



Rodney A. Maile
ADMINISTRATIVE DIRECTOR

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November 26, 2024

Via electronic submission

The Honorable Ronald D. Kouchi
President of the Senate
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Nadine K. Nakamura
Speaker of the House of Representatives
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi and Speaker Nakamura:

Pursuant to Act 243, Session Laws of Hawai'i 2022, the Judiciary is transmitting a copy of the *Report on the Women's Court Pilot Program*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: https://www.courts.state.hi.us/news_and_reports/reports/reports.

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Affairs and Special Projects Division at 808-539-4896, or via e-mail at Karen.T.Takahashi@courts.hawaii.gov.

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile
Administrative Director of the Courts

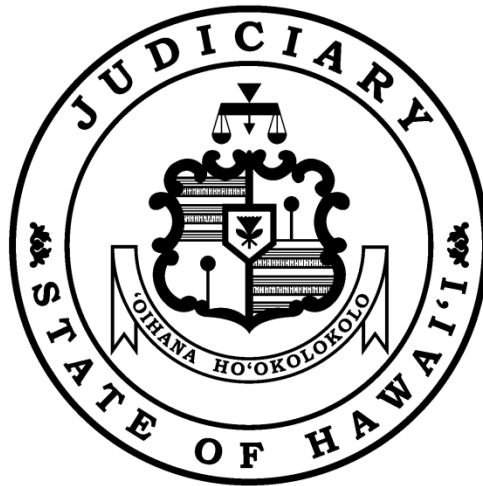
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**ANNUAL REPORT TO THE THIRTY-THIRD LEGISLATURE
2025 REGULAR SESSION**

A Report on the Women's Court Pilot Program

Pursuant to Act 243, SLH 2022



Prepared by:

The Judiciary, State of Hawai'i

November 2024

**ANNUAL REPORT TO THE THIRTY-THIRD LEGISLATURE
2025 REGULAR SESSION**

A Report on the Women's Court Pilot Program

Pursuant to Act 243, SLH 2022

The State of Hawai'i's Thirty-First Legislature enacted Act 243 which established a three-year Women's Court pilot program in the Circuit Court of the First Circuit. On July 6, 2022, Governor David Y. Ige signed into law Act 243. The mission of the Hawai'i Women's Court is to assist and guide participants in meeting their legal and statutory responsibilities and to facilitate change in their wellbeing by providing gender-responsive services that uphold the mission of the Hawai'i State Judiciary and the Adult Client Services Branch.

There has been a rapid growth in the incarceration of women in the United States. In fact, the rate of growth for female imprisonment has been twice as high as that of men since 1980.¹ Between 1980 and 2022, the number of incarcerated women increased by more than 585%, rising from a total of 26,326 in 1980 to 180,684 in 2022.² At the national level, including both state and federal imprisonment, 49 out of every 100,000 women were in prison in 2022.³ The state with the highest rate of female imprisonment out of every 100,000 women is Idaho with 132, the state with the lowest incarceration rate of women is Massachusetts with seven, and the rate in Hawai'i is at 30.⁴ This increase of incarceration of women was the main reason why Women's Court, also known as Mohala Wahine, was created.

The Mohala Wahine program is an alternative to incarceration and provides women in the criminal justice system who have suffered trauma, abuse, poverty, mental illness, substance-use disorders, and/or unhealthy relationships with comprehensive court-supervised treatment, opportunities, and resources. The goal is for the women participants to identify and address their issues in order to prevent re-entry into criminality and to aid the women participants in bettering their economic condition and life circumstances.

In conformity with the other specialty courts, the Mohala Wahine program focuses on women who are non-violent and are "high risk" and "high need." High risk meaning that the women are at a high risk of recidivism and high need meaning that they are in need of multiple services such as substance abuse treatment, therapy, housing, etc.

Participants in the program are required to attend regular court appearances before the Mohala Wahine judge, frequent meetings with their Mohala Wahine probation

officers, weekly Mohala Wahine group classes, and participate in their individualized treatment plans. Treatment plans are tailored to each participant and could include residential or outpatient drug treatment, AA/NA (Alcohol Anonymous/Narcotics Anonymous) meetings, individual and/or group therapy, case management services, psychiatric treatment including medication, curfew, check ins, drug/alcohol testing, sober support, and pro-social activities.

The Mohala Wahine program began accepting participants in January of 2023 with the goal of admitting twenty (20) women each year. The women seeking entry into the program are given a number of assessments in order to determine whether the women are non-violent, and meet the criteria for high risk and high need.

A total of 83 women have been referred to the program through August of 2024 and 81 of those women have completed assessments. Of those 81 women that completed assessments, 25 women were evaluated to be high risk, high need, and non-violent and one woman was evaluated to be a moderate risk, high need, and non-violent. Therefore, of those 26 women that met the criteria for the Mohala Wahine program, 23 were petitioned into the program and three are awaiting their petition dates.

For the 23 participants of the program, we have been collecting data on the participants through our DIMS database. This data is helpful to not only see the progress of the program but to also track the changes of the participants. Some of the data is as follows: 11 participants are in phase one of treatment (48%) and 12 participants are in phase two of treatment (52%). The final phase of treatment is phase three, and there are no participants in that phase yet but we do anticipate the first five participants to be transitioning to phase three in December 2024. In regard to treatment and therapy, five participants have graduated from substance-abuse treatment (22%), 11 are in substance-abuse treatment (48%), 16 are in individualized therapy (70%), 17 are seeking psychiatric assistance (74%), and 15 are involved with case management services (65%). As to work and housing, eight participants are working either full or part time (35%), 16 participants are in clean and sober housing, which also includes independent living and residential treatment and housing (70%), and four participants are on the wait list for residential treatment and housing (17%). As there was the previous study involving the number of Native Hawaiians in the criminal justice system, 16 of the participants of the Mohala Wahine program are of Native Hawaiian ancestry (70%).

The Institute on Violence, Abuse and Trauma (“IVAT”) was contracted as part of this pilot program to monitor and evaluate the Mohala Wahine program. IVAT attended court hearings, interviewed participants, and accrued and compiled data of the participants. IVAT’s first year report has been completed and will be provided upon request.

All participants in phase two have been actively participating in psycho-educational groups, which includes evidenced-based practices such as Cognitive Behavioral Treatment and Motivational Interviewing. The participants have been also engaged in the program's cultural component, which has included Native Hawaiian dance (hula) and chant (oli) and the Native Hawaiian wellbeing framework called Kukulu Kumuhana. The cultural component has added a dimension for the participants to share in a safe environment current challenges while learning tools to use in everyday decision making. The hula and oli allow the participants to learn movement, centering, and allows the participant to address physical, mental, and spiritual wellbeing.

In May of 2025, the Mohala Wahine program will be preliminarily scheduling the first hō'ike (show, exhibit) ceremony. Based on the current participants, it is anticipated that approximately 5 – 10 women will partake in this celebration. These participants must have participated fully in the Mohala Wahine program, completed all court requirements (i.e., substance treatment, parenting classes, payment of fines and fees, maintained stable housing, held consistent employment or educational training, satisfactorily engaged in all therapeutic treatment, completed all units in Mohala Ka Pua group curriculum, and remained clean and sober). These milestones and requirements for the hō'ike are really the positive changes that the women made for themselves as well as for our community as these changes lead to the reduction in recidivism, prosecutions, and imprisonment, cost saving from fewer arrests, decrease in reliance on government benefits, and the strengthening of family which will hopefully help our keiki to envision a positive and healthy future.

As of September 30, 2024 there were no participants who were removed from the pilot program.

The following recommendations are being made regarding ACT 243, the Women's Court/Mohala Wahine Pilot Program:

1. The Mohala Wahine program would like to secure permanent funding so that the program can continue to build on this positive progress for our mothers, sisters, daughters, and nieces. Addressing the needs of this population and diverting the women from incarceration and the criminal justice system will ultimately help to strengthen our families and communities.
2. Affordable, sustainable housing for women is a constant barrier for successful integration into the community.

The Mohala Wahine program is striving to create an environment of inclusion, respect, honesty, and aims to meet the gender specific needs of women while maintaining a trauma-informed practice that adheres to best practices of specialty

courts. This program needs to continue to provide valuable insights to the underserved (women) and over represented populations (Native Hawaiian women) in the justice system.

References:

¹ *Incarcerated Women and Girls*, supra, at 3.

² The Sentencing Project, Fact Sheet: Incarcerated Women and Girls (2024), at 3 [hereinafter *Incarcerated Women and Girls*]

³ *Incarcerated Women and Girls*, supra, at 8.

⁴ *Incarcerated Women and Girls*, supra at 6-8. Note: Hawai'i has an integrated jail and prison system, so this data includes both jail and prison populations whereas other states' data may include only the prison population.