



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

February 1, 2022

TO: The Honorable Senator Clarence Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental and 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 Nishihara, Vice Chair DeCoite 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.

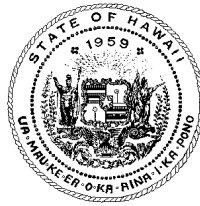
Few pre-trial assessment tools have been normed to the gender-specific risk and needs of pre-trial women. There certainly are many gender-neutral risk factors, such as history of criminal convictions and failure to appear, that apply to both men and women, but without consideration of gender-specific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

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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

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

Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
Senator Clarence K. Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022; 1:00 p.m.  
State Capitol, Via Video Conference

Chair Nishihara, Vice Chair DeCoite, and Members of the Committee:

Senate Bill (SB) 2771 seeks to require the Department of Public Safety (PSD) to develop a female pretrial risk and needs assessment tool and conduct these assessments to measure the female offenders' risks of flight, reoffending, or harming the community, considering factors important to women and women's specialized treatment needs.

PSD offers comments regarding this measure along with some insight. At present, the Department already has underway an initiative to address the assessment, treatment, and reentry needs of female offenders. Specifically, PSD has redescribed a Corrections Specialist II position within the Reentry Coordination Office (RCO) to be dedicated to addressing the needs of female offenders.

This CPS II will also review nationally-recognized offender assessment instruments, including pretrial assessment tools and conduct research with the National Institute of Corrections (NIC), American Correctional Association (ACA), and other entities in determining the effectiveness of PSD's current assessment

instrument, Level of Service Inventory – Revised (LSI-R) to help determine if another more effective and accurate assessment instrument exists specifically for female offenders.

However, in order to develop, implement, and conduct a female-specific pretrial risk and needs assessment initiative, the Department will require substantial additional funding, which, as written, SB 2771 does not provide.

In light of PSD's progress in this area, the Department respectfully recommends that this measure be held in abeyance, as we move forward with initiatives currently underway.

Thank you for the opportunity submit testimony on SB 2771.

**SB-2771**

Submitted on: 1/31/2022 12:08:22 AM

Testimony for PSM on 2/1/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Linda Rich	Testifying for Women's Prison Project	Support	Yes

Comments:

Aloha Chair Nishihara, Vice Chair DeCoite, and Members Baker, Riviere and Fevella,

My name is Linda Rich. I am testifying today on behalf of the Women's Prison Project in **Strong Support** of SB2771, RELATING TO RISK AND NEEDS ASSESSMENT FOR FEMALE OFFENDERS.

Prior to my volunteer work with the Women's Prison Project, I served for 14 years as Director of Clinical Services for the Salvation Army Family Treatment Services followed by eight years as the Executive Director. As a social worker and substance abuse counselor, I have provided mental health and substance abuse treatment to women involved with Family Court, Drug Court, and conditionally released from prison for over 21 years.

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 physical and sexual abuse prior to becoming an offender. 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.

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.

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 seventy-five percent 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.

Thank you for the opportunity to testify and for considering our thoughts on this important issue. If you have further questions regarding WPP's support of this measure, please contact me at [richl001@hawaii.rr.com](mailto:richl001@hawaii.rr.com)

Linda Rich

On behalf of the Women's Prison Project



**SB2771 Pretrial Risk and Needs Assessment Women**  
**COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY**  
**AFFAIRS**

Senator Clarence K. Nishihara, Chair  
Senator Lynn DeCoite, Vice Chair  
Tuesday, Feb 1 2022: 1:00 pm : Videoconference

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

*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**

Submitted on: 1/28/2022 6:52:06 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair and members,

STRONG support for this overdue measure,

Since Community Alliance on Prisons, uncovered a high incidence of rape through coercion of women from Hawaii in mainland private prisons, it is still obvious that the abuse of power by male guards over female inmates continues to be a problem.

This measure cannot correct all the injustices that occur in the prison system, but it is a step in the right direction.

Ann S. Freed

Life-Time Feminist in Mililani