



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 10, 2022

TO: Honorable Senator Clarence Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental and Military
Affairs

Honorable Joy San Buenaventura, Chair
Senate Committee on Human Services

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

SUBJECT: **SB 3295, RELATING CORRECTIONS**

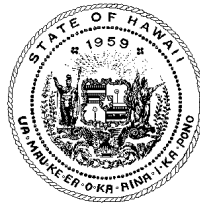
POSITION: COMMENTS

Chairs Nishihara and San Buenaventura, Vice Chairs DeCoite and Ihara and Members of the Committees:

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.



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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MAX N. OTANI
DIRECTOR

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No. _____

TESTIMONY ON SENATE BILL 3295
RELATING TO CORRECTIONS.

By
Max N. Otani, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Senate Committee on Human Services
Senator Joy A. Buenaventura, Chair
Senator Les Ihara, Jr., Vice Chair

February 10, 2022; 1:00 p.m.
State Capitol, Room 430 & and Via Videoconference

Chairs Nishihara and San Buenaventura, Vice Chairs DeCoite and Ihara, and Members of the Committees:

The Department of Public Safety (PSD) has reviewed Senate Bill (SB) 3295, which seeks to establish a Women's Corrections Implementation Commission within the Department of Public Safety (PSD), to provide oversight over state correctional facilities that incarcerate women, receive, investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, etc.

PSD offers the following comments regarding SB 3295, noting the close similarity of 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.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

**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 SENATE COMMITTEES ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS AND HUMAN SERVICES
ON
SENATE BILL NO. 3295

**February 10, 2022
1:00 p.m.
Via Videoconference**

RELATING TO CORRECTIONS

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

Senate Bill No. 3295 establishes the Women's Correctional Implementation Commission (WCIC) within 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. This bill also 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.

SB-3295

Submitted on: 2/8/2022 8:51:26 PM

Testimony for PSM on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Linda Rich	Testifying for Women's Prison Project	Support	Yes

Comments:

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

COMMITTEE ON HUMAN SERVICES

Senator Joy A. Buenaventura, Chair

Senator Les Ihara, Jr., Vice Chair

HEARING DATE: Thursday, February 10, 2022

TIME: 1:00 PM, Via Videoconference

SUPPORT FOR SB3295 RELATING TO PRISON REFORM

The Women's Prison Project **STRONGLY SUPPORTS SB3295** which establishes a Women's Corrections Implementation Commission in the Department of Public Safety (DPS) to ensure implementation of the recommendations from the House Concurrent Resolution No. 85 (2016).

These recommendations include Trauma Informed Care training for all DPS personnel and contractors working with incarcerated women as well as ensuring evidence-based, gender responsive rehabilitative and therapeutic programs, appropriate support services, and access to appropriate community services. The report states with regard to women prisoners, "Hawaii should recognize the behavioral and social differences between male and female offenders and adopt gender responsive policies, programs, and practices, particularly with respect to trauma informed care, developing healthy relationships, and providing holistic support to women."

Change within complex systems is difficult. As noted in the 2019 report of the Resolution 85 task force, experience has shown that without implementation oversight, recommendations and planned programs may fall by the wayside and not be fully implemented. The report emphasized the need for “an Independent Commission to ensure that recommendations and Legislature enacts are faithfully and executed.”

The high rate of incarceration of women in Hawaii and the high rate of recidivism indicate a need for change. We can do better. The establishment of an Implementation Commission within the DPS to direct and oversee the changes needed to develop a more effective and gender responsive system for incarcerated women is vital.

We have all seen too many task force reports gather dust on shelves. Women are a small percentage within the correctional system. They need advocates with the authority to move reforms forward on their behalf. They need an Implementation Commission empowered not only to review and plan, but to actually affect implementation of evidence-based gender responsive enhancements and reforms within Hawaii’s jails and prisons.

The majority of Hawaii’s incarcerated women are convicted of drug related crimes, including property crimes and other low risk offenses. The Women’s Prison Project advocates services and programs that identify and address women’s issues and needs and recognize and build on their strengths.

There are a number of bills before the legislature now that seek to establish a more gender responsive system for women within the DPS, including gender specific assessments, cultural activities, visitation with children, education, restorative justice circles, transition planning circles. There are also many excellent, evidence-based models for programming for corrections involved women, in many parts on the nation and the state. We encourage the commission to investigate them and bring forward innovations to improve conditions for Hawaii’s incarcerated women.

The Women’s Prison Project is glad to see that the Implementation Commission would receive and investigate complaints from incarcerated women. Incarceration itself is a traumatizing experience. Unfortunately, we know that women are also vulnerable to abuses within correctional facilities. Lack of privacy, unwanted sexual advances and innuendos and treatment that feels dehumanizing are causes of further trauma. Safety is the first requirement for healing for trauma. Therapeutic programming must be combined with a humane and respectful environment.

.Women’s Prison Project hopes that this Implementation Commission is established within the DPS and that it brings about the changes needed to more fairly, humanely and effectively address

the needs and recognize the strengths of women offenders in the justice system so that they may successfully integrate back into our communities and not reoffend. It is time for change.

Thank you for considering the Women's Prison Project's support of SB3295.

Linda Rich, on behalf of the Women's Prison Project

If I can answer any questions, please contact me at richl001@hawaii.rr.com

SB-3295

Submitted on: 2/7/2022 5:00:27 PM

Testimony for PSM on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in Support.

COMMITTEE ON HUMAN SERVICES, PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Senator Joy A. San Buenaventura
Senator Les Ihara, Jr.

Senator Clarence K. Nishihara
Senator Lynn DeCoite

Thursday, February 10, 2022 at 1300 HST

RE: Testimony in SUPPORT of SB3295 Relating to Corrections

Aloha Chair Joy A. San Buenaventura, Vice Chair Les Ihara, Jr., and the members of the Committee on Human Services; Chair Clarence K. Nishihara, Vice Chair Lynn DeCoite, and the members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

Mahalo for hearing SB3295 relating to corrections. I am writing in **strong support** of SB3295.

There is a rising rate of incarceration among women. Despite increased funding allocated to policing, and the construction of new jails and prisons, recidivism continues to be an issue. As a criminal justice major, I study jails and prisons, a lot. Contrary to popular belief, criminal justice majors are not brainwashed into blindly policing society into submission or death, nor do we learn that it is okay to warehouse people away, especially for nonviolent offenses.

For example, last semester, I took "Correctional Institutions of America" where we were required to research our local jails and prisons. During my research, I learned how recently the shackling of pregnant women during delivery became unlawful. This inhumane practice was allowed to go on for so long because men represent the majority of incarcerated people; therefore, a punishment resulting from the behavior of men was applied uniformly towards women. This is a prime example as to why equality fails when equity is needed.

This semester, one of the classes I am taking is "Juvenile Delinquency." Last week, I learned that the disparities between male and female "offenders" originate long before they become adults. For example, the level of education had a profound impact on a boy's likelihood to offend and reoffend; however, the level of education had little to no impact on girls. The research shows, yet again, how uniform punishment is applied to girls who underperform in school; they are criminalized before even committing a crime. The result is a trip through the revolving door of the criminal justice system where women and girls are especially at risk of sexual assault.

We need successful outcomes for women in the correctional system; therefore, I support SB3295.

Mahalo for considering my testimony,

Soon Kim
Senate District 15

SB-3295

Submitted on: 2/8/2022 8:03:44 PM

Testimony for PSM on 2/10/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robin Hart	Individual	Support	No

Comments:

Women are a small percentage within the correctional system. They need advocates with the authority to move reforms forward on their behalf. They need an Implementation Commission empowered not only to review and plan, but to actually affect implementation of evidence-based gender responsive enhancements and reforms within Hawaii’s jails and prisons.

The high rate of incarceration of women in Hawaii and the high rate of recidivism indicate a need for change. We can do better. The establishment of an Implementation Commission within the Dept. of Public Safety to direct and oversee the changes needed to develop a more effective and gender responsive system for incarcerated women is vital.

Change within complex systems is difficult. As noted in the 2019 report of the Resolution 85 task force, experience has shown that without implementation oversight, recommendations and planned programs may fall by the wayside and not be fully implemented. The report emphasized the need for “an Independent Commission to ensure that recommendations and Legislature enacts are faithfully and executed.”

It is time for change. Establishing an Implementation Commission within the Dept. of Public Safety would bring the needed changes in the system, so that women offenders can successfully integrate back into our communities and not reoffend.

Thank you for your time and attention to this crucial matter.

February 9, 2022

TO: The Honorable Senator Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

The Honorable Senator Joy A. San Buenaventura, Chair
Senate Committee on Human Services

FROM: Carmen Hulu Lindsey, Chair
Board of Trustees at the Office of Hawaiian Affairs

SUBJECT: SB 3295 – RELATING TO CORRECTIONS.

Hearing: February 10, 2022, 1:00 p.m.
Via Videoconference, State Capitol

I am providing written testimony on behalf of the Women's Prison Project in support of S.B. 3295. The needs of our female inmates are often not met with what we currently have in place. The criminal justice system is predominantly male. Women make up approximately 12% of the population which means, for every 500 inmates, 60 of them are women. With statistics as they are, it's understandable as to how the needs of our women continue to fall through the cracks. However, we can no longer allow this to happen; because we have a measure before us that will help address this issue and you have an opportunity to implement change. The Committees have the opportunity to establish a Women's Correctional Implementation Commission who will be tasked with ensuring that the unique needs of our women in prison are heard and addressed. I humbly ask for the Committees to seize this opportunity with their consideration and support of this measure.

Mahalo for the opportunity to provide written testimony on this measure.