

The Judiciary, State of Hawaii

**Testimony to the Thirty-First Legislature
2022 Regular Session
House Committee on Corrections, Military, & Veterans
Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair**

Wednesday, March 16, 2022 at 10:00 a.m.
State Capitol, Conference Room 430 & Videoconference

By
Brook M. Mamizuka
Probation Administrator, First Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2641, S. D. 2, Relating to the Judiciary.

Purpose: Appropriates moneys for residential programs that allow minor children to remain with their mothers while the mothers participate in the program, 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. Effective 7/1/2050 (S.D.2)

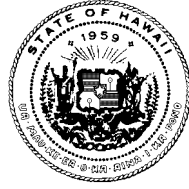
Judiciary's Position:

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. 2.

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 14, 2022

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

FROM: Cathy Betts, Director

SUBJECT: **SB 2641 SD2 – RELATING TO THE JUDICIARY.**

HEARING: March 16, 2022, 10:00 am
Via Videoconference, State Capitol

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

PURPOSE: The purpose of the bill is to appropriate moneys for residential programs that allow minor children to remain with their mothers while the mothers participate in the program, 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. Effective 7/1/2050. (SD2)

The SD1 amended the measure by:

- (1) Amending section 1 to include additional findings; and
- (2) Inserting a \$200,000 appropriation amount.

The SD2 amended the measure by:

- (1) Changing the appropriation from \$200,000 to an unspecified amount;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

Additional funding for evidence-based programs aimed to support the parent-child relationship while a family is involved in the criminal justice system is necessary to break generational cycles of incarceration and avoidable trauma. In addition, more services are needed statewide; as an island state, justice-involved families are often separated and without contact for extended periods. Parental incarceration is a recognized adverse childhood experience with long-lasting multigenerational impacts, and DHS is committed to reducing those impacts.

As the Legislature begins to appropriate more general funds that support the parent-children relation, the Child Welfare Services Branch will work with the Judiciary to explore ways to maximize federal reimbursement of state funds through the Family First Prevention Services Act.

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

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. 2641, S.D. 2

March 16, 2022
10:00 a.m.
Room 430 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. 2, makes an unspecified general fund appropriation 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.

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 SB2641 RELATING TO THE JUDICIARY

The Women's Prison Project **STRONGLY SUPPORTS SB2641.SD2** 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 85 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.

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.

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.

Implementation of this bill 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. We would note that furlough programs are funded by the Department of Public Safety while other rehabilitation and supportive housing programs

for justice involved women are funded through the Judiciary. This would require appropriations to both departments. SB2637.SD1 Relating to Public Safety appropriates monies for furlough programs and the appropriation could be enhanced to allow for furlough programs that could allow children to reside with their mothers.

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 the Women's Prison Project.

COMMUNITY ALLIANCE ON PRISONS

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

Phone/E-Mail: (808) 927-1214 / 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

SUPPORT for SB 2641 SD2 - COMMUNITY-BASED PGMS. for MOMS and KEIKI

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 bars¹ 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 support for SB 2641 SD2 that keeps 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.

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 has caused 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 both of 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.

Helping families thrive is vital on the road to peace.

¹ 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>



SB2641 SD2 Funding for Women and Babies programs for Women Offenders

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 Strongly Supports SB2641 SD2:

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.

Drug Treatment coupled with work furlough programs helps women and their children to stop the intergenerational cycle of alcohol and drug dependency:

- Women have special needs that are more relationship oriented and that includes supporting their children,
- Counseling helps women and children in recovery by rebuilding relationships with their children and loved ones,
- Residential and outpatient programs have gender responsive treatment approaches within an environment that addresses their spiritual, physical, cultural and emotional needs,
- Recovery includes supporting self-sufficiency by establishing work or educational goals,
- Following treatment, housing and furlough programs can help women and their children by practicing recovery, rebuilding family connections, and transitioning into independent housing through learning about daily living skills, educational classes on parenting and health as well as vocational training.

Mental Health treatments are crucial because co-occurring disorders that include mental health issues with substance abuse are common.

This bill is important because according to the 2017 National Institute of Justice report¹, children of offenders are the “hidden victims” facing a host of challenges and difficulties, stresses, and strains:

- Research demonstrates that the strength of the parent-child bond in healthy ways can play significant roles in the child’s ability to overcome these challenges.

¹ National Institute for Justice: 2017: Hidden Consequences: The Impact of Incarceration on Dependent Children: <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>

- About 11% of children have a parent who was or is involved with criminal justice,
- Moreover, on the average, the mother is the primary support for the child,
- Children of incarcerated parents are 6 times more likely to be incarcerated themselves.

It is critical for our families that we ensure a safety net for the child and successful re-entry for the incarcerated mother.

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

SB-2641-SD-2

Submitted on: 3/16/2022 12:09:20 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Carrie Ann Shirota | ACLU of Hawai'i | Support | Written Testimony Only |

Comments:

Aloha Chair Ohno, Vice Chair Ganaden and Committee Members:

The ACLU of Hawai'i supports SB 2641 SD2 that would appropriate funding for residential programs that allow children to remain with their mothers while the mothers participate in community-based furlough programs, residential drug treatment programs, therapeutic community programs and mental health programs.

While these programs will benefit all women, it will particularly impact Native Hawaiian women who are disparately represented in the criminal legal system. in 2019, Native Hawaiian women were 19% of the female general population in Hawai'i. However, they comprise 44% of the female incarcerated population in Hawai'i.

Please continue to invest in community based residential programs for mothers and their keiki.

Mahalo,
Carrie Ann Shirota

ACLU of Hawai'i

SB-2641-SD-2

Submitted on: 3/12/2022 4:09:20 PM

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

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

Comments:

Stand in Support.

SB-2641-SD-2

Submitted on: 3/13/2022 5:06:48 PM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| 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 support passage of this bill. Mahalo for your hard work for all the people of Hawai'i and for your discernment.

SB-2641-SD-2

Submitted on: 3/14/2022 10:33:34 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Diana Bethel | Individual | Support | Written Testimony Only |

Comments:

SB2641 SD2 Description:

Appropriates moneys for residential programs that allow minor children to remain with their mothers while the mothers participate in the program, 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.

SB2641 SD2 helps to reduce the likelihood of multigenerational incarceration due to childhood trauma and the disintegration of family bonds. Community-based programs have been shown to reduce recidivism, thereby reducing the high costs of incarceration.

SB-2641-SD-2

Submitted on: 3/14/2022 11:21:04 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Carla Allison | Individual | Support | Written Testimony Only |

Comments:

I strongly support SB2641 and ask CMV members to do the same.

Thank you.

SB-2641-SD-2

Submitted on: 3/15/2022 11:08:49 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|---------------------|---------------------------|------------------------|
| 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: HB2641 (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 Furlough Program and Residential Drug Treatment bill is an important step towards this goal.

Thank you,

Wendy Gibson-Viviani RN/BSN

Kailua

(Oahu Resident for 29 years)

SB-2641-SD-2

Submitted on: 3/15/2022 2:42:09 PM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jasmine Slovak | Individual | Support | Written Testimony Only |

Comments:

House Committee on Corrections, Military, & Veterans
Hearing March 16, 2022, 10:00 AM HST

Aloha mai kākou,

Mahalo nui to Chair OHNO, Vice-Chair GANADEN, and members of the House Committee on Corrections, Military, & Veterans for holding this hearing on SB2641 SD2.

My name is Jasmine Slovak; I am an O'ahu resident. I write in favor of SB2641 SD2.

E mālama pono,

Jasmine Slovak

SB-2641-SD-2

Submitted on: 3/16/2022 9:35:29 AM

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

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Colleen Rost-Banik | Individual | Support | Written Testimony Only |

Comments:

Aloha,

My name is Colleen Rost-Banik, and I write in support of SB2641 SD2. I am a resident of Honolulu and a lecturer within the University of Hawaii system. As a sociology lecturer, I have the opportunity to teach college courses at the Women's Community Correctional Center. One thing that is clear is that women being separated from their children during incarceration causes trauma for both women and their children. We need to fund residential programs that can keep children together with their mothers. Too often, the reasons why women are incarcerated stem back to them not being able to make ends meet, or making a mistake that has nothing to do with their children or their capacity to parent. Rather than separate people from those they love, creating ways for parents and children to be together is an important part of supporting their greater health and well-being. I urge you to support SB2641 SD2.

Mahalo,
Colleen Rost-Banik