

SB-2637-HD-1

Submitted on: 3/18/2022 3:19:23 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support



March 18, 2022

Representative Mark M. Nakashima, Chair
House Committee on Judiciary & Hawaiian Affairs

Re: S.B. 2637, SD1 Relating to Public Safety

Hearing: Tuesday, March 22, 2022, 2:00 PM, Via Videoconference

Dear Chair Nakashima and Members of the Committee on Judiciary & Hawaiian Affairs:

Hawaii Women Lawyers submits testimony in **strong support of S.B. 2637, SD1**, which mandates that there be a community-based work furlough program for incarcerated women in the State of Hawaii.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

Hawaii Women Lawyers concurs with the Legislature's findings that community-based work furlough programs for women transitioning back into the community are extremely important. Hawaii Women Lawyers recognizes the value of such programs in easing the transition from prison life to independent living and promoting and emphasizing community safety, especially when these programs are located in the communities into which the inmates will return.

The provisions of S.B. 2637, SD1 are consistent with the current requirements of Hawaii Revised Statutes Section 353H-3 and the Department of Public Safety's obligation to develop a "comprehensive network of transitional programs to address the needs of individuals exiting the correctional system." S.B. 2637, SD1 seems to serve largely as a way to further the intent of the statute and expand its impact.

For the above reasons, we strongly support S.B. 2637, SD1 and respectfully request that the Committee pass this measure.

Thank you for the opportunity to testify in strong support of this measure.

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
HONOLULU, HAWAII 96810-0150

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 JUDICIARY & HAWAIIAN AFFAIRS
ON
SENATE BILL NO. 2637, S.D. 1, H.D. 1

March 22, 2022
2:00 p.m.
Room 325 and Videoconference

RELATING TO PUBLIC SAFETY

The Department of Budget and Finance (B&F) offers comments on Senate Bill (S.B.) No. 2637, S.D. 1, H.D. 1.

S.B. No. 2637, S.D. 1, H.D. 1, amends Section 353-6.5, HRS, by mandating a community-based work furlough program for incarcerated women in the State; and appropriates an unspecified amount of general funds to the Department of Public Safety for FY 23 to ensure the continuation and expansion of community-based work furlough for women. This bill intends to ease family reunification efforts and provide for gender-responsive, community-based programs, including a community-based work furlough program, for the eventual integration of incarcerated women back into the communities.

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.



HAWAII SUBSTANCE ABUSE COALITION

SB2637 SD1 HD1 Work Furlough Program WCCC
COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. Mark M. Nakashima, Chair

Rep. Scot Z. Matayoshi, Vice Chair

Tuesday, Mar 22 2022: 2:00 : Videoconference

Hawaii Substance Abuse Coalition Supports SB2637 SD1 HD1:

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.

HSAC supports a women's work furlough programming that establishes community-based work programs and wrap-around support services for women returning to the community after incarceration.

As substance use disorder and co-occurring mental health disorders treatment providers (treatment is residential and outpatient that addresses criminality too) as well as agencies who provide recovery-oriented services such as harm reduction, outreach, and case management, we stand ready to assist as best we can.

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

SB-2637-HD-1

Submitted on: 3/19/2022 1:11:54 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupalyk	Individual	Support	Written Testimony Only

Comments:

Mahalo nui loa

COMMUNITY ALLIANCE ON PRISONS

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

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Tuesday, March 22, 2022

2:00 PM

STRONG SUPPORT - SB 2637 HD1 - WORK FURLOUGH & GENDER RESPONSIVE CONTINUUM

Aloha Chair Nakashima, Vice Chair Matayoshi 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 3,997 Hawai'i individuals living behind bars¹ 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.

Community Alliance on Prisons appreciates this opportunity to testify in strong support of SB 2641 HD1 that expands work furlough programs and a gender-responsive continuum of care for women incarcerated by Hawai'i.

The system is normed to medium security, violent males, so their numbers (3,614) are far greater and males get more attention than incarcerated women (383). The department's March 14, 2022 population report showed that women represented about 9.6% of the total incarcerated population (3,997).

We know that many of the women are mothers, therefore, helping them develop work skills to facilitate their reentry is a win-win situation for themselves, their families, and the community!

We respectfully ask the committee to pass this measure with a recommendation to FIN for appropriate funding to expand work furlough programs and creates a gender-responsive continuum of care.

¹ Department of Public Safety, Weekly Population Report, March 14, 2022.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-14.pdf>



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

March 22, 2022

TO: Honorable Representative Mark Nakashima, Chair
House Committee on Judiciary and Hawaiian Affairs

FROM: Mark Patterson, Chair, Hawaii Correctional System Oversight
Commission

SUBJECT: **SB 2637 SD1,, HD1 RELATING TO PUBLIC SAFETY**

POSITION: STRONG SUPPORT

Chair Nakashima, Vice Chair Matayoshi and Members of the Committee:

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. The Commission's statutory responsibilities include monitoring and reviewing the comprehensive offender reentry program of the Department of Public Safety and ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

The Commission strongly supports SB 2637 SD1, HD1 which would require community-based work furlough programs for incarcerated women in Hawaii. This mandate would be consistent with the requirement in HRS 353H-3 that the Department of Public Safety develop a "comprehensive network of transitional programs to address the needs of individuals exiting the correctional system." Such a network promotes community safety by facilitating the adjustment from the highly structured prison setting to independent living. These transitional services work best when located in the communities into which the inmates will return. In these settings programs can provide navigational supports as the inmate adjusts to the demands of life in the community; and much needed emotional support.

Very frequently, such services are best provided by non-profit agencies whose focus is on assisting inmates within their communities. Hawaii has a rich history of such services. They include the Fernhurst YWCA in Honolulu; the Maui Best program on Maui, and the Going Home Consortium on Hawaii Island. These agencies have been a critical part of the correctional system "infrastructure" for years. For example, the Fernhurst program and its predecessors have provided services since the 1970s. They

have struggled, and often they are underutilized. But they remain resilient because they are dedicated to their mission and many in the communities recognize their value.

SB 2637 SD1, HD1 will be an important step toward ensuring that this network of community-based services can not only survive, but perhaps thrive. They will play a central role as Hawaii moves to a rehabilitative and therapeutic model of corrections. We urge you to pass this bill.

SB-2637-HD-1

Submitted on: 3/21/2022 12:38:20 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: Committee on Judiciary and Hawaiian Affairs

RE: SB 2637 (In Support)

Dear Rep. Mark M. Nakashima, Chair, Rep. Scot Z. Matayoshi, Vice Chair and Members of the Committee

I am Wendy Gibson-Viviani, an RN who has lived and worked on Oahu for 29 years. I am writing in SUPPORT OF SB2637.

Community-based furlough programs help prepare incarcerated women to be independent in the community and may help reduce recidivism.

Please help provide this important program by supporting SB2637

Thank you for this opportunity to submit testimony.

Wendy Gibson-Viviani RN/BSN

Kailua

SB-2637-HD-1

Submitted on: 3/21/2022 12:43:11 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Linda Rich	Women?s Prison Project	Support	Remotely Via Zoom

Comments:

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark M. Nakashima, Chair

Representative Scot Z. Matayoshi, Vice Chair

Hearing date: Tuesday, March 22, 2022

Time: 2:00 PM Via Videoconference

Location: Conference Room 325

SUPPORT FOR SB2637.SD1.HD1 RELATING TO PUBLIC SAFETY

The Women’s Prison Project is in **STRONG SUPPORT** of SB2637 RELATING TO PUBLIC SAFETY which would ensure community-based work furlough programs are provided by the Department of Public Safety for all women under its supervision.

To desist from crime a formerly incarcerated person is helped when she has employment that is meaningful to her, relationships with law abiding others, and a self-narrative that is positive and strength-based (Maruna, 2001). Because most incarcerated women come from families that are economically disadvantaged and many are single parents who will be raising children, it is especially important that they have and can keep employment. Opportunities to work, and having practice being an employee after being incarcerated are vital for individuals to succeed in desisting from crime (McNeill, et al, 2012).

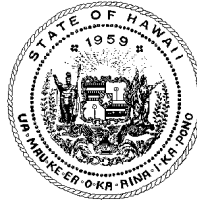
Work furlough programs for women are most successful when they include therapeutic interventions that address, in a gender responsive manner, the issues of trauma, relationships, parenting, and the substance abuse and mental health needs of women. Community-based programs offer the formerly incarcerated positive employment opportunities as seen from the success of programs on O`ahu . The Fernhurst YWCA, ’s work furlough program has

demonstrated that gender responsive programs can achieve a low rate of recidivism among graduates.

Please support SB2637.SD1.HD1 to ensure more gender responsive work furlough opportunities are developed and sustained by our community to help make our community safer and healthier.

Linda Rich, Women's Prison Project

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

1177 Alakea Street, 6th Floor
Honolulu, Hawaii 96813

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 2637, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO PUBLIC SAFETY.

by
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

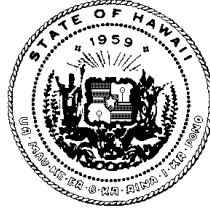
Tuesday, March 22, 2022; 2:00 p.m.
State Capitol, Room 325 & Via Videoconference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 2637, Senate Draft (SD) 1, House Draft (HD) 1, which seeks to require community-based work furlough programs for incarcerated women in the State and appropriates an unspecified amount of funding for this purpose.

PSD supports the intent of this measure and notes that most the items/services listed in Section 2 of SB 2637, SD 1, HD 1 are already being provided during the offender's term of incarceration. The Department will continue its efforts to address further concerns in these areas and ensure the treatment, rehabilitative, and reentry needs of female offenders are being met. PSD further notes, any increase in the current level of programs and/or services provided to female offenders must be supported by appropriate permanent funding.

Thank you for the opportunity to provide testimony on SB 2637, SD 1, HD 1.



‘O kēia ‘ōlelo hō’ike no ke
Komikina Kūlana Olakino o Nā Wāhine

Testimony on behalf of the
**Hawai‘i State Commission on the Status of
Women**

Support for S.B. 12637 SD1 HD1
March 21, 2022

Dear Chair Nakashima, Vice Chair Matayoshi, and Honorable Members:

The Hawai‘i State Commission on the Status of Women supports S.B. 2637 SD1 HD1, which mandates that there be a community-based work furlough program for all incarcerated women in the State.

This bill will institutionalize a critical program that advances gender and racial equity that is owed by the State to disenfranchised communities. Women’s agencies, services and programs are often the first to be cut and last to receive adequate investment when economic crisis hits. This was clear during the COVID-19 crisis when the Fernhust program for women transitioning to post-prison life was inaccurately dubbed a “casualty” of the pandemic. This is sexism, not scarcity.

Accordingly, the Commission asks that the Committee pass S.B. 2637 SD1 HD1.

Sincerely,

Khara Jabola-Carolus, J.D.
Executive Director

SB-2637-HD-1

Submitted on: 3/21/2022 2:01:54 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diana Bethel	Individual	Support	Written Testimony Only

Comments:

I am writing in strong support of SB 2637 SD1 HD1 which mandates and appropriates funds for a community-based work furlough program for incarcerated women in the State.

Community-based work furlough programs have been shown to reduce recidivism and facilitate successful reentry upon release from prison. Programs that reduce recidivism and enable successful reintegration into the community are a major way to reduce costs to taxpayers and ensure greater public safety.

Mahalo for your support of SB 2637 SD1 HD1.



Committee: Committee on Judiciary and Hawaiian Affairs
Hearing Date/Time: Tuesday, March 22, 2022 at 2 P.M.
Place: Via videoconference
Re: ***Testimony of the ACLU of Hawai'i; Support for SB 2637 S.D. 2 H. D. 1 Relating to Public Safety with proposed Amendment***

Dear Chair Nakashima, Vice Chair Matayoshi and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") supports **SB 2637 S.D. 2 H.D. 1** which mandates that there be a community-based work furlough program for all incarcerated women in the State.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. First and foremost, we advocate for decarceration strategies to reduce the number of people in our jails and prisons, the majority of whom are Native Hawaiians, Pacific Islanders and people of color. Simultaneously, we advocate for tailored conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive re-entry support services that starts from the first day of incarceration.

Consequently, we should prioritize diverting women from jails and prisons in the first place and providing support services within our community. Many of the women at WCCC, most of whom are mothers and survivors of physical and sexual assaults – are better served in the community. Native Hawaiian women are 19% of the female population in Hawai'i, yet 44% of the female incarcerated population in Hawai'i. **If we invest in comprehensive bail, diversion, probation and parole reform, the female population in our jails and prisons would be significantly reduced without compromising community safety.**

Re-entry and reintegration programs that help people secure jobs, treatment, housing¹ and education², have proven effective in facilitating the successful transition of formerly incarcerated people out of jails and prisons, and back to their families and communities. Moreover, comprehensive support services have been shown to reduce recidivism.

¹ Nathan James, Offender Reentry: *Correctional Statistics, Reintegration into the Community and Recidivism*, Congressional Research Service (2015). <https://sgp.fas.org/crs/misc/RL34287.pdf>

² Patrick Oakford, Cara Brumfield, Casey Goldvale, Laura Tatum, Margaret diZerega and Fred Patrick, *Investing in Futures: Economic and Fiscal Benefits of Postsecondary Education in Prison*. New York: Vera Institute of Justice, 2019, <https://www.vera.org/publications/investing-in-futures-education-in-prison>

Prioritizing reentry planning and comprehensive treatment, education and support services should start at day one of incarceration.³ This reentry principle and best practice is not only humane – it makes our communities safer, and is essential now more than ever during the COVID pandemic.

Given that ninety-five percent of people incarcerated in our state jails and prisons will eventually be released and return home, we should invest in comprehensive reentry programs and services from day one of their incarceration.⁴

For these reasons, we urge the Committee to implement Smart Justice laws that divert and release women from our jails and prisons, and in the rare circumstances where women are incarcerated, **expand community-based work-furlough and other re-entry services operated by community-based providers in the community**.

Proposed Amendment

- Require the Department of Public Safety to expand its contract with community-based work furlough programs designed for women to serve the greatest number of women that the community based provider has the capacity to serve.

Thank you for the opportunity to express support of **SB 2637 S.D. 2 H.D. 1** with the proposed amendment.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota
Policy Director
ACLU of Hawai'i
cshiota@acluhawaii.org

American Civil Liberties Union of Hawai'i
P.O. Box 3410
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The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

³ Interagency Council on Intermediate Sanctions, *State of Hawaii, FY 2016 Cohort, 2019 Recidivism Update*. Recidivism rates are highest for persons with maximum term releases compared to persons under probation or parole supervision. Recidivism is defined as a new arrest, or the revocation of probation or parole, within three years of the start of supervision. The total recidivism rate in 2015 was 53.8%, 54.6% for Probationers, 50.1% for Parolees and 57.1% for people with Maximum Term releases.

⁴ Timothy Hughes and Doris James Wilson, *Reentry Trends in the United States*, U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (last revised Dec. 29, 2020), <https://bjs.ojp.gov/content/pub/pdf/reentry.pdf>

LATE

SB-2637-HD-1

Submitted on: 3/21/2022 11:49:27 PM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara J. Service	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi and committee members?

I am a resident of SD8, HD19 and I am urging you strongly to pass SB2637, to establish a work furlough program for incarcerated women. Women, as much as men, should be encouraged to develop and enhance work skills hopefully resulting in less likelihood of reoffending. While employment isn't the only factor, it is important with regard to recidivism.

Please pass this bill.

Thank you for the opportunity to testify.

Barbara J. Service

Kupuna Advocate.

LATE

SB-2637-HD-1

Submitted on: 3/22/2022 9:18:17 AM

Testimony for JHA on 3/22/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I come from Papakōlea, O‘ahu. I'm a Kanaka Maoli born and raised in the Hawaiian Kingdom. I'm writing in full support of SB2637 SD1 HD1.

Support SB2637 SD1 HD1.

me ke aloha ‘āina,

Nanea Lo