



The Judiciary, State of Hawaii

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

Wednesday, March 2, 2022 at 10:15 a.m.
Via Videoconference

By

Brook M. Mamizuka
Probation Administrator, First Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2772, SD1, Relating to the Furlough and Drug Treatment Program.

Purpose: Appropriates funds to the Judiciary to create and expand existing community-based furlough programs, residential drug treatment, therapeutic living, and mental health programs for judiciary-involved women. (SD1)

Judiciary's Position:

The Judiciary provides the following comments – in support of the intent of this bill but with concerns pertaining to funding and key aspects of the proposed implementation by the Judiciary. Statewide treatment programs that provide therapeutic and substance abuse treatment for women with children are needed. However, the Judiciary is not equipped nor resourced to – as this measure contemplates – “create” these specialized programs.

Community-based furlough programs do not fall under the jurisdiction of the Judiciary. Hawaii is a bifurcated state as probation and parole are under separate jurisdictions. Probation is an alternative to prison administered by the Judiciary. Furlough is granted to inmates sentenced to prison and administered by the Department of Public Safety.



Senate Bill No. 2772, SD1 Relating to Furlough and Drug Treatment Programs
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The number of programs that allow minors to remain with their mothers while in treatment is limited. Funding to support and expand these existing programs would be beneficial as their capacity to provide residential treatment to women with minor children is a challenge. There is a limited number of bed spaces, which results in wait lists for mothers seeking treatment. Increased funding of these existing programs will provide the opportunity for to expand treatment services and result in a greater number of mothers that can be served.

Thank you for the opportunity to testify on Senate Bill No. 2772, SD1.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 2772, S.D. 1

March 2, 2022
10:15 a.m.
Room 211 and Videoconference

RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2772, S.D. 1, makes a \$200,000 general fund appropriation in FY 23 to the Judiciary to create and fund community-based furlough programs and residential drug treatment, therapeutic living, and mental health programs that allow women to bring their minor-aged children into the program.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



SB2772 SD1 Offender Programs for Women and Children **COMMITTEE ON WAYS AND MEANS**

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Wednesday, Mar 2 2022: 10:15 : Videoconference

Hawaii Substance Abuse Coalition Strongly Supports SB2772 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.

Drug Treatment coupled with work furlough programs helps women and their children to stop the intergenerational cycle of alcohol and drug dependency:

- Women have special needs that are more relationship oriented and that includes supporting their children,
- Counseling helps women and children in recovery by rebuilding relationships with their children and loved ones,
- Residential and outpatient programs tailor to gender responsive treatment approaches within an environment that addresses their spiritual, physical, cultural and emotional needs,
- Recovery includes supporting self-sufficiency by establishing work or educational goals,
- Following treatment, housing and furlough programs can help women and their children by practicing recovery, rebuilding family connections, and transitioning into independent housing through learning about daily living skills, educational classes on parenting and health as well as vocational training.

This bill is important because according to the 2017 National Institute of Justice report¹, children of offenders are the “hidden victims” facing a host of challenges and difficulties, stresses, and strains:

- Research demonstrates that the strength of the parent-child bond in healthy ways can play significant roles in the child’s ability to overcome these challenges.
- About 11% of children have a parent who was or is involved with criminal justice,
- Moreover, on the average, the mother is the primary support for the child,

¹ National Institute for Justice: 2017: Hidden Consequences: The Impact of Incarceration on Dependent Children: <https://nij.ojp.gov/topics/articles/hidden-consequences-impact-incarceration-dependent-children>

- Children of incarcerated parents are 6 times more likely to be incarcerated themselves.

It is critical for our families that we ensure a safety net for the child and successful re-entry for the incarcerated mother.

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

SB-2772-SD-1

Submitted on: 3/1/2022 9:35:40 AM

Testimony for WAM on 3/2/2022 10:15:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Linda Rich	Testifying for Women's Prison Project	Support	No

Comments:

COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

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

HEARING DATE: Wednesday March 2, 2022

TIME: 10:15 AM, Via Videoconference

SUPPORT FOR SB2772 RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS

The Women's Prison Project **STRONGLY SUPPORTS** SB2772 RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS which would appropriate moneys for furlough programs, residential treatment and therapeutic living programs that allow minor children to remain with their mothers while participating in the program. This is in keeping with the recommendations from the HCR 85 Task Force report to the Legislature in 2019 to transition to a more effective and sustainable correctional system that focuses on rehabilitation and to expand community-based treatment programs as an alternative to incarceration.

In a recent review of women in the state's prisons and jails, the Judiciary's Criminal Justice Research Institute (CJRI) found that women comprise a higher percentage of the state's incarcerated population than in any other state. Also, approximately 75% of women in Hawaii's correctional facilities are mothers, and approximately 60% had minor children living with them prior to incarceration.

The majority of incarcerated women in Hawaii are incarcerated for drug offenses, including property crimes that were drug related, and may be more effectively rehabilitated through community-based programs that address women's common pathways to crime and recidivism, including addiction, childhood trauma and abuse, poverty, interpersonal abuse, lack of job skills and employment, low levels of education, and lack of access to safe affordable housing, mental health care, addiction treatment and physical healthcare.

The courts can continue to hold women accountable while they participate in needed community-based services that allow them to keep their minor children with them. This would reduce trauma for children and mothers, lower risk of recidivism and help break the intergenerational cycle of incarceration.

Incarceration of mothers that results in separation from their children has been well-documented to have negative developmental and emotional effects on children. Early and secure attachment to a primary caregiver is the foundation of infant mental health and is essential for the development of the capacity to form healthy relationships.

Children of incarcerated mothers often enter the foster care system, which is costly to the State and often traumatic for children. Research indicates that children of incarcerated mothers are at high risk for increased health problems, developmental delays, attention deficit disorder and for problem behaviors. Incarcerated mothers may suffer depression and anxiety due to the trauma of separation from their children, making them less able to benefit from rehabilitative services.

Meeting the Needs of Women in California's County Justice Systems: A Toolkit for Policymakers and Practitioners (B. Bloom, 2015) reported that "By the nature of their lower-level offenses, women pose less of a threat to public safety than men and they often are more amenable to community-based programming than men." Data from CJRI indicates that only a small percentage of Hawaii's incarcerated women have been convicted of a violent felony.

The Women's Prison Project strongly supports the state's investment in programs that would allow women to be diverted or released from prison into programs that could preserve the parent-child bond while engaging women in therapeutic and rehabilitative programs. Ideally these programs will also provide parenting support and identify and address any developmental needs of the children.

We believe strongly that the amount currently appearing in the proposed appropriation is inadequate to accomplish the intent of the bill. As more women are diverted from incarceration, there will be a need to expand the capacity of existing programs and develop new ones. Anyone who has paid for child care, which is necessary for women to participate in treatment or seek and retain employment, is aware of the expense involved. In a residential program, the addition of young children requires additional staffing and additional space, and practical items such as cribs and toddler beds. A more realistic figure would be 1.5 million dollars.

The appropriation should also include funds for childcare while women are engaged in treatment work activities.

Implementation of this bill will result in decreased rates of incarcerated women and reduced recidivism. It would also reduce trauma and its costly consequences for women, children, and our communities. Money spent on the types of programs mentioned in the bill will be less than the cost of incarceration and will result in better outcomes.

Women's Prison Project **STRONGLY SUPPORTS SB2772 RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS.**

Mahalo for considering our thoughts on this bill.

Linda Rich

Women's Prison Project

SB-2772-SD-1

Submitted on: 2/25/2022 9:43:01 PM

Testimony for WAM on 3/2/2022 10:15:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Support	No

Comments:

Support.

SB-2772-SD-1

Submitted on: 2/27/2022 7:19:38 PM

Testimony for WAM on 3/2/2022 10:15:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

Stop all the Bull Shit and do your Job !!!

SB-2772-SD-1

Submitted on: 3/1/2022 4:38:27 PM

Testimony for WAM on 3/2/2022 10:15:00 AM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carrie Ann Shirota	Testifying for ACLU of Hawai'i	Comments	No

Comments:

Aloha,

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i) provides comments on **SB2772 SD1 Relating to Furlough and Drug Treatment Programs.**

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, **we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color.** Simultaneously, we advocate for evidence-based conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive re-entry support services that starts from the first day of incarceration.

Many of the women in our jails and prisons - most of whom are mothers and survivors of physical and sexual assaults – are better served in our community. Native Hawaiian women are 19% of the female population in Hawai'i, yet 44% of the female incarcerated population in Hawai'i. **If we invest in comprehensive bail, diversion, probation and parole reform, and reentry support services, the female population in our jails and prisons will be significantly reduced, families will be reunited, and taxpayers will spend less money on incarceration.**

The ACLU recommends the proposed amendment to ensure transparency and accountability for the expenditure of public funds:

Require the Judiciary to include in its Annual Report the State Legislature the amount of funding expended, a list of contract providers, the number of women served, a description of services provided, and program participation outcomes. In addition, subcontractors should identify any barriers to individual's access to services and successful outcomes, and proposed solutions to overcome those barriers.

Thank you for the opportunity to submit comments on **SB2772, SD1.**