



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
235 S. Beretania Street, 16<sup>th</sup> Floor  
HONOLULU, HAWAII 96813  
(808) 587-4160

**MARK PATTERSON**  
CHAIR

**CHRISTIN M. JOHNSON**  
OVERSIGHT COORDINATOR

COMMISSIONERS  
**HON. MICHAEL A. TOWN**  
(ret.)  
**HON. RONALD IBARRA**  
(ret.)  
**TED SAKAI**  
**MARTHA TORNEY**

**TO:** The Honorable Donovan M Dela Cruz, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair  
Senate Committee on Ways and Means

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

**SUBJECT:** House Bill 1131, Senate Draft 1, Relating to Gender Parity in Programs for Incarcerated Women  
Hearing: Wednesday, April 5, 2023; 10:00 a.m.  
State Capitol, Room 211

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (the Commission) **strongly supports** House Bill 1131, Senate Draft 1, Relating to Gender Parity in Programs for Incarcerated Women, which aligns with its responsibilities to:

1. Facilitate a correctional system transition to a rehabilitative model; and
2. Monitor and review the comprehensive re-entry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii Paroling Authority's oversight of parolees.

Chapter 367D, HRS, Parity for Female Offenders, mandates females adjudicated for crimes shall be provided a range and quality of gender-responsive programs substantially equivalent to those offered to males. As required, the Department of Public Safety submits to the Legislature annual reports on programs for women but does not address the issue of parity leaving that question unanswered. House Bill 1131, as amended, provides the means to review all programs provided to inmates to determine to what extent there is parity for women and if the programs for female offenders are gender-specific and based upon the psychosocial developmental needs of female offenders.

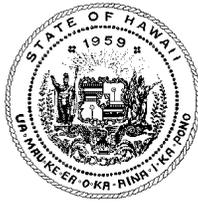
After meeting with representatives of The Women's Prison Project, we find it would be appropriate for the Commission to conduct this study through a contract with corrections professionals and report its findings and recommendations to the Legislature by June 30, 2024. We estimate the approximate cost at \$120,000.

To that end, we respectfully request the following amendments:

1. References to Hawaii Friends of Restorative Justice be replaced with “Hawaii correctional system oversight commission” (Page 2, lines 6, 15 and 19; Page 3, lines 2 and 7);
2. On Page 2, lines 13 and 14, delete “as a grant pursuant to chapter 42F, Hawaii Revised Statutes,” as the Commission is a State entity;
3. On Page 3, line 9, delete December 1, 2023 and replace with “June 30, 2024”; and
4. On Page 3, line 10, delete judiciary and replace with “department of the attorney general” to which the Commission is an attached agency.

Should you have additional questions Oversight Coordinator Christin Johnson can be reached at 808-900-2200 or at [christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
*Ka 'Oihana Ho'opalekana Lehulehu*  
1177 Alakea Street  
Honolulu, Hawaii 96813

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Michael J. Hoffman**  
Acting Deputy Director  
Corrections

**William F. Oku**  
Deputy Director  
Law Enforcement

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

TESTIMONY ON HOUSE BILL 1131, HOUSE DRAFT 1, SENATE DRAFT 1  
RELATING TO GENDER PARITY IN PROGRAMS FOR INCARCERATED WOMEN

By  
Tommy Johnson, Director

Senate Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Aragan, Vice Chair

Wednesday, April 5, 2023; 10:00 a.m.  
State Capitol, Conference Room 211 and Via Video Conference

Chair Dela Cruz, Vice Chair Keith-Aragan, and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill (HB) 1131, House Draft (HD) 1, Senate Draft (SD) 1, which appropriates funding to the Hawai'i Friends of Restorative Justice as a grant pursuant to Chapter 42F, Hawai'i Revised Statutes (HRS), to conduct a study of programming offered to persons incarcerated at correctional facilities and to convene a group of incarcerated women for the purpose of identifying gaps in programming offered to female inmates using House Concurrent Resolution No. 85 (2019) task force's report as a model to provide recommendations and offers the following comments.

PSD believes a study of correctional programming to include any proposed legislation and funding will assist in its efforts to create successful pathways for offenders as they re-enter the community. To maintain the integrity and validity of a study of programming for incarcerated men and women for the purpose of identifying gaps in programming offered to female inmates, PSD strongly supports the inclusion of the Interagency Council on Intermediate Sanctions (ICIS) and its Correctional Program Checklist Committee (CPC) to review documents, observe program components, interactions, and interview staff and participants to evaluate effective programming

Testimony on HB 1131, HD 1, SD 1  
Senate Committee on Ways and Means  
April 5, 2023  
Page 2

practices in the delivery of quality programs offered to persons incarcerated at correctional facilities in the State.

PSD respectfully requests the Committee consider including \$100,000 for the purposes of this measure and require that the report be due by June 30, 2024.

Thank you for the opportunity to provide written testimony on HB 1131, HD1 SD1.

**HB-1131-SD-1**

Submitted on: 4/3/2023 12:45:25 PM

Testimony for WAM on 4/5/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch	Testifying for Rainbow Family 808	Support	Written Testimony Only

Comments:

Rainbow Family 808 supports HB1131. Please pass this bill.

Mike Golojuch, Sr., Secretary/Board Member

**COMMITTEE ON WAYS AND MEANS**  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

DATE: April 5, 2023  
TIME: 10:00 AM  
PLACE: Conference Room 211 & Videoconference  
State Capitol  
415 South Beretania Street  
TIMESLOT: WAM

**SUPPORT FOR HOUSE BILL 1131, SENATE DRAFT 1, RELATING TO PARITY IN PROGRAMS FOR INCARCERATED WOMEN.**

Women’s Prison Project strongly supports House Bill 1131, Senate Draft 1, Relating to Gender Parity in Programs for Incarcerated Women, and recommends that the parity study called for be done by the Hawaii Correctional System Oversight Commission.

Chapter 367D, HRS, Parity for Female Offenders, mandates females adjudicated for crimes shall be provided a range and quality of gender-responsive programs substantially equivalent to those offered to males. As required, the Department of Public Safety submits to the Legislature annual reports on programs for women, however the report does not address the issue of parity. DPS has acknowledged that not all programs listed in the report are actually available due to a variety of reasons, including lack of prison staff and unavailability of vendors. House Bill 1131, as amended, provides the means to review all programs provided to inmates to determine to what extent there is parity for women, where there are gaps in programming, and if the programs for female offenders are gender-specific and based upon the psychosocial developmental needs of female offenders as required by the statute.

The study funded by HB1131 would provide the needed evaluation of the current status of programming, unmet program needs, and a plan for more improved programing that will not only comply with the law, but more effectively prepare women for reentry and reduce recidivism, which is unacceptably high.

Women’s Prison Project believes that it would be appropriate for the Hawaii Correctional System Oversight Commission to conduct this study because it falls within its mandate to facilitate a correctional system transition to a rehabilitative model, monitor and review the comprehensive re-entry programming, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii Paroling Authority’s oversight of parolees. WPP recommends an appropriation of \$120,000 to the Department of the Attorney General, to which the Oversight Commission is attached.

Women's Prison Project recommends that the Hawaii Correctional System Oversight Commission report its findings and recommendations to the Legislature by June 30, 2024. Women's Prison Project further recommends the following amendments:

1. References to Hawaii Friends of Restorative Justice be replaced with "Hawaii Correctional System Oversight Commission" (Page 2, lines 6, 15 and 19; Page 3, lines 2 and 7);
2. On Page 2, lines 13 and 14, delete "as a grant pursuant to chapter 42F, Hawaii Revised Statutes," as the Commission is a State entity;
3. On Page 3, line 9, delete December 1, 2023 and replace with "June 30, 2024"; and
4. On Page 3, line 10, delete Judiciary and replace with "Department of the Attorney General" to which the Commission is an attached agency.

Thank you for taking our testimony into consideration.

Linda Rich

On behalf of Women's Prison Project

**HB-1131-SD-1**

Submitted on: 4/3/2023 3:14:11 PM

Testimony for WAM on 4/5/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Michael Golojuch Jr	Testifying for Stonewall Caucus of the Democratic Party of Hawai'i	Support	Remotely Via Zoom

Comments:

Aloha Senators,

The Stonewall Caucus of the Democratic Party of Hawai'i; Hawai'i's oldest and largest policy and political LGBTQIA+ focused organization fully supports HB 1131 HD 1 SD 1.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr. (he/him)  
Chair and SCC Representative  
Stonewall Caucus for the DPH



**LATE**

Committee: Committee on Ways and Means  
Hearing Date/Time: Wednesday, April 5, 2023 at 10:00 a.m.  
Place: Room 211 & Via videoconference  
Re: **Support for H.B. 1131 S.D. 1 Relating to Gender Parity in Programs for Incarcerated Women with Amendment**

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") supports **H.B. 1131 S.D. 1** with the inclusion of an amendment requiring the Hawai'i Correctional System Oversight Commission to conduct a gender parity study that aligns with its statutory duties to transition the correctional system to a rehabilitative model and review the comprehensive re-entry program.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. 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.<sup>1</sup> Simultaneously, we advocate for diversion, pretrial reform, tailored conditions of community supervision, humane conditions of confinement, meaningful rehabilitation opportunities, and comprehensive reintegration support services that starts from the first day of incarceration.

***Ninety-five percent of people, including wives, mothers and daughters incarcerated in our state jails and prisons will eventually be released and return home.*** Reentry programs that help people secure jobs, treatment, housing<sup>2</sup> and education<sup>3</sup>, have proven effective in facilitating the successful transition of formerly incarcerated people out of jails and prisons, and back to their families and communities.

Currently, H.R.S. Chapter 367D, Parity for Female Offenders, mandates that females convicted of criminal offenses are afforded quality gender responsive programs substantially equivalent to those offered to males. ***Despite this statutory mandate, Hawai'i has never conducted an***

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<sup>1</sup> Native Hawaiian women are 19% of the female population in Hawai'i, yet 44% of the female incarcerated population in Hawai'i.

<sup>2</sup> Nathan James, Offender Reentry: *Correctional Statistics, Reintegration into the Community and Recidivism*, Congressional Research Service (2015). <https://sgp.fas.org/crs/misc/RL34287.pdf>

<sup>3</sup> 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>

***independent and comprehensive review of programs to evaluate whether we have actually achieved gender parity in correctional programs that align with best practices.***<sup>4</sup>

Instead, the Department of Public Safety has submitted Annual Reports and reports to the State Legislature relating to gender parity with sparse data that fails to meet robust evaluation standards by third-party professionals with expertise in correctional and gender responsive programming. Accordingly, H.B. 1131, S.D. 1 seeks to fill this data gap, as a first step to evaluating and ultimately ensuring gender parity in correctional programming.

### **Proposed Amendments**

1. Replace Hawaii Friends for Restorative Justice with the Hawai'i Correctional System Oversight Commission and
2. Extend the deadline for the report to be submitted to the Legislature on June 30, 2024.

Thank you for the opportunity to express support of ***H.B. 1131, S.D. 1 with the proposed amendments.***

Sincerely,

***Carrie Ann Shiota***

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

*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.*

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<sup>4</sup> Research has shown that gender-responsive approaches result in far better outcomes for women. <https://csgjusticecenter.org/publications/adopting-a-gender-responsive-approach-for-women-in-the-justice-system-a-resource-guide/>

**HB-1131-SD-1**

Submitted on: 4/3/2023 10:30:30 AM

Testimony for WAM on 4/5/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Mahealani Cypher	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Dela Cruz and Committee Members:

I strongly support this measure and urge your committee to pass it on to the Senate floor for approval.

Mahalo for your consideration.

Mahealani

**HB-1131-SD-1**

Submitted on: 4/3/2023 12:55:37 PM

Testimony for WAM on 4/5/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Abby Simmons	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair and Esteemed Committee Members,

I strongly support this bill and hope you will too.

Abby Simmons

Honolulu

**LATE**

**HB-1131-SD-1**

Submitted on: 4/5/2023 5:38:15 AM  
Testimony for WAM on 4/5/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support.