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GOVERNOR



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No. _____

TESTIMONY ON SENATE BILL 2772
RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS.

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

Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 15, 2022; 2:00 p.m.
State Capitol Via Videoconference

Chairs Nishihara and Rhoads, Vice Chairs DeCoite and Keohokalole, and Members of the Committees:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2772, 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, 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.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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

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 COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS AND JUDICIARY
ON
SENATE BILL NO. 2772

February 15, 2022
2:00 p.m.
Via 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 makes an unspecified general fund appropriation in FY 23 to the Judiciary to create and fund: 1) community-based furlough programs; 2) residential drug treatment, therapeutic living, and mental health programs that allow women to bring their minor-aged children into the program; and 3) a database of the women and the families involved in the judicial programs.

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.



The Judiciary, State of Hawaii

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Testimony to the Senate Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 15, 2022 at 2:00 p.m.

Via Videoconference

By

Brook M. Mamizuka

Probation Administrator, First Circuit Court

WRITTEN TESTIMONY ONLY

Bill No. and Title: Senate Bill No. 2772, 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, and to create and fund 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.

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.



Senate Bill No. 2772, Relating to Furlough and Drug Treatment Programs
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senate Committee on Judiciary
Tuesday, February 15, 2022
Page 2

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.

The Judiciary supports the intent of creating a comprehensive data base regarding justice-involved women and their families to better inform decisions regarding diversion from prison, as indicated by the Judiciary's proposal in Senate Bill No. 3207 and House Bill No. 2421 for the creation of the Women's Court program which will be data-driven. At this point, however, creating a database as contemplated in this measure may not be possible without what appears to be a significant addition of resources or a prior assessment of scope or appropriate resources.

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.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 15, 2022

2:00 PM

SB 2772 - CONCERNS ABOUT THE DATABASE

Aloha Chairs Nishihara and Rhoads, Vice Chairs DeCoite and Keohokalole, and Members of the Committees!

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 of the more than 4,069 Hawai`i individuals living behind bars under the "care and custody" of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,112 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.

SB 2772 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.

It is (3) that gives us concern. This creates and funds a database of justice-involved women AND THEIR FAMILIES. Why are families included on a state database? There are deep concerns about the government collecting data on citizens and we wonder why data on families is being sought.

We therefore, implore the committee to delete (3), or amend this section by deleting the collection of data on the families of justice-involved women.

Mahalo for this opportunity to testify.

SB-2772

Submitted on: 2/11/2022 6:10:02 PM

Testimony for PSM on 2/15/2022 2:00:00 PM

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

Comments:

We are in support.

Senate Committee on Public Safety, Intergovernmental & Military Affairs
Senate Committee on Judiciary
Tuesday, February 15, 2022, 2:00pm
Via Videoconference

Testimony in Support of SB 2772

Chairs Nishihara & Rhoads, Vice Chairs DeCoite & Keohokalole, and members of the committee,

Thank you for the opportunity to testify in **support of SB 2772**, which appropriates funds to the Judiciary to create and expand existing community-based work furlough programs, residential drug treatment, therapeutic living, and mental health programs for judiciary involved women, and to create and fund 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.

YWCA O'ahu is dedicated to eliminating racism, empowering women and promoting peace, justice, freedom, and dignity for all. In 1900 we opened our doors to provide opportunity to women for growth, leadership and power to change. Today, over a century later, the YWCA O'ahu is the largest and oldest women's membership organization in the State of Hawaii. We are a charter member of the YWCA USA and is one of more than 200 community associations nationwide that share the mission of empowering women and eliminating racism.

As a new core of women are preparing for our future, we are committed to reinventing the YWCA for the 21st century so it remains relevant to all women as their lives and needs change. The YWCA offers a unique place – a place where women and girls can build relationships for life and have opportunities to move forward in life and give back to their community. Our three centers at the YWCA, Fernhurst, Kokokahi and Laniakea, provide valuable programs and services that develop women and girls' social, economic, leadership and community skills.

In December of 2018, the HCR 85 Task Force released its findings and final report to the legislature. In this report they stated that while they came from diverse backgrounds and viewpoints that they all agreed that "Hawaii's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change". The primary recommendation from the task force was to "begin to transition from a punitive to a rehabilitative correctional system".

We support this bill because it does just what Task Force 85 report says we must do – move away from a punitive system to a rehabilitative system. Investing in and expanding community-based work furlough, residential drug treatment, therapeutic living and mental health programs is vital in this shift to a rehabilitative model.

We currently operate the only community-based work furlough program for women in our state. I wanted to note for your committees though that our contract for community-based work furlough for women is handled and funded through the Department of Public Safety rather than the Judiciary. Because of this, changes to the

bill may be needed to get funds to existing programs and expand community-based work furlough programs throughout the state.

Thank you for the opportunity to testify in support of SB 2772.

Jen Wilbur
Director of Advocacy
YWCA O'ahu



SB2772 Offender Programs for Women and Children

[COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS](#)

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

[COMMITTEE ON JUDICIARY](#)

Senator Karl Rhoads, Chair

Senator Jarrett Keohokalole, Vice Chair

Tuesday, Feb 15 2022: 2:00 pm : Videoconference

Hawaii Substance Abuse Coalition Strongly Supports SB2772:

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:

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>

- 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,
- 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.

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

HEARING DATE: Tuesday, February 15, 2022

TIME: 2:00 PM, Via Teleconference

SUPPORT FOR SB2772 RELATING TO FURLOUGH AND DRUG TREATMENT PROGRAMS

My name is Linda Rich and I am testifying on behalf of the Women's Prison Project.

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 45 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.

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 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.

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. 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 also supports the development of a data system that would allow for evidence-based decision making with regards to women in the Judiciary and in correction facilities.

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

Submitted on: 2/13/2022 2:57:40 PM

Testimony for PSM on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ellen Godbey Carson	Individual	Support	No

Comments:

Please approve SB2772, 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 the benefit of our entire community.

SB-2772

Submitted on: 2/13/2022 3:54:14 PM

Testimony for PSM on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Nelson	Individual	Support	No

Comments:

I have long felt that more furlough and drug treatment programs would be so much more effective for offenders, instead of being in a crowded jail . These program can focus on the offender's problems and help them to find ways to change behavior and not return to former habits, harmful communities or languish in prison for years.

Thank you,

Elizabeth Nelson

Kaneohe

February 13, 2022

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

RE: Tuesday, February 15, 2022 Hearing

Support of SB 2772 – Relating to Furlough and Drug Treatment Programs

Chair Nishihara, Vice-chair DeCoite, and members of Public Safety, Intergovernmental, and Military Affairs committee:

My name is Angie Lanier, and I am a social work student with the University of Hawaii at Manoa. I am offering my strongest support of the bill providing diversion from prison, rehabilitation in prison, and other programs which target improving the mental health and wellbeing of our women. While these programs already exist in some capacity, the opportunity to increase funding should not be missed, as this will prove to be an investment in both the communities and families of your constituents.

As someone who has worked professionally with this demographic, I have witnessed the positive impact such programs have had not only on the women themselves, but also their children. When we support and strengthen our familial bonds, nearly every facet of our society improves. Because our incarcerated women are at increased risk of negative mental health outcomes, funding the programs that address these issues could reduce the high recidivism rates we currently face.

In short, making good use of the time and resources we expend while they're incarcerated just makes sense. We want to prepare them so that their eventual transition back into our community will be a successful one.

Therefore, I urge the committee to pass SB 2772. Thank you for the opportunity to testify.

Sincerely,

Angie Lanier

LATE

SB-2772

Submitted on: 2/14/2022 2:58:01 PM

Testimony for PSM on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katherine MacPherson	Individual	Support	No

Comments:

Being an educator and former principal, I have personal experience of how furlough programs, therapeutic group homes and the establishment of relationships within the community can serve to enhance the lives of both women and their children.

The kinds of suggested program in this bill provide structured mentorship programs that better serve the offenders and the communities into which they will eventually reside. Wrap around services, well-coordinated and structured can enable a safety net for women learning to live more productive healthy lives.

I urge you to consider these important social programs which should be part of every caring community helping those who need help.

LATE

SB-2772

Submitted on: 2/14/2022 4:06:38 PM

Testimony for PSM on 2/15/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robin Hart	Individual	Support	No

Comments:

I write in strong support of this bill, because 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, and to create and fund 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. (This bill includes funding for programs where children could live with their mothers.) This will allow more women with low risk offenses and women transitioning out of prison to be in community based therapeutic programs with their children.