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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 Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Tuesday, March 22, 2022; 2:00 p.m.
State Capitol, Room 325 & Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, 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 Judiciary and Hawaiian Affairs consider amending SB 2771, SD 1, HD 1 to appropriate \$40,000 for the necessary first stage to conduct 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.

LATE



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

SB2771, SD1 HD1

RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.

Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i
House Committee on Judiciary & Hawaiian Affairs

Malaki 22, 2022

2:00 p.m.

Hālāwai Keleka‘a‘ike / Lumi 325

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 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.¹

The HCR85 Task Force recommended to the Legislature that Hawai‘i should 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. Further, programs should address the areas that served as pathways to incarceration while offering opportunities for success in the community.²

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

² Task Force on Prison Reform, House Concurrent Resolution 85. Final Report. December 2018.



HAWAII SUBSTANCE ABUSE COALITION

SB2771 SD1 HD1 Pretrial Risk and Needs Assessment Women
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Tuesday, Mar 2 2022: 2:00 : 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: 3/21/2022 12:31:20 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

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

Comments:

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

HEARING DATE: Tuesday, March 22, 2022

TIME: 2:00 PM, Via Videoconference

LOCATION: Conference Room 325

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

STRONG SUPPORT FOR SB2771.SD1 RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS

SB2771 mandates that a pretrial gender-responsive risk and needs assessment tool be implemented that considers factors important to evaluate women’s risk to reoffend and women’s specialized treatment needs, such as rates of trauma, including physical and sexual abuse prior to becoming an offender. It should be noted that the result needs assessment should also be considered pre-sentencing to determine the appropriateness of diversion from incarceration to a community based program with court supervision. This mandate aligns with the recommendations 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).

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. There are several well researched and validated women's risk and needs assessments which identify women's unique needs as well as their strengths already available and in use in other states.

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.

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 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

SB-2771-HD-1

Submitted on: 3/18/2022 3:17:45 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support