

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

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

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. 2641, S.D. 1

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

RELATING TO THE JUDICIARY

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

Senate Bill No. 2641, S.D. 1, appropriates \$200,000 in general funds in FY 23 to the Judiciary for residential programs that allow minor children to remain with their mothers while participating in programs, including community-based furlough, residential drug treatment, therapeutic community, and mental health programs.

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.

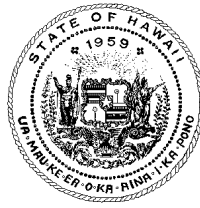
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

It is further noted that the term "low-income" as applicable to this bill is not well-defined, which may significantly broaden the scope of those individuals who may qualify for legal services assistance under this measure.

Thank you for your consideration of our comments.



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 2641, SENATE DRAFT 1
RELATING TO THE JUDICIARY.

by
Max N. Otani, Director
Department of Public Safety

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

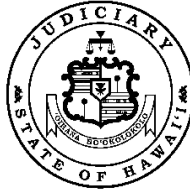
Tuesday, February 22, 2022; 10:00 a.m.
State Capitol, Via Video Conference

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

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2641, Senate Draft (SD) 1, which seeks to appropriate funds for residential programs, including community-based furlough programs, residential drug treatment programs, and therapeutic community programs, and mental health programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration.

The Department offers the following comments regarding this measure. At present, some programs allow for mothers with children to have their children with them while in the program. However, correctional community-based work furlough, residential drug treatment, therapeutic community, and/or mental health programs may not be able to accommodate the presence of minor children. PSD cannot be responsible for the health, safety, and/or welfare of children of incarcerated individuals while they are participating in programs offered in various locations. Unfortunately, the Department would risk being exposed to potential legal liability and costly litigation that could result from placing minor children in inappropriate settings.

Thank you for the opportunity to present comments regarding SB 2641, SD 1.



The Judiciary, State of Hawaii

**Testimony to the Thirty First Legislature
2022 Regular Session
Senate Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair**

Tuesday, February 22, 2022 at 10:00 a.m.
State Capitol, Conference Room 211 & Videoconference

By
Brook M. Mamizuka
Probation Administrator, First Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2641, S.D. 1, Relating to the Judiciary.

Purpose: Appropriates moneys for residential programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration, including community-based furlough programs, residential drug treatment programs, therapeutic community programs and mental health programs.

Judiciary's Position:

The Judiciary supports this bill as it would appropriate monies to support mothers who are engaged in treatment. Although the number of programs that allow minors to remain with their mothers while in treatment is limited, there is a need for these programs. These limited programs have limited bed space which results in wait lists for mothers seeking treatment. Funding of these programs will provide a resource for these programs to increase operations and bed space, which will in turn result in a greater number of mothers that can be served.

Additionally, the availability of funding may encourage existing programs who do not allow minors to remain with their mothers in treatment, to expand and include this component to their program.

Thank you for the opportunity to testify on Senate Bill No. 2641, S.D. 1.

COMMUNITY ALLIANCE ON PRISONS

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

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



COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

Senator Gilbert Keith-Agaran, Vice Chair

Tuesday, February 22, 2022

10:00 AM

SB 2641 SD1 - SUPPORT COMMUNITY-BASED PGMS. FOR INCARCERATED MOMS

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 Safety¹ 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 supports this measure to keep Moms and their babies together. Currently, there are 393 imprisoned women statewide - 9.7% of the population. As the bill states, most of women are mothers yet much of the available programming doesn't address their needs.

The Salvation Army's Women's Way program is a wonderful example of a program for Moms and their keiki. Keeping people out of the correctional system should be a goal that Hawai'i embraces. And guardians to discuss what was needed to help the keiki who were struggling. We learned a lot! The impact of Mom's incarceration leads to many challenges as the children try to cope with the separation of losing their parent. Sadly, visitation has been halted during COVID and that causes lots of worries, anger, and other emotional responses to the children's pain. Keeping children with Mom's in their formative years reaps many benefits for them, their families, and for the whole community.

Community Alliance on Prisons asks the committee to support this measure so that Hawai'i can fund more community-based programs where children can bond with their Moms as Hawai'i moves toward decarceration and more effective strategies to address the needs of women and their children.

Mahalo for this opportunity to testify.

¹¹ 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>

To: Committee on Ways and Means

Hearing Date/Time: Friday, February 4, 2022 9:30 AM

Re: Testimony in Support of SB 2641 SD1

From: Heather Lusk, Hawaii Health and Harm Reduction Center

Dear Chair Dela Cruz, Vice Chair Keith-Agaran

The Hawaii Health & Harm Reduction Center (HHHRC) supports SB 2641 SD 1 which would provide an appropriation for community-based programs to allow women to participate with their minor children.

I was able to work in such a program on the continent more than 20 years ago and saw first hand how supporting women to bond with their children while gaining parenting skills and support from community programs lowered recidivism and had a high success rate of participants maintaining employment and other forms of support.

HHHRC's mission is to *reduce harm, promote health, create wellness and fight stigma in Hawaii and the Pacific*. We focus our efforts on those disproportionately affected by social determinants of health, including but not limited to: people living with and/or affected by HIV, hepatitis, substance use, and the transgender, LGBTQ and the Native Hawaiian communities.

Thank you for the opportunity to testify.

Heather Lusk, Executive Director, Hawaii Health and Harm Reduction Center

SB-2641-SD-1

Submitted on: 2/21/2022 9:59:35 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Linda Rich	Testifying for Women's Prison Project	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 SB2641 RELATING TO THE JUDICIARY

My name is Linda Rich. I am a retired social worker, substance abuse counselor and I have 21 years of experience as a clinician and director of The Salvation Army Family Treatment Services which has provided treatment for substance abuse and co-occurring mental health disorders to pregnant and parenting women and their children, including women referred by the Judiciary and the Department of Public Safety. I am testifying today on behalf of the Women’s Prison Project.

The Women’s Prison Project **STRONGLY SUPPORTS SB2641** which would appropriate moneys for residential programs that allow minor children to remain with their mothers while participating in the program. This is in keeping with the recommendations from the HCR 45 Task Force report to the Legislature in 2019 to transition to a more effective and sustainable correctional system that focuses on rehabilitation and to expand community-based treatment programs as an alternative to incarceration.

The Women's Prison Project strongly supports the state's investment in programs that would allow women to be diverted or released from prison into programs that could preserve the parent-child bond while engaging women in therapeutic and rehabilitative programs. Ideally these programs will also provide parenting support and identify and address any developmental needs of the children. The appropriation should also include funds for childcare while women are engaged in treatment work activities.

We believe strongly that the amount currently appearing in the proposed appropriation is inadequate to accomplish the intent of the bill. Anyone who has paid for child care, which is necessary for women to participate in treatment or seek and retain employment, is aware of the expense involved. In a residential program, the addition of young children requires additional staffing and additional space, and practical items such as cribs and toddler beds. A more realistic figure would be 1.5 million dollars.

The savings to the state of reduced rates of incarceration, avoiding foster care placements, reducing mental health and developmental special needs of children separated from their mothers, and reducing recidivism, will more than cover the 1.5 million dollars.

Research has shown that having children with them increases women's motivation and retention rates in rehabilitation programs.

In a recent review of women in the state's prisons and jails, the Judiciary's Criminal Justice Research Institute (CJRI) found that women comprise a higher percentage of the state's incarcerated population than in any other state. Also, approximately 75% of women in Hawaii's correctional facilities are mothers, and approximately 60% had minor children living with them prior to incarceration.

Incarceration of mothers that results in separation from their children has been well-documented to have negative developmental and emotional effects on children. Early and secure attachment to a primary caregiver is the foundation of infant mental health and is essential for the development of the capacity to form healthy relationships.

Children of incarcerated mothers often enter the foster care system, which is costly to the State and often traumatic for children. Research indicates that children of incarcerated mothers are at high risk for increased health problems, developmental delays, attention deficit disorder and for problem behaviors. Incarcerated mothers may suffer depression and anxiety due to the trauma of separation from their children, making them less able to benefit from rehabilitative services.

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." Data from CJRI indicates that only a small percentage of Hawaii's incarcerated women have been convicted of a violent felony.

The majority of incarcerated women in Hawaii are incarcerated for drug offenses, including property crimes that were drug related, and may be more effectively rehabilitated through community-based programs that address women's common pathways to crime and recidivism, including addiction, childhood trauma and abuse, poverty, interpersonal abuse, lack of job skills and employment, low levels of education, and lack of access to safe affordable housing, mental health care, addiction treatment and physical healthcare.

The courts can continue to hold women accountable while they participate in needed community-based services that allow them to keep their minor children with them. This would reduce trauma for children and mothers, lower risk of recidivism and help break the intergenerational cycle of incarceration.

Implementation of SB2641 will result in decreased rates of incarcerated women and reduced recidivism. It would also reduce trauma and its costly consequences for women, children, and our communities. Please make a realistic investment in programs.

Thank you for considering our thoughts related to the Women's Prison Project's strong support for SB2641 RELATING TO THE JUDICIARY.

Linda Rich for Women's prison Project

SB-2641-SD-1

Submitted on: 2/20/2022 4:16:20 PM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Barbara Polk	Individual	Support	No

Comments:

Please pass SB2641 SD1. Separation of children from mothers in almost all cases is detrimental to both in the short and long term--and to the society in the long term. There is rarely any reason to separate them while the women are in treatment or on probation. Residential programs will insure a safe place.

LATE

SB-2641-SD-1

Submitted on: 2/22/2022 5:40:33 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ann S Freed	Individual	Support	No

Comments:

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

I strongly support this bill that appropriates moneys for residential programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration, including community-based furlough programs, residential drug treatment programs, therapeutic community programs, and mental health programs.

Rehabilitation and reintegration reduce recidivism and interrupt the cycle of generation after generation being incarcerated.

Please pass,

Mahalo,

Ann S. Freed in Mililani

LATE

SB-2641-SD-1

Submitted on: 2/22/2022 7:09:25 AM

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

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Diana Bethel	Individual	Support	No

Comments:

SB 2641 SD1 appropriates moneys for residential programs that allow minor children to remain with their mothers, to reduce the risk of trauma and multigenerational incarceration, including community-based furlough programs, residential drug treatment programs, therapeutic community programs, and mental health programs.

These programs will help reduce the trauma and negative impacts on children and thereby reduce the negative consequences on society such as the likelihood of multigenerational incarceration, family disintegration, and associated taxpayer costs.