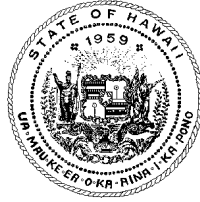


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

MAX N. OTANI
DIRECTOR

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Deputy Director
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Deputy Director
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No. _____

**TESTIMONY ON SENATE BILL 2771, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.**

by
Max N. Otani, Director
Department of Public Safety

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

March 31, 2022; 2:30 p.m.
Via Videoconference

Chair Luke, Vice Chair Yamashita, and Members of the Committee:

Senate Bill (SB) 2771, Senate Draft (SD) 1, House Draft (HD) 1 requires the Department of Public Safety (PSD) to develop and conduct female pretrial risk and needs assessments within three days of admittance for certain categories of female offenders, which measure a female offender's risks for flight, reoffending, or harming the community, emphasizing factors important to women in considering these risks and treatment needs.

PSD respectfully offers comments regarding this measure. The Department calls attention to its efforts already underway to address the assessment, treatment, and reentry needs of female offenders, specifically in dedicating a staff member to concentrate on researching and developing the processes for evaluating and adopting assessment tools considering factors important for women.

Initial investigation indicates that assessment tools generally focus on the basic risk factors and needs of the offender, and not on the individual's gender. One PSD partner has suggested the ORAS-PAT as a tool that might be considered for study to determine if it could be customized to provide accurate and effective

assessments of female offenders as proposed in SB 2771, SD 1, HD 1. We estimate that \$30,000 to \$40,000 would be required to conduct a quantitative study of candidate instruments, utilizing existing data and comparing data sets of age, gender, severity of the charges, etc.

Following this stage of evaluation, substantial additional funding and adequate time will be needed to develop, implement, and most importantly, validate, the new female gender-specific risk and needs assessment that ideally would include provisions for a continuum of care following release. PSD respectfully requests the Committee on Finance consider amending SB 2771, SD 1, HD 1 to appropriate \$40,000 for the necessary first stage of conducting the quantitative study as described above.

The Department has made good progress towards incorporating female-specific considerations in its risk and needs assessment processes and will continue to provide updated reports to the Legislature as part of PSD's Annual Report, including performance indicators, to mark the Department's successes as well as areas needing improvements.

Thank you for the opportunity to submit testimony on SB 2771, SD 1, HD 1.



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

March 31, 2022

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

The Honorable Representative Kyle T. Yamashita, Vice-Chair, House
Finance Committee

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

SUBJECT: **SB 2771, RELATING TO RISK AND NEDDS ASSESSMENT FOR FEMALE
OFFENDERS.**

POSITION: STRONGLY SUPPORT

Chair Luke, Vice Chair Yamashita and Members of the Committee

The Hawaii Correctional Systems Oversight Commission supports Senate Bill 2771, Relating to Risk and Needs Assessment for Female Offenders, which amends Section 353-10, HRS, to require a risk/needs assessment specifically intended to assess the risk reoffend and treatment needs of pre-trial female offenders.

Few pre-trial assessment tools have been normed to the gender-specific risk and needs of pre-trial women. There certainly are many gender-neutral risk factors, such as history of criminal convictions and failure to appear, that apply to both men and women, but without consideration of gender-specific risk factors we miss the opportunity to achieve more successful outcomes for justice involved women.

Studies have shown that women are far less likely than men to incur pretrial failures and less likely to incur new arrests in the six months following arrest. Through gender-specific risk/needs assessments, coupled with proper referral to community-based resources, these tools can support the effectiveness of pre-trial diversion for women.

We support the need for gender-specific tools to evaluate the risk and needs of pretrial women offenders. Thank you for the opportunity to testify.



‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

**SB2771, SD1, HD1
RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.**

Ke Kōmike Hale o ka ‘Oihana ‘Imi Kālā
House Committee on Finance

Malaki 31, 2022

2:30 p.m.

Hālāwai Keleka‘a‘ike / Lumi 308

The Office of Hawaiian Affairs (OHA) **SUPPORTS** SB2771, SD1 HD1, relating to Risk and Needs Assessment For Female Offenders, which requires the Department of Public Safety to develop a pretrial female risk and needs assessment tool and conduct internal pretrial female risk and needs assessments to measure the female offender's risk of flight, criminal conduct, or harm to the community.

In 2018, a Task Force on Prison Reform established by House Concurrent Resolution 85 (HCR85 Task Force) found that in Hawai‘i, incarcerated women tend to be Native Hawaiian or Pacific Islanders, undereducated, and non-violent. Over 75% are mothers with children, and they are, on the whole, resilient, resourceful, and motivated to succeed and return to their children and families. The HCR85 Task Force recommended the Legislature and the state of Hawai‘i recognize the behavioral and social differences between female and male offenders and adopt gender-responsive policies, programs, and practices, particularly with respect to trauma-informed care, developing healthy relationships, and providing holistic support for women.¹

It is encouraging that the Department of Public Safety is currently reviewing assessment, treatment and reentry needs of female offenders. This measure could offer the agency guidance on the final pretrial female risk and needs assessment tool, and if amended, it could provide financial support for activities that PSD has already identified will help complete the tool.

The Office of Hawaiian Affairs urges the Committee to **PASS** SB2771, SD1, HD1 because it addresses the unique needs and solutions for women who are involved in the justice system. Mahalo piha for the opportunity to testify on this measure.

¹ Task Force on Prison Reform, House Concurrent Resolution 85. Final Report to the Hawaii Legislature 2019 Regular Session: Creating Better Outcomes, Safer Communities. December 2018.
https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf

SB-2771-HD-1

Submitted on: 3/30/2022 1:34:14 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Rich	Women?s Prison Project	Support	Remotely Via Zoom

Comments:

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Kyle T. Yamashita, Vice Chair

HEARING DATE: March 31, 2022

TIME: 2:00 PM,

PLACE: Via Videoconference

CONFERENCE ROOM 308

STATE CAPITOL

SUPPORT FOR SB2771, SD1, HD1 RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS

The Women’s Prison Project **STRONGLY SUPPORTS SB2771** which mandates that a pretrial gender-responsive risk assessment tool be implemented that considers factors important to evaluate women’s risk to reoffend. This is a recommendation of the Department of Justice National Corrections Institute, The National Resource Center for Justice Involved Women and Hawaii’s own Criminal Justice Research Institute (CJRI).

Researchers have noted that women may be over classified as high risk, and the needs critical for their rehabilitation may be overlooked when women specific issues are not considered. This can result in a failure to match their needs and risk factors with appropriate classification and services. Accurate assessment is the foundation for effective intervention.

The U.S. Civil Rights Commission in its 2020 report to the President, “Women in Prison: Seeking Justice Behind Bars”, stated that:

“Classification systems that are not calibrated for gender specific characteristics have been shown to classify incarcerated women at higher security levels than necessary for the safety and security of prisons. This classification results in women serving more time in more restrictive environments that is necessary. Women who are classified at higher security levels may receive fewer programming opportunities, community placement, and reentry opportunities, which results in women serving more time in prison that would be required if they had access to and completed these programs.”

Research over several decades has validated that women’s pathways to incarceration, their risk factors for recidivism and their rehabilitation needs differ from those of men and are not adequately identified or addressed by assessment tools that were originally developed for males in the justice system. For example, factors that may predict stability for men, such as family relationships, are more complex for women dealing with domestic abuse or caregiving or parenting stress.

In a recent review of research, the Hawaii CJRI identified women’s pathways to incarceration overwhelmingly relate to social and economic marginalization.

Sixty percent of the women in the study of the Women’s Community Correctional Center had at least one child living with them prior to incarceration and 75% were mothers. Parenting stress, lack of childcare, and the need as single mothers to support their family are among risks factors and needs not identified in non-gender responsive assessments. (Erin Harbinson, PhD, Aerielle Reynolds, MS).

The Women’s Prison Project strongly supports SB2771, SD1, HD1 which will lead to more accurate identification of women’s risk factors and needs which will result in more effective interventions and services for women in the state justice system and reduction of recidivism.

Thank you for the opportunity to testify and for considering our thoughts on this important issue.

Linda Rich

On behalf of the Women’s Prison Project



SB2771 SD1 HD1 Pretrial Risk and Needs Assessment Women

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Thursday, Mar 31 2022: 2:30 : Videoconference

Hawaii Substance Abuse Coalition Supports SB2771 SD1 HD1:

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 is in strong support for risk and needs assessments that include risk for reoffending as well as needs for specialized treatment for substance use disorders, especially if such needs assessment include assessing mental health disorders.

1. Often substance use disorders has co-occurring mental health disorders.
2. From these assessments a reentry plan as well as a treatment plan, if applicable, can be developed.
3. So much can be done when there is pre-planning, including involving more services and different types of support.
4. Outcomes can be substantially improved with early planning.

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

SB-2771-HD-1

Submitted on: 3/30/2022 12:05:33 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON FINANCE

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2771 (In Support)

Hearing: March 31, 2022 at 2:30 p.m.

Dear Chair Rep. Sylvia Luke, Vice-Chair Rep. Kyle T. Yamashita, and Members of the Committee,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 29 years.

I support SB2771 because developing a risk and needs assessment tool for women at the pretrial stages of the criminal justice system could lead to a more accurate identification of needs that might reduce the risks of:

- Flight or missed court dates
- Incarceration when diversion into other programs (LEAD) may be a better solution
- Recidivism

I'm told that 60% of the women in the Women's Community Correctional Center had at least one child living with them prior to incarceration and that 75% were mothers. Identifying the parenting needs of single mothers may help shape the pathways to successful support networks for entire families.

This assessment tool could also be used to create treatment plans that are useful both during and after incarceration—to help with reintegration into society and addressing mental health and substance use disorders.

Thank you for your attention to this important matter and for allowing me to submit testimony.

Wendy Gibson-Viviani RN/BSN

Kailua