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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 JUDICIARY & HAWAIIAN AFFAIRS
ON
SENATE BILL NO. 3295, S.D. 1, H.D. 1

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

RELATING TO CORRECTIONS

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

Senate Bill No. 3295, S.D. 1, H.D. 1, establishes the Women's Correctional Implementation Commission (WCIC) within the Department of Public Safety for administrative purposes only to provide oversight over State correctional facilities and community correctional centers 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 requires the WCIC to submit annual reports to the Legislature and 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.

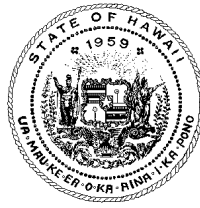
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

DAVID Y. IGE
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TESTIMONY ON SENATE BILL 3295, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO CORRECTIONS.

By
Max N. Otani, Director
Department of Public Safety

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) 3295, Senate Draft (SD) 1, House Draft 1, which seeks to establish a Women's Corrections Implementation Commission within the Department of Public Safety (PSD), to provide oversight over state jails and 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 important to ensuring successful outcomes for women in the correctional system.

PSD offers the following comments regarding SB 3295, SD 1, HD 1, noting the close similarity to the bill's requirements to the duties and responsibilities of the current Hawaii Correctional Systems Oversight Commission (HCSOC). The measure appears to duplicate the functions of HCSOC, therefore, the Department respectfully suggests that the HCSOC would be the appropriate entity to address the concerns specified in this measure.

In addition, the PSD notes that recidivism outcomes are tracked by the Interagency Council on Intermediate Sanctions (ICIS), spearheaded by the Judiciary. The ICIS publishes an annual recidivism study that tracks, in detail, the recidivism rates of probationers, parolees, and inmates who have completed their term(s) of incarceration.

Thank you for the opportunity to provide comments on SB 3295, SD 1, HD 1.

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 SB3295, SD1 RELATING TO CORRECTIONS

The Women's Prison Project **strongly supports** SB3295, SD1, which establishes a Women's Corrections Implementation Commission in the Department of Public Safety (DPS) to ensure timely implementation of the recommendations from the House Concurrent Resolution No 85 (2016). In its 2018 report the House Concurrent Resolution No 85 (2016) Task Force recommended to the House that the state implement certain gender-specific reforms, including the provision of specialized Trauma Informed Training for all DPS personnel and contractors working with incarcerated women. It was further recommended that Hawaii implement evidence-based, gender-responsive rehabilitative and therapeutic programs, support services, and community services needed to comprehensively and holistically respond to the needs of women in the state criminal justice system. Six years later, most of those recommendations have not been implemented. A comprehensive approach to women's issues is needed to reduce the incarceration rate of non-violent, low risk women offenders and to insure a successful pathway to transition and non-recidivism for those women who are transitioning out of prison.

Because most crime is committed by men, the criminal justice system is set up to address the correctional concerns and needs of men. However, criminal justice researchers have established that women differ in their offending patterns, both in kind and in degree. Women, for example, are more likely than men to be arrested, convicted, and sentenced for minor crimes, including narcotic-related crimes and property crimes. Women are also less likely to engage in acts of violence against others, which reduces the public safety risk to others if they are sentenced to probation, community service, or residential treatment programs instead of prison. Women are also more likely to suffer from substance abuse addiction and poor mental health, that, if left properly untreated, become risk factors that can lead to increased recidivism.

Perhaps most importantly, women are far more likely to serve as primary caretakers for minor children within the home. A prison sentence, therefore, represents a far greater punitive sentence for women than men. Incarceration unnecessarily isolates women from their support networks, and it inflicts emotional and psychological trauma by separating mothers (and grandmothers) from their minor children for extended periods of time. It also creates a cyclical problem, as children who have a mother in prison are more likely to end up in foster care and/or juvenile

justice system as a result. In fact, one federal study estimates that children are *six times more likely* to go to prison themselves if they have one or more parent in prison (Martin, *National Institute of Justice*, 2017).

The Hawaii legislature can help to address this problem by passing SB3295.SD1.HD1. A Women's Corrections Implementation Commission within the Department of Corrections will ensure that Hawaii's correctional system is reviewing policies and procedures with gender in mind and staying abreast of the latest gender-responsive research. **This is not a duplication of the work of the existing Corrections Oversight Commission, which is dealing with issues of the greater corrections system. This bill calls for establishment of an IMPLEMENTATION Commission, which is specifically to implement reforms for women in the Justice system. It's scope is focused and it's membership consists of women with the knowledge and expertise to effectively implement a specific range of reforms for justice involved women. Like the Corrections Oversight, this Women's Implementation Commission might be housed in the Judiciary since some recommended reforms relate to diversion of women from prison with oversight by the courts.**

There are numerous studies highlighting the benefits of implementing rehabilitative and correctional programs tailored to the unique needs of women, and the Implementation Commission will be poised to evaluate and implement program recommendations in order to improve the outcomes for women and their dependent children.

With new gender-specific research readily available, policy makers and program evaluators will be able to realize the societal benefits that can result from tailoring our correctional programs to the unique needs of women. Just as vehicle safety can be improved through the use of gender-specific "crash-test dummies" and pharmacological effectiveness of drug therapies can be improved through clinical trials that enroll an equal number of women and men, society can benefit when states abandon a "one-size-fits-all" correctional model that treats women exactly the same as men.

By adopting a Commission that has an eye on these gender-specific recommendations and reforms, we can help to ensure that our systems are functioning as well as they can to ensure the ongoing health and safety of our communities.

Linda Rich for Women's Prison Project

SB-3295-HD-1

Submitted on: 3/18/2022 3:20:50 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

SB-3295-HD-1

Submitted on: 3/21/2022 1:47:30 PM

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

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

Comments:

SB3295 SD1 HD1 establishes the Women's Correctional Implementation Commission in 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. It also appropriates funds for this purpose.

I support the intent of this legislation but question whether the Department of Public Safety is capable of carrying out the mandate described in this bill, given its track record and anti-reform orientation. I am concerned that it will be unable to conceive of and implement effective reforms or be open enough to consider the best interests of the inmates.