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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 COMMITTEE ON WAYS AND MEANS
ON
SENATE BILL NO. 3295

**February 24, 2022
10:00 a.m.
Room 211 and Videoconference**

RELATING TO CORRECTIONS

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

Senate Bill No. 3295 establishes the Women's Correctional Implementation Commission (WCIC) within the Department of Public Safety to provide oversight over State correctional facilities that incarcerate women, receive and investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, and monitor programs and data that are important to ensuring successful outcomes for women in the correctional system. This bill also appropriates an unspecified amount of general funds to the WCIC for FY 23 to fund the operations of the commission, including the hiring of necessary staff.

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:

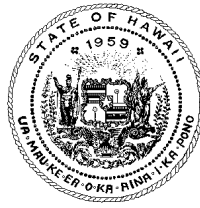
- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support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



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TESTIMONY ON SENATE BILL 3295
RELATING TO CORRECTIONS.

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

February 24, 2022; 10:00 a.m.
Via Videoconference

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

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 3295, which seeks to establish a Women's Corrections Implementation Commission within the Department of Public Safety (PSD) for administrative purposes, to provide oversight over state correctional facilities that incarcerate women, receive, investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, and monitor programs and data that are important to ensuring successful outcomes for women in the correctional system. The measure also appropriates an unspecified amount of funding for this purpose.

PSD offers the following comments regarding SB 3295. The Department is mindful of the issues raised regarding the differences between women and men offenders and the necessity of treating women and men inmates differently to ensure successful reintegration outcomes for both upon reentry to the community. PSD has taken a major step forward in addressing the distinct challenges faced by women offenders, including redesigning a position to be a CPS II, who will be tasked to research, implement, and train staff on a new female-based assessment tool, which will correlate with information in the existing LSI-R general offender assessment database.

Additionally, the Department notes the close similarity of the bill's requirements to the duties and responsibilities of the current Hawaii Correctional Systems Oversight Commission. Because of the similarities and to avoid duplication of effort, the Department respectfully suggests that the Committee on Ways and Means consider incorporating the proposed Women's Corrections Implementation Commission into the Hawaii Correctional System Oversight Commission.

Thank you for the opportunity to provide comments on SB 3295.

SB-3295

Submitted on: 2/22/2022 7:20:29 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nikos Leverenz	Testifying for Hawaii Health & Harm Reduction Center	Support	No

Comments:

Hawaii Health & Harm Reduction Center (HHHRC) supports SB 3295, which establishes the Women's Correctional Implementation Commission within the Department of Public Safety to provide oversight over state correctional facilities that incarcerate women.

HHHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawaii and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse. The continued criminalization of those with behavioral health problems compounds their suffering and further jeopardizes their health and well-being.

Thank you for the opportunity to testify on this measure.

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

HEARING DATE: Thursday, February 24, 2022
TIME: 10 AM, Via Videoconference

SUPPORT FOR SB3295 RELATING TO CORRECTIONS

The Women's Prison Project **STRONGLY SUPPORTS SB3295** which establishes a Women's Corrections Implementation Commission in the Department of Public Safety (DPS) to ensure implementation of the recommendations from the House Concurrent Resolution No. 85 (2016) as well as any legislation related to improving services and conditions for justice involved women that may be passed by this Legislature. There are a number of bills currently before the legislature that seek to establish a more gender responsive system for women within the DPS, including gender specific assessments, cultural activities, visitation with children, education, restorative justice circles, and transition planning circles.

The recommendations from the House Concurrent Resolution No. 85 (2016) include Trauma Informed Care training for all DPS personnel and contractors working with incarcerated women as well as ensuring evidence-based, gender responsive assessment, rehabilitative and therapeutic programs, appropriate support services, and access to appropriate community services such as work furlough and substance abuse treatment, and culturally based programs. The report states with regard to women prisoners, "Hawaii should recognize the behavioral and social differences between male and female offenders and adopt gender responsive policies, programs, and practices, particularly with respect to trauma informed care, developing healthy relationships, support for parenting, and providing holistic support to women." The report also notes that lack of housing, child care, and job skills increase risk for recidivism. Hawaii's justice involved women need advocates with the authority to move gender responsive reforms forward on their behalf. They are primarily a non-violent low risk small minority in a large system designed by men for male offenders who are often violent. They need a Women's Implementation Commission that knows the relevant research and the model programs that exist in other states and countries, and has experience with creating gender responsive trauma informed environments.

The Resolution 85 Task Force report was received by the Legislature in 2019, four years ago. As long ago as the year 2000, a statewide conference, “Treat the Women, Save the Children”, which included the Judiciary and Department of Public Safety as sponsors, brought in national experts to share research and best practices in working with corrections involved women. That was 23 years ago. It is time for action. The current system is not successfully reducing incarceration or recidivism rates for women. It is time for change.

Change within complex systems is difficult. As noted in the 2019 report of the Resolution 85 task force, experience has shown that without implementation oversight, recommendations and planned programs may fall by the wayside and not be fully implemented. The report emphasized the need for “an Independent Commission to ensure that recommendations are faithfully and fully executed.” Women’s Prison Project asks the Legislature to mandate needed gender responsive reforms to be implemented by the Department of Safety and to establish and fund a Women’s Corrections Implementation Commission to ensure that reforms are carried out in a timely, efficient and effective manner. The high rate of incarceration of women in Hawaii and the high rate of recidivism indicate a need for change. We must do better.

The Women’s Prison Project is glad to see that the Implementation Commission would receive and investigate complaints from incarcerated women. Incarceration itself is a traumatizing experience. Unfortunately, we know that women are also vulnerable to abuses within correctional facilities. Lack of privacy, unwanted sexual advances and innuendos and treatment that feels dehumanizing are causes of further trauma. Safety is the first requirement for healing for trauma. Therapeutic programming must be combined with a humane and respectful environment.

Women’s Prison Project urges that this Women’s Implementation Commission be established and funded. Change is needed to more fairly, humanely and effectively address the needs and recognize the strengths of women offenders in the justice system so that women offenders can be successfully rehabilitated and integrated back into our communities.

Thank you for considering the Women’s Prison Project’s support of SB3295.

Linda Rich, on behalf of the Women’s Prison Project

SB-3295

Submitted on: 2/21/2022 9:05:13 PM

Testimony for WAM on 2/24/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Johnnie-Mae L. Perry	Individual	Support	No

Comments:

SUPPORT SB 3295 RELATING TO CORRECTIONS.