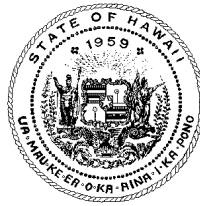


DAVID Y. IGE  
GOVERNOR



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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 Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, February 15, 2022; 10:30 a.m.  
State Capitol, Room 211 & Via Videoconference

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

Senate Bill (SB) 2271, 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. PSD notes that its progress will be reported to the Legislature as part of the Department's Annual Report, including performance indicators.

Thank you for the opportunity submit testimony on SB 2771.



## **SB2771 Pretrial Risk and Needs Assessment Women**

### COMMITTEE ON WAYS AND MEANS

Senator Donovan M. Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, Feb 15 2022: 10:30 am : 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.

COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

HEARING DATE: February 15, 2022  
TIME: 10:30 AM, Via Videoconference

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

My name is Linda Rich. 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 followed by eight years as Director of the Salvation Army Family Treatment Services.

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.

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

**SB-2771**

Submitted on: 2/13/2022 2:56:19 PM

Testimony for WAM on 2/15/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ellen Godbey Carson	Individual	Support	No

Comments:

Please approve SB2771, to help address the needs of our women in our prison system.

The majority of women in jail and prison in Hawaii were convicted of drug crimes or property crimes, many of which are also drug related. The pathway for women into crime includes child hood abuse, poverty , limited education, addiction, mental health conditions, abusive intimate relationships, lack of safe affordable housing, unemployment and lack of job skills. Hawaii has a higher percentage of women in its incarcerated population than any other state in the US. The recidivism rate is also high. We believe the state can do better. According to the most recent data, 75% are mothers and 60 percent had children living with them prior to incarceration. The negative effects on children of maternal incarceration is well documented. Only about 10% of women in Hawaii’s prisons were convicted of violent felonies. Programs in other states have shown that many women could be successfully rehabilitated in the community with court supervision. Recidivism rates for women completing these programs is dramatically lower that those who complete a prison sentence. This bill can improve the way our women are treated in the prison system, to benefit our entire community.

**SB-2771**

Submitted on: 2/14/2022 10:16:18 AM

Testimony for WAM on 2/15/2022 10:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Cheryl Ho	Individual	Support	No

Comments:

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and member of the Ways and Means Committee!

My name is Cheryl Ogawa Ho. I live in Nu'uano, and am a retired social worker.

I am testifying in **strong support of SB2771.**

Before I retired, I worked for twenty-five years with youth in **long-term foster care**, and with their **birth** parents, as well as with their **foster** parents. In many cases where birth moms' drug use or non-violent crimes had led to incarceration, foster placement became the hard, undeserved consequence for their children.

I had the pleasure of working with exemplary *foster* parents, by agency standards. However, I became aware that often the most crucial factor in the success or failure of a foster placement was whether or not that foster family was able and willing to recognize the deep hurt and sense of loss and abandonment suffered by their foster youth. **Those feelings stemmed from their mom's incarceration.**

Once mom was incarcerated, these youth often faced insurmountable difficulties in reaching back to her reassuring embrace- let alone receiving the daily encouragement needed for daily living and growing. Breaking the early bonds of the maternal-child relationship is the **traumatic event** that leads to deep anger; loss of self-esteem; depression; self-hatred; acting-out behaviors; inability to form trusting relationships; abusive relationships; lack of motivation to learn/achieve; poverty. Without time-consuming and costly interventions, these conditions become entrenched, and the youth becomes trapped in the cycle of abuse/neglect that often led to their mothers' experiences.

In short, members of these parent-child groups end up with **SHATTERED LIVES**. This was the title of the first forum on the subject that I attended, sponsored by the Community Alliance on Prisons.

In my interactions with youth and their birth mothers, I was able to witness, feel, and imagine the inexpressible meaning that their connection held for them. This was, of course, only a muted view, often within the confines of a structured prison visitation. It also included conversations with the youth, and sometimes with their siblings, in the preparation and follow-up to visits.

To be sure, the task of parenting is difficult for all of us, and especially so for moms who themselves were inadequately parented. Empathic support, encouragement, and specific guidance are essential to the success of any of us, and especially for moms who are emotionally needy and unsure of themselves.

I offer the above testimony in **STRONG SUPPORT** of SB2771, which if enacted, would facilitate the **PRE-TRIAL RISK ASSESSMENT** of **FEMALE OFFENDERS**. It is imperative that attention and effort be **invested in women's pathways UPFRONT**, to better ensure that their children **escape the cycle of trauma that led to their mothers' offending**. **Clarification of mothers' needs early on can hopefully result in funding for therapeutic interventions/programs for their future.**

**Mahalo nui for your attention to my testimony!**

**Cheryl Ogawa Ho**



**LATE**

**SB-2771**

Submitted on: 2/14/2022 2:43:54 PM

Testimony for WAM on 2/15/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Katherine MacPherson	Individual	Support	No

Comments:

A pretrial female risk and needs assessment developed by the Department of Public Safety is needed to adequately assess the individual's risk to flight , reoffend or assess potential harm in order to assign diversion programs and re-entry needs if possible for woman,all who have unique circumstances . The benefits of this measurement would be both to the community and the institutions responsible for both security and treatment programs.

**LATE**

**SB-2771**

Submitted on: 2/14/2022 3:59:23 PM  
Testimony for WAM on 2/15/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robin Hart	Individual	Support	No

Comments:

I write in strong support of this bill. The state's Dept of Public Safety needs to develop and conduct a pretrial female risk and needs assessment tool to measure the female offender's risk to flight, reoffend, or harm the community--especially paying attention to factors important to women when considering their risk to reoffend and TREATMENT NEEDS. This could help divert women to treatment instead of prison and more effectively restore and save their lives.