

DAVID Y. IGE  
GOVERNOR



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**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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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 HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS  
ON  
HOUSE BILL NO. 2309

**February 2, 2022**  
**10:00 a.m.**  
**Room 430 and Videoconference**

RELATING TO INCARCERATION

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 2309.

H.B. No. 2309 appropriates an unspecified amount of general funds to the Department of Public Safety for FY 23 for the development and maintenance of diversion and reentry services and programs by non-profit organizations within the State. This bill is intended to reduce recidivism rates in the State and increase productivity in affected communities through various reentry programs. This bill also extends the lapse date of the funds, provided that any unencumbered funds as of June 30, 2024, shall lapse as of that date.

B&F notes that 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.

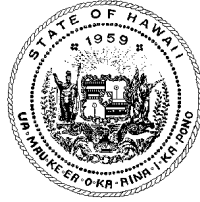
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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  
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**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

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

**TESTIMONY ON HOUSE BILL 2309  
RELATING TO INCARCERATION.**

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

Wednesday, February 2, 2022; 10:00 a.m.  
State Capitol, Conference; Video Conference

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

The Department of Public Safety (PSD) has reviewed House Bill 2309, which appropriates funds for the development and maintenance of the diversion and reentry services and programs offered by non-profit organizations in the State. The Department welcomes any assistance for enhancing reentry and community success of transitioning offenders and offers the following comments.

PSD notes that its jurisdiction ends upon an offender's release on parole or end of sentence. The Department's mission and programs differ from jail diversion programs, as they serve two separate and distinct categories of offenders. Once PSD's jurisdiction ends, the Department has no authority to order ex-offenders to participate in community-based programs, nor should the Department be responsible for administering contracts and/or services for this population. In addition, offenders sentenced to one year or less of incarceration are sentenced to jail, and jail sentences fall under the sole jurisdiction of the courts. Offenders sentenced to serve five years or more of incarceration are sentenced to prison terms and fall under the jurisdiction of the Hawaii Paroling

Testimony on House Bill 2309  
House Committee on Corrections,  
Military, and Veterans  
February 2, 2022  
Page 2

Authority (HPA) following conviction. It is the HPA that sets minimum terms of imprisonment, can reduce previously set minimum terms, and makes decisions to grant or deny release on parole.

Therefore, the proposed undetermined funding for both, diversion and reentry programs should also include the Judiciary, relating to diversion programs in the community and the HPA, relating to convicted prisoners released on parole. PSD's role would be to provide programming only while offenders are in the Department's custody and control.

Thank you for the opportunity to provide comments regarding HB 2309.

**HB-2309**

Submitted on: 2/1/2022 8:16:39 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>                        | <b>Testifier Position</b> | <b>Remote Testimony Requested</b> |
|---------------------|--|---------------------------|-----------------------------------|
| Kahala Johnson      | Maui Multicultural Advisory Council (MMAC) | Support                   | No                                |

Comments:

Aloha,

As a Hawaiian, Filipino, and Māhū member of the Maui Multicultural Advisory Council, I am writing to testify in support of HB 2309 relating to funding alternatives to incarceration in the prison-industrial complex. The first prisons and carceral codes in the islands were established in Lahaina, Maui. Currently, Maui continues to remain one of the highest areas of policing and surveillance activities in this occupied state, where Hawaiian and Filipino communities are targeted for criminalization and incarceration in California and Arizona prisons. Prisons are a sign of societal failure, the answer to this failure is not increased imprisonment but a transformation of our communities into spaces of mutual aid, harm reduction, and cultures of care.

Kahala

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

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## COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

Wednesday, February 2, 2022

10:00 AM

## **HB 2309 - SUPPORT FOR COMMUNITY-BASED DIVERSION AND REENTRY PGMS**

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 of the more than 4,100 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 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.

Community Alliance on Prisons supports this bill that appropriates funds for community-based nonprofit programs to provide diversion and reentry programs. This is an important bill as recognition that the government cannot do everything and that these services are most effective when they occur in the community. There are many groups that offer similar services that are not mentioned, therefore we suggest the creation of a database, maintained by the state, of nonprofits offering these diversion and reentry services.

Mahalo for understanding that the community is a vital component for successful diversion and reentry services. This is a paradigm shift that is happening across the nation. Empowering communities is a great strategy for not only community building, but also for building resilience in individuals and families.

We urge the committee to pass this measure!

Mahalo for this opportunity to testify.

**HB-2309**

Submitted on: 2/1/2022 8:56:22 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

| <b>Submitted By</b> | <b>Organization</b>    | <b>Testifier Position</b> | <b>Remote Testimony Requested</b> |
|---------------------|------------------------|---------------------------|-----------------------------------|
| Linda Rich          | Women's Prison Project | Support                   | Yes                               |

Comments:

COMMITTEE ON CORRECTIONS, MILITARY AFFAIRS AND VETERANS

Representative Takashi Ohno, Chair

Representative Sonny Ganaden, Vice Chair

HEARING DATE: Wednesday, February 2, 2022

TIME: 10 AM, Via Videoconference

Aloha Chair Ohno, Vice Chair Ganaden, and members of the committee. My name is Linda Rich and I am testifying **IN STRONG SUPPORT** of HB2309 on behalf of the Women's Prison project.

Prior to my volunteer work with the Women's Prison Project, I served for 14 years as Director of Clinical Services for the Salvation Army Family Treatment Services, followed by eight years as Executive Director.

Women's Prison Project strongly supports the efforts described in this measure to reduce the State's rate of incarceration by funding programs that can provide pathways to diversion from pretrial detention and effectively assist the reintegration of formerly incarcerated persons back into the community. Effective diversion and reentry programs make our communities safer by providing effective services that change lives by providing needed treatment, education, skills, and support while continuing to maintain accountability.

The current rates of recidivism are high. A shift to a more rehabilitative approach to corrections, including expanding diversion and transition programs has the potential to reduce those rates while also making our communities safer.

Many studies have identified substance abuse, trauma and other mental health issues, poverty, unemployment, lack of access to health care, and affordable housing as risk factors for recidivism. Community non-profit organizations have the experience and expertise to address these issues and reduce these risks. Sadly, many of these same organizations have faced funding cuts in recent years.

The proposed appropriation will allow services to return to their former capacity or to expand to provide increased levels of service for individuals in the criminal justice system. The overcrowding of our jails and prisons could be relieved. The stress that incarceration of a parent places on families could be relieved. And, the cost of incarceration could be reduced.

For all of these reasons, the Women's Prison Project strongly supports HB2309.

Mahalo for considering our thoughts on this matter. If I can answer any questions, please contact me at [richl001@hawaii.rr.com](mailto:richl001@hawaii.rr.com)

Linda Rich

Women's Prison Project



**HB-2309**

Submitted on: 2/1/2022 3:33:15 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Remote Testimony Requested</b> |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Prakash             | Ka Ipu Ha'a         | Support                   | No                                |

Comments:

To Whom it May Concern,

As Coordinator of the Ka Ipu Ha'a Mentoring program which has been offering mentoring programs for both men and women incarcerated in Maui Community Correctional Center for the last 5 years. I fully support this program and feel that it is a crucial element to provide to men and women to support them in preventing recidivism . We would ask that you include us in the services provided

thank you

aloha

Prakash Mackay M.A.



## TESTIMONY IN SUPPORT OF HB 2309

TO: Chair Ohno, Vice Chair Ganaden, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 2, 2022 (10:00 AM)

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Hawai'i Health & Harm Reduction Center (HHRC) **strongly supports** HB 2309, which appropriates funds for the development and maintenance of diversion and reentry services and programs by non-profit organizations across the state.

Ideally, the Department of Public Safety would engage in a range of pre-release planning to facilitate the procurement of identity documents and provide linkage to post-release housing opportunities, medical care, and other available government support. However, current practice is to leave those released without adequate support. This dramatically increases the likelihood of joining the ranks of the unsheltered homeless. Many of those we serve struggle with obtaining identity documents, including those who have been released from carceral facilities. Pre-arrest diversion programs can also help with linking persons with available government services than can improve their health and well-being while also limiting the number of persons in local jails.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those related to substance use and mental health conditions. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

HHRC Executive Director Heather Lusk currently serves as Board Chair of [Partners in Care O'ahu](#), a planning, coordinating, and advocacy alliance that develops recommendations for programs and services to fill needs within O'ahu's continuum of care for homeless persons. HHRC provides homeless outreach and housing placement navigation services in urban Honolulu and the Upper Windward Coast, including North Shore.

Thank you for the opportunity to testify on this measure.



**HB2309 Diversion and Reentry for Offenders**  
COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS  
Rep. Takashi Ohno, Chair  
Rep. Sonny Ganaden, Vice Chair  
Tuesday, Feb 2 2022: 10:00 am : Videoconference

**Hawaii Substance Abuse Coalition Strongly Supports HB2309:**

*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.*

**A comprehensive program that includes diversion to treatment and reentry to community services produces better outcomes and is more cost-effective.**

There are various levels of mild to chronic forms of substance use disorders, mental health disorders and even criminality. HSAC understands this very well since we treat all these issues for those who have chronic to severe levels.

Comprehensive services can address the various levels of mild to moderate to chronic for multiple reentry issues that can include specialized treatment for substance abuse and/or mental health disorders, harm reduction for lower use of substances, housing, case management, vocational training and employment, education, family integration, restorative practices and more.

- 1. For offenders with lower substance use** and either low or high functioning, it is preferable to start with housing plans, case management, education, vocational training and employment with wrap around harm reduction practices. If substance abuse continues without controlled use and especially if there are other behavioral health issues then counseling, medications, or outpatient treatment can be considered especially as for co-occurring substance misuse along with mental health disorders. Any needed substance use disorder or co-occurring disorder outpatient or counseling treatments would be best to include programming that addresses criminality issues. Medication management would be considered.
- 2. For offenders with heavy use substance use** and either low or high functionality, abstinence-based treatment is essential for what works according to research from the American Society of Addiction Medicine (ASAM), the definitive body of science for levels of care. The more chronic substance abuse, especially for addiction, would be best to start at residential or if less severe, start at

outpatient treatment. Treatments would also address criminality and include medications if needed.

- a. If residential, start first and then move to housing.
  - i. Key to residential is to have complex patient capability.
  - ii. Key is to have case management after treatment that focuses on helping offenders “pursue abstinence” knowing that chronic illnesses tend to have relapses.
- b. If outpatient, then start at housing and include outpatient.
  - i. Education would be beneficial before, during and after treatment.
  - ii. Vocational training and employment can occur simultaneously with outpatient.
  - iii. Case management and medication management are key as part of and following treatment.

**3. Using nationally standardized screening and assessment tools are essential to develop appropriate reentry plans to determine an integrated approach for reentry:**

- a. that incorporates residential or outpatient treatment as part of housing or
- b. if substance abuse treatment is not needed, then integrate recovery-oriented services as part of housing, such as case management or medication management.
- c. Vocational is key for long-term rehabilitation.
- d. It is important that parole and probation are involved in every step with service providers.

**4. HSAC Treatment Providers that provide treatment and/or prevention for substance use disorders:**

|                                      |   |   |
|--------------------------------------|---|---|
| Action with Aloha                    | Aloha House/Maui Youth & Family/Malama Family Recovery Center | Big Island Substance Abuse Council (BISAC)      |
| Bobby Benson Center                  | Coalition for Drug Free Hawaii                                | Hawaii Health and Harm Reduction Center (HHHRC) |
| Hina Mauka<br>The Salvation Army ATS | Ka Hale Pomaika'i<br>The Salvation Army FTS                   | Queens Day Treatment                            |

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

**HB-2309**

Submitted on: 2/1/2022 9:41:43 AM

Testimony for CMV on 2/2/2022 10:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Remote Testimony Requested</b> |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Sofia Sallas        | Individual          | Support                   | No                                |

Comments:

I fully support this bill.

**HB-2309**

Submitted on: 2/1/2022 6:33:26 PM

Testimony for CMV on 2/2/2022 10:00:00 AM

| <b>Submitted By</b> | <b>Organization</b> | <b>Testifier Position</b> | <b>Remote Testimony Requested</b> |
|---------------------|---------------------|---------------------------|-----------------------------------|
| Tara Reed           | Individual          | Support                   | No                                |

Comments:

Please consider using forensic Peer specialist that have been trained by the Dept of ADAD. Currently to date there has been one completed training class for foresic peer specialsit.