
A BILL FOR AN ACT

RELATING TO INTERMEDIATE SANCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Act 25, Special Session Laws of Hawaii 1995,
2 added new provisions to state laws governing probation,
3 corrections, and parole entitled "Intermediate Sanctions."
4 Through this Act, state policy requires the judiciary, the
5 department of public safety, and the Hawaii paroling authority
6 to implement "a comprehensive schedule of alternatives to
7 incarceration that do not undermine public safety."

8 Since that time, drug courts have been established in all
9 jurisdictions and in the family courts. The department of
10 public safety developed two community-based transitional
11 programs for women exiting prison and expanded the use of
12 electronic monitoring for offenders placed on pretrial release,
13 extended furlough, and parole. The Hawaii paroling authority
14 has sought and received funds for community-based mental health
15 and drug treatment services and additional services for female
16 parolees.

17 In 2002, the legislature further articulated the need for
18 intermediate sanctions through the passage of Acts 175 and 161.



1 Act 175 appropriated \$2,192,698 to the department of health to
2 implement a plan for integrated case management and substance
3 abuse treatment services for offenders on community supervision
4 (pretrial, probation, furlough, and parole). The plan has been
5 developed through an interagency effort that included the
6 department of health, department of public safety, Hawaii
7 paroling authority, and judiciary. Act 161 provided for
8 community-based substance abuse treatment for first-time non-
9 violent drug offenders and again requires interagency
10 coordination.

11 In 2004, the legislature passed Acts 40 and 44, providing
12 additional funding and direction to deal with Hawaii's
13 methamphetamine epidemic.

14 The legislature finds that the judiciary has continued to
15 respond to the enhancement of the intermediate sanctions
16 continuum. As a result of the judiciary's study in this area,
17 attendance at national meetings and seminars, and technical
18 assistance provided by the National Institute of Corrections,
19 Chief Justice Ronald T. Y. Moon approved the judiciary's
20 broadened effort to enhance the use of intermediate sanctions.
21 By order of the supreme court, the interagency council on



1 intermediate sanctions (council) was formed in January 2002 and
2 includes:

- 3 (1) Representatives of the judiciary;
- 4 (2) The departments of health, public safety, and the
5 attorney general;
- 6 (3) The Hawaii paroling authority;
- 7 (4) The office of the public defender;
- 8 (5) The Honolulu police department; and
- 9 (6) The Honolulu department of the prosecuting attorney.

10 The goal of the council is a thirty per cent reduction in
11 recidivism among adult offenders and the prevention of future
12 victimization of Hawaii's citizens through an improved criminal
13 justice system.

14 The council secured technical assistance from the National
15 Institute of Corrections to plan and implement a five-year
16 strategic effort of effective sanctioning strategies that would
17 realize the council's vision and goals. The goals of the
18 council are to:

- 19 (1) Implement system-wide assessment protocols;
- 20 (2) Establish and implement a continuum of supervision and
21 program services that match the risks and needs of the
22 offender;



- 1 (3) Evaluate the effectiveness of intermediate sanctions
2 in reducing recidivism;
- 3 (4) Create a management information system capable of
4 communicating among agencies to facilitate sharing of
5 offender information; and
- 6 (5) Collaborate with communities in developing and
7 implementing the continuum of offender services.

8 The work of the council is based on the "evidence-based
9 practice" approach to correctional programs. This approach was
10 developed after evaluation of hundreds of programs provided to
11 offenders nationwide and extensive research of effective
12 correctional interventions. The research-based evidence
13 resulted in a multi-disciplinary correctional approach premised
14 on guiding principles that address offenders' risk, need, and
15 responsivity. The risk principle seeks to identify who should
16 receive treatment; the criminogenic-need principle focuses on
17 what the treatment should be; and the responsivity principle
18 underscores the importance of how treatment should be delivered.

19 The "evidence-based practice" research strongly supports a
20 "one voice-one message" environment, and the multi-disciplinary
21 collaboration of criminal justice system operations and
22 activities is designed to achieve this. Optimal results for



1 offender change occur when there is system-wide consistency and
2 an infrastructure of leaders who are informed, supportive of,
3 and model the principles and practices of the "evidence-based"
4 research.

5 The legislature further finds that, to determine risk,
6 need, and responsivity, offenders must be assessed with
7 validated assessment tools that measure the risk level of the
8 offender and identifies particular intervention targets. The
9 council has selected the level of services inventory-revised,
10 which is a structured interview using a validated scoring
11 instrument that measures specific offender attributes, as its
12 assessment protocol.

13 Based on the results of this assessment, the probability of
14 an offender's future criminal behavior can be predicted on the
15 basis of empirically derived factors, and offenders can be
16 classified along a continuum ranging from low-risk to high-risk.
17 If this key strategy is not initiated, offenders will continue
18 to be placed under counter-productive and inefficient
19 correctional conditions. Under the council's plan, the offender
20 assessments will be employed at the earliest possible point,
21 when cost-effective diversion options can maximize use of an



1 offender's community support system and when the offender's
2 rehabilitation motivation is high.

3 The legislature further finds that it is necessary to
4 establish and implement a continuum of services that matches and
5 serves the risk-based needs identified in the assessments. Most
6 offenders have many needs; however, certain needs are more
7 directly linked to crime. National and local research has
8 consistently shown that six factors are found to be criminogenic
9 (i.e., leading to or causing crime and probation/parole
10 failure):

- 11 (1) Dysfunctional family relations;
- 12 (2) Anti-social peers;
- 13 (3) Alcohol and other drug problems;
- 14 (4) Low self-control skills;
- 15 (5) Anti-social attitudes/values; and
- 16 (6) Callous personality features.

17 These criminogenic factors constitute dynamic attributes of
18 offenders that, when strengthened, reduce the probability of
19 recidivism. The criminogenic attributes constitute the
20 immediate targets of treatment and intensive intervention.

21 The legislature further finds that treatment services that
22 are responsive to an offender's criminogenic causes and



1 motivational stages also support the implementation of the
2 council's plan. The "what works" responsivity principle used in
3 the plan matches:

- 4 (1) The treatment approach with the learning style and
5 personality of the offender;
- 6 (2) The characteristics of the offender with those of the
7 treatment provider; and
- 8 (3) The skills of the treatment provider with the type of
9 program.

10 The council's intent is to have a continuum of services that
11 match the offender's risk and needs and are delivered by
12 programs that emphasize qualities to improve offender problem-
13 solving and emotions regulation. The department of health
14 serves as the council's liaison for treatment services and for
15 collaborating with the participating council members on the
16 quality assurance infrastructure.

17 The legislature further finds that the council's goal to
18 collaborate with communities in developing and implementing the
19 continuum of services supports the strategy of assisting the
20 offenders. This is a process of reinforcing the pro-social
21 behavior and attitude changes and of encouraging, referring, and
22 networking to increase the offender's positive linkages to their



1 local communities. The council's plan, under the leadership of
2 the department of the attorney general, includes facilitating
3 research on the project's effectiveness and collaborating with
4 community resources.

5 The legislature also finds that evaluating the
6 effectiveness of intermediate sanctions in reducing recidivism
7 and creating a management information system capable of
8 communicating among agencies supports the implementation
9 strategy of attending to system accountability and information
10 controls. Information-gathering and evaluation are necessary
11 for the correctional staff and the organizations to successfully
12 reallocate and mobilize resources to match offender needs. The
13 department of the attorney general provides the leadership in
14 research, while the correctional agencies provide the
15 information-gathering continuity.

16 The purpose of this Act is to provide funding to members of
17 the interagency council on intermediate sanctions to carry out
18 its five-year strategic plan to reduce adult offender recidivism
19 and, in the process, to institutionalize enhancements to
20 Hawaii's criminal justice system. The judiciary, department of
21 public safety, and Hawaii paroling authority will require
22 funding to continue the screening and assessment of offenders,

1 to train staff on best practices, to provide the continuum of
 2 needed services, and to meet the quality assurance requirements
 3 in assessment and treatment services established by the council.
 4 The department of the attorney general will require funding to
 5 conduct research on the effectiveness of the council's plan, to
 6 facilitate collaborative networks that support the offenders,
 7 and to assist with quality assurance requirements in assessment
 8 and treatment of offenders.

9 SECTION 2. There is appropriated out of the general
 10 revenues of the State of Hawaii the sum of \$ or so much
 11 thereof as may be necessary for fiscal year 2005-2006 and the
 12 sum of \$ or so much thereof as may be necessary for
 13 fiscal year 2006-2007 for personnel and operating expenses to
 14 support the work of the interagency council on intermediate
 15 sanctions.

16 The sums appropriated shall be expended by the judiciary
 17 for the purposes of this Act.

18 SECTION 3. The judiciary is authorized to establish one
 19 full-time equivalent (1.0 FTE) program coordinator position and
 20 one administrative support staff (1.0 FTE) for the purpose of
 21 implementing the goals of the interagency council on
 22 intermediate sanctions for the fiscal years of 2005-2006 and



1 2006-2007 to be funded from the appropriations authorized in
2 section 2.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2005-2006 and the
6 sum of \$ or so much thereof as may be necessary for fiscal
7 year 2006-2007 for personnel and operating expenses to provide
8 mental health assessments of offenders.

9 The sums appropriated shall be expended by the department
10 of public safety for the purposes of this Act.

11 SECTION 5. The department of public safety is authorized
12 to establish one full-time equivalent (1.0 FTE) mental health
13 assessor position for the purpose of providing mental health
14 assessments of offenders for the fiscal years of 2006 and 2007
15 to be funded from the appropriations authorized in section 4.

16 SECTION 6. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2005-2006 and the
19 sum of \$ or so much thereof as may be necessary for
20 fiscal year 2006-2007 for workload analysis, organizational
21 development, and staff and vendor training in evidence-based
22 practices.



1 The sums appropriated shall be expended by the judiciary
2 for the purposes of this Act.

3 SECTION 7. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2005-2006 and the
6 sum of \$ or so much thereof as may be necessary for
7 fiscal year 2006-2007 for project research costs.

8 The sums appropriated shall be expended by the department
9 of the attorney general for the purposes of this Act.

10 SECTION 8. The department of the attorney general is
11 authorized to establish one full-time equivalent (1.0 FTE)
12 research analyst position for the purposes of providing research
13 analyses for fiscal years 2005-2006 and 2006-2007 to be funded
14 from the appropriations authorized in section 7.

15 SECTION 9. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so much
17 thereof as may be necessary for fiscal year 2005-2006 for
18 assessing and planning for the management information systems
19 needs to support intermediate sanctions research.

20 The sum appropriated shall be expended by the department of
21 the public safety for the purposes of this Act.

22 SECTION 10. This Act shall take effect July 1, 2020.



Report Title:

Intermediate Sanctions; Appropriations

**SB613
SD2 HD1**

Description:

Appropriates funds to members of the interagency council on intermediate sanctions to carry out its 5-year strategic plan to reduce adult offender recidivism and to institutionalize enhancements to Hawaii's criminal justice system. Effective date July 1, 2020. (SB613 HD1)

