



*The Judiciary, State of Hawaii*

**Testimony to the Thirty-First Legislature  
Regular Session of 2022  
House Committee on Corrections, Military & Veterans  
Representative Takashi Ohno, Chair  
Representative Sonny Ganaden, Vice Chair**

Wednesday, March 16, 2022 at 10:00 a.m.  
Via Videoconference  
State Capitol, Conference Room 430

By

Brook M. Mamizuka  
Probation Administrator, First Circuit Court

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2772, S.D. 2, Relating to the Furlough and Drug Treatment Programs.

**Purpose:** Appropriates funds to the Judiciary to create and expand new and existing community-based furlough programs, residential drug treatment, therapeutic living, and mental health programs for judiciary-involved women. Effective 7/1/2050. (S.D. 2)

**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



Senate Bill No. 2772, S. D. 2, Relating to Furlough and Drug Treatment Programs  
House Committee on Corrections, Military & Veterans  
Wednesday, March 16, 2022 at 10:00 a.m.  
Page 2

an alternative to prison administered by the Judiciary. Furlough is granted to inmates sentenced to prison and administered by the Department of Public Safety.

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, S. D. 2.

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
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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 HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS  
ON  
SENATE BILL NO. 2772, S.D. 2

**March 16, 2022**  
**10:00 a.m.**  
**Room 430 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. 2, makes an unspecified general fund appropriation in FY 23 to the Judiciary to fund new and existing 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.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 2772, SENATE DRAFT 2  
RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS.**

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

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

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2772, Senate Draft (SD) 2, which proposes to appropriate 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 and a create a comprehensive data base regarding justice-involved women and their families to better inform decisions regarding diversion from prison, rehabilitation in prison, and transition out of prison.

The Department respectfully submits the following comments regarding this measure. PSD is supportive of the Legislature's initiative to expand community-based diversion programs for justice-involved female offenders under the jurisdiction of the Judiciary.

This measure seeks to expand prison diversion services for female offenders, which is considerably less costly than incarceration and may also allow female offenders in the community to remain with their families and children while participating in much-needed services and treatment. In addition, the creation of a comprehensive database would help all justice-involved agencies, including PSD, to

better address an offender's risks, needs, and responsivity, enabling the creation of a more complete and comprehensive plan for treatment and care.

At present, the Department contracts for furlough bed space for female offenders, paying \$450,045 a year to support up to 14 women at any given time. PSD also has a separate contract to provide housing for women placed on extended furlough or released on parole. In addition, PSD also has a contract to provide community support services for female offenders and provide referrals to community service providers for those being paroled and those being released from custody at the end of sentence. The Department's experience suggests that the Judiciary would need to be provided with substantial funding to carry out the objectives of SB 2772, SD 2 as there are currently more than 24,000 offenders under the Courts' jurisdiction and a large proportion are female.

Thank you for the opportunity to present comments on SB 2772, SD 2.

COMMITTEE ON CORRECTIONS, MILITARY & VETERANS  
Rep. Takashi Ohno, Chair  
Rep. Sonny Ganaden, Vice chair

HEARING DATE: Wednesday, March 16 2022  
TIME: 10:00 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 with two recommendations.**

This bill would appropriate moneys to the Judiciary 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.

Women's Prison Project recommends that the word "create " be removed from the bill, as the Judiciary does not create or wish to create programs, but contracts with community based programs with the expertise in providing direct services.

Secondly, we recommend that the funds intended for furlough programs be appropriated to the Department of Public Safety, since they fund community based furlough programs. Funds intended for residential treatment and therapeutic living programs could be channeled to Judiciary.

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 diverted from incarceration and 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.

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

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, March 16, 2022

10:00 AM

### **STRONG SUPPORT - SB 2772 SD2 -WORK FURLOUGH & TREATMENT PROGRAMS**

Aloha Chair Ohno, Vice Chair Ganaden and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf HD1 of the more than 4,008 Hawai'i individuals living behind bars<sup>1</sup> under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that 1,110 of Hawai'i's imprisoned people are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Mahalo for this opportunity for Community Alliance on Prisons to express our strong support for SB 2772 SD2 that appropriates funds to create and fund new and existing community-based work furlough programs and residential drug treatment, therapeutic living, and mental health programs that allow justice-involved women to bring their minor children into the program.

Community Alliance on Prisons supports the expansion of work furlough programs in Hawai'i and we support programs, like Women's Way, that allow women to bring their minor children into the program with them.

We respectfully ask the committee to support this important program that helps to reduce recidivism.

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<sup>1</sup> Department of Public Safety, Weekly Population Report, March 7, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-97.pdf>



## **SB2772 SD2 Offender Programs for Women and Children** **COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS**

Rep. Takashi Ohno, Chair

Rep. Sonny Ganaden, Vice Chair

Wednesday, Mar 16 2022: 10:00 : Videoconference

### **Hawaii Substance Abuse Coalition Strongly Supports SB2772 SD2:**

*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 for women are best when tailored 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. According to the 2017 National Institute of Justice report<sup>1</sup>, 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,

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<sup>1</sup> 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-2**

Submitted on: 3/12/2022 4:14:14 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-2772-SD-2**

Submitted on: 3/13/2022 5:39:40 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>
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Ohno, Vice Chair Ganaden and members of the Committee,

My name is Carolyn Eaton and I support this bill. Mahalo for your perseverance and discernment while doing the business of improving lives for all in Hawai'i.

**SB-2772-SD-2**

Submitted on: 3/14/2022 11:25:33 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>
Carla Allison	Individual	Support	Written Testimony Only

Comments:

I strongly support SB2772 and ask CMV members to do the same.

Thank you.

**SB-2772-SD-2**

Submitted on: 3/14/2022 11:39:50 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:

SB2772 SD2 Description:

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

These community-based programs help facilitate the reentry process. They are successful in reducing recidivism and costs to taxpayers.

Please pass SB2772 SD2.



**SB-2772-SD-2**

Submitted on: 3/15/2022 11:22:53 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>
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: House of Representatives, The Thirty-First Legislature Regular Session Of 2022

Committee On Corrections, Military, & Veterans

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2772 (In Support)

Dear Chair Ohno Vice-Chair, Ganaden, and Members of the Committee,

Please support this bill. We have a lot of work to do to improve our criminal justice system.

Passing this bill that would fund much-needed drug treatment and mental health programs is an important step towards this goal.

Thank you,

Wendy Gibson-Viviani RN/BSN

Kailua

(Oahu Resident for 29 years)

**SB-2772-SD-2**

Submitted on: 3/15/2022 7:36:49 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>
Chris Tokeshi	Individual	Support	Written Testimony Only

Comments:

As part of our residency training to become future psychiatrists, our program provides us the opportunity to rotate at sites such as Oahu Community Correctional Center and the Queen's Medical Center emergency department. During my time serving these areas, I have seen the need for greater attention to be placed specifically into residential drug treatment programs. Given lengthy waitlists, patients often are unable to receive the level of care that they need and deserve, resulting in inefficiencies in resources that are utilized or at worst, possibly avoidable negative outcomes. I support SB2772 as I believe it addresses the needs of one of our most vulnerable populations where they arguably could benefit from the most.

**SB-2772-SD-2**

Submitted on: 3/16/2022 10:26:52 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>
Lilinoe Kauahikaua	Individual	Support	Written Testimony Only

Comments: