

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 3295, SENATE DRAFT 1
RELATING TO CORRECTIONS.

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

March 16, 2022; 10:00 a.m.
Via Videoconference

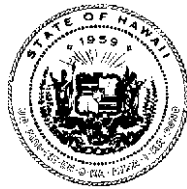
Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 3295, Senate Draft (SD) 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, noting the close similarity to the bill's requirements to the duties and responsibilities of the current Hawaii Correctional Systems Oversight Commission. It appears to be duplicative of that entity.

In addition, the Department 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.



**STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

March 16, 2022

TO: The Honorable Representative Takashi Ohno, Chair
Committee on Corrections, Military, & Affairs

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

SUBJECT: **SB 3295, Relating to Corrections**

POSITION: STRONGLY SUPPORT

Chair Ohno, Vice Chair Ganaden 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 all of the duties and responsibilities that would be assigned to the Women's Correctional Implementation Commission that would be if SB 3295 were enacted.

Our Commission takes its responsibilities seriously. We have met in public monthly – sometimes more often – for two years. Our five volunteer members are all experienced criminal justice professionals who are interested and concerned about our correctional system. However, we have been unable to obtain the staff support that was provided by Act 179. We have made two unsuccessful attempts to hire the staff we need. Our latest request has been pending since early December.

If the Legislature chooses to enact this bill, you may be assured that we will fully cooperate with the new Commission.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

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
SENATE BILL NO. 3295, S.D. 1

March 16, 2022
10:00 a.m.
Room 430 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, establishes the Women's Correctional Implementation Commission (WCIC) within the Department of Public Safety 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 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.

COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

Representative Takashi Ohno, Chair
Representative Sonny Ganaden, Vice Chair

HEARING DATE: Wednesday, March 16, 2022

TIME: 10:00AM, Via Videoconference

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 this 2016 resolution, the House recommended 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. In addition, the House 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, the need for a comprehensive approach to women's issues is needed more than ever.

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. 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.

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.

In reviewing the draft legislation, we have two recommendations for this committee:

- In Section 2, add one Commission member who represents the Office of the Public Defender. This will ensure that policy recommendations advanced by the Commission include the perspectives of public defenders who work with women offenders on a daily basis and have particular expertise in addressing behavioral patterns leading to arrest, conviction, and sentencing;

- In Section 2, clarify that appointees to the Commission may come from any county in Hawaii, not only Honolulu.

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.

Jennifer E. Walsh, Ph.D., on behalf of the Women's Prison Project. She can be reached at: jewalsh@hpu.edu

SB-3295-SD-1

Submitted on: 3/12/2022 4:11:37 PM

Testimony for CMV on 3/16/2022 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Dara Carlin, M.A.	Individual	Support	Written Testimony Only

Comments:

Stand in Support.