**STATE OF HAWAII  
DEPARTMENT OF BUDGET AND FINANCE**

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

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 WAYS AND MEANS  
ON  
SENATE BILL NO. 2637

**February 22, 2022  
10:00 a.m.  
Room 211 and Videoconference**

**RELATING TO PUBLIC SAFETY**

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

S.B. No. 2637 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 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.

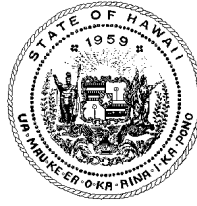
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
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**Tommy Johnson**  
Deputy Director  
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**Jordan Lowe**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 2637  
RELATING TO PUBLIC SAFETY.**

by  
Max N. Otani, Director

Senate Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, February 22, 2022; 10:00 a.m.  
State Capitol, Via Video Conference

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2637, which seeks to require community-based work furlough programs for all incarcerated women in facilities overseen by the PSD. The bill also appropriates an unspecified amount of funding for this purpose.

PSD supports the intent of this measure and notes that most of the items and services listed in Section 2 of SB 2637 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 that the treatment, rehabilitation, and reentry needs of female offenders are being met.

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

## TESTIMONY IN SUPPORT OF SB 2637

TO: Chair Dela Cruz, Vice Chair Keith-Agaran, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 22, 2022 (10:00 AM)

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Hawai'i Health & Harm Reduction Center (HHRC) **supports** SB 2637, which mandates a community-based work furlough program for incarcerated women.

Work furlough programs can provide incarcerated women with key opportunities to build skills that will benefit them when they are released from custody, including an increased likelihood of securing gainful employment. These programs can also [result in reduced rates of subsequent arrests and convictions](#).

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.

Senate Committee on Ways & Means  
Tuesday, February 22, 2022, 10:00am  
Via Videoconference

### Testimony in Support of SB 2637

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee,

Thank you for the opportunity to testify in **support of SB 2637**, 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, 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".

This bill will help our transition from a punitive to a rehabilitative correctional system by mandating that there be a community-based work furlough option for women in Hawaii. I would like to offer a small amendment, deleting the work "all" from the bill, line 1, page 3. Community-based work furlough is an excellent option that should always be available in our state to incarcerated women 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.

Jen Wilbur  
Director of Advocacy  
YWCA O'ahu

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

Senator Gilbert Keith-Agaran, Vice Chair

Tuesday, February 22, 2022

10:00 AM

## **SB 2637 - STRONG SUPPORT FOR WOMEN'S WORK FURLOUGH**

Aloha Chair DelaCruz, Vice Chair Keith-Agaran, 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 of the more than 4,052 Hawai'i individuals living behind bars under the "care and custody" of the Department of Public Safety<sup>1</sup> on any given day. We are always mindful that 1,111 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.

Community Alliance on Prisons is in strong support of this measure for statewide work furlough programs for women. The system is normed to medium security, violent males, so their numbers (3,659) are far greater and males get more attention than incarcerated women (393). The February 14, 2022 population reported by the department show that women represent about 9.7% of the total incarcerated population (4,052).

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 all.

We urge the committee to pass this measure with appropriate funding.

Mahalo for this opportunity to testify.

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<sup>11</sup> Department of Public Safety, Weekly Population Report, February 14, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/02/Pop-Reports-Weekly-2022-02-14.pdf>



The Institute for Human Services, Inc.  
Ending the Cycle of Homelessness

**TO:** Honorable Senator Donovan M. Dela Cruz,  
Chair, Senate Committee on Ways and Means  
  
Honorable Senator Gilbert S.C. Keith-Agaran,  
Vice Chair, Senate Committee on Ways and Means

**FROM:** Connie Mitchell MS, APRN, BC, Executive Director  
IHS, The Institute for Human Services

**SUBJECT:** S.B. 2637 – RELATING TO PUBLIC SAFETY.

**HEARING:** February 22, 2022, 10:00 am Via Videoconference, State Capitol

**POSITION:** IHS supports the passing of S.B. 2637

IHS, the Institute for Human Services, stands in support of S.B. 2637 and the mandate for community-based work furlough programs for women transitioning back into the community.

This measure would allow formerly incarcerated women the opportunity to build life skills for successful reentry, decreasing recidivism rates and the likelihood of becoming homeless or experiencing housing instability upon release. A community-based work furlough program would prepare these women for a life of stability and the possibility of reunifying with family members, especially children.

In 2019, IHS opened two re-entry homes, one for men and one for women, in response to the high rates of repeat offenders in the community. Per a 2018 national study, 49% of reported offenders become repeat offenders upon release. Coincidentally, 50% are homeless upon release. Re-entry homes offer stability of housing, which translates to low cost rent in a shared home, employment services, housing navigation, mental and physical health care, and case management. The Beacon of Hope house in Kailua serves up to six women at a time. They are all on extended furlough and are all employed. Some have two jobs. They are proud and grateful for the opportunity to start anew with these programs. Over 80% of women like them who have participated in the program have gone on to successful release.

Community-based work furlough programs offer formerly incarcerated individuals the opportunity to reintegrate to society and have a fighting chance to overcome the stressors and financial uncertainties of unemployment and unhoused situations. The inclusion of S.B. 2637 mandating programs to have accessibility to family and children, and specialized care for incarcerated women will create greater likelihood for long-term self-sufficiency.

Thank you.



**SB-2637**

Submitted on: 2/21/2022 9:02:58 AM

Testimony for WAM on 2/22/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Linda Rich	Individual	Support	No

Comments:

COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair Senator Gilbert S.C. Keith-Agaran

HEARING DATE: Tuesday, February 22, 2022

TIME: 10:00 AM, Via Videoconference

**SUPPORT FOR 2637 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 this measure 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 for Women’s Prison Project





**LATE**



February 20, 2022

Senator Donovan M. Dela Cruz, Chair  
Senate Committee on Ways and Means

**Re: S.B. 2637 Relating to Public Safety**

**Hearing: Thursday, February 17, 2022, 2:00 PM, Via Videoconference**

Dear Chair Donovan M. Dela Cruz and Members of the Committee on Ways and Means:

Hawaii Women Lawyers submits testimony in **strong support of S.B. 2637**, which mandates that there be a community-based work furlough program for incarcerated women in the State of Hawaii.

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.

Hawaii Women Lawyers concurs with the Legislature's findings that community-based work furlough programs for women transitioning back into the community are extremely important. Hawaii Women Lawyers recognizes the value of such programs in easing the transition from prison life to independent living and promoting and emphasizing community safety, especially when these programs are located in the communities into which the inmates will return.

The provisions of S.B. 2637 are consistent with the current requirements of Hawaii Revised Statutes Section 353H-3 and the Department of Public Safety's obligation to develop a "comprehensive network of transitional programs to address the needs of individuals exiting the correctional system." S.B. 2637 seems to serve largely as a way to further the intent of the statute and expand its impact.

For the above reasons, we strongly support S.B. 2637 and respectfully request that the Committee pass this measure.

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



**LATE**

Committee: Senate Committee on Ways and Means  
Hearing Date/Time: Tuesday, February 22, 2022 at 10:00 A.M.  
Place: Via videoconference  
Re: Testimony of the ACLU of Hawai'i; Comments on SB 2637 Relating to Public Safety with proposed Amendments

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i) provides **comments on SB2637** 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

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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>

people out of jails and prisons, and back to their families and communities. Moreover, comprehensive support services have been shown to reduce recidivism.

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.**

**Please listen to the first hand experiences of women who have participated in YWCA’s work furlough and transitional program as opposed to the Department of Public Safety’s work furlough program, and closely evaluate the cost-effectiveness of each program.**

**We are concerned that this bill, as currently drafted, would potentially increase work-furlough services solely operated by the Department of Public Safety – rather than requiring the Department of Public Safety to contract with community-based providers that have a proven track record of successful work-furlough and re-entry programs for justice-involved women such as YWCA.**

Based on the Department of Public Safety’s proposed Budget, they are requesting additional funding to hire over 100+ correctional officers at the Women’s prison. Rather than increasing PSD’s budget to expand prison cells and additional staffing, public funding should be invested in diversion, and community-based work furlough and re-entry programs.

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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>

To address these concerns, we recommend the following amendments:

1. Require the expansion of community-based work-furlough and re-entry programs for women with community-based service providers whether the funding is placed with the Department of Public Safety or another agency, such as the Department of Health or Department of Human Services.
2. Require the Department of Public Safety or other state agencies that contract with community-based work furlough and re-entry programs to submit an annual report to the State Legislature. The Annual Report should include the amount of funding expended, a list of contract providers, the number of women served, a description of services provided, and program participation outcomes. In addition, subcontractors should identify any barriers to individual's successful participation in the work-furlough program and proposed solutions to overcome those barriers.

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

Sincerely,

***Carrie Ann Shirota***

Carrie Ann Shirota  
Policy Director  
ACLU of Hawai'i  
[cshiota@acluhawaii.org](mailto:cshiota@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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**SB-2637**

Submitted on: 2/22/2022 5:44:48 AM

Testimony for WAM on 2/22/2022 10:00:00 AM

**LATE**

<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 Dela Cruz, Vice Chair Keith-Agaran and members,

I am in strong support of this measure that mandates a community-based work furlough program for all incarcerated women in the State. Another good step towards reintegration, recidivism reduction and harm reduction for incarcerated women.

Please Pass,

Mahalo, Ann S. Freed in Mililani