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GOVERNOR



STATE OF HAWAII  
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No. \_\_\_\_\_

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

by  
**Max N. Otani, Director**  
Department of Public Safety

House Committee on Corrections, Military, and Veterans  
Representative Takashi Ohno, Chair  
Representative Sonny Ganaden, Vice Chair

March 16, 2022; 10:00 a.m.  
Via Videoconference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

Senate Bill (SB) 2771, Senate Draft (SD) 1 requires the Department of Public Safety (PSD) to develop and conduct female pretrial risk and needs assessments, measuring a female offender's risks for flight, reoffending, or harming the community, emphasizing factors important to women in considering their risks for reoffending and their 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

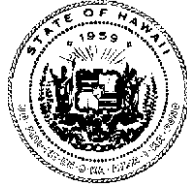
Testimony on SB 2771, SD 1  
House Committee on Corrections,  
Military, and Veterans,  
March 16, 2022  
Page 2

assessments of female offenders as proposed in SB 2771, SD 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 Corrections, Military, and Veterans consider amending SB 2771, SD 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.



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

March 16, 2022

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

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 Ohno, Vice Chair Ganaden 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.

Mark Patterson  
Chair  
Hawaii Correctional System Oversight Commission

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

**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 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 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 [richl001@hawaii.rr.com](mailto:richl001@hawaii.rr.com)

On behalf of the Women's Prison Project



HAWAII SUBSTANCE ABUSE COALITION

**SB2771 SD1 Pretrial Risk and Needs Assessment Women**  
**COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS**

Rep. Takashi Ohno, Chair

Rep. Sonny Ganaden, Vice Chair

Wednesday, Mar 16 2022: 10:00 am : Videoconference

**Hawaii Substance Abuse Coalition Supports SB2771 SD1:**

*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-SD-1**

Submitted on: 3/12/2022 4:09:55 PM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support.

**SB-2771-SD-1**

Submitted on: 3/14/2022 10:40:26 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

SB2771 SD1 Description:

Requires the Department of Public Safety to conduct pretrial female risk and needs assessments to measure female offenders' risk of flight, reoffending, or harming the community, and to consider factors important to women when considering their risks of reoffending and their treatment needs.

Often, the woman is the central foundation of a family. When a mother is incarcerated, family members are affected. Children may lose their sole bread winner and the social support and nurturing that a mother provides. These and other factors must be considered for the good of the family and community.



**SB-2771-SD-1**

Submitted on: 3/16/2022 9:46:52 AM

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

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Aloha,

My name is Colleen Rost-Banik. I am a resident of Honolulu and a lecturer within the University of Hawaii. As a lecturer, I have the opportunity to teach sociology courses within the Women's Community Correctional Center. I urge you to support SB2771 SD1, which develops a means of assessing women who are incarcerated before trial separate from the risks assessment used on men. Often, their risks of reoffending and their treatment needs are different than men. We should recognize this and act accordingly.

Please support SB2771 SD1.

Respectfully,  
Colleen Rost-Banik