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# A BILL FOR AN ACT

RELATING TO A COMPREHENSIVE OFFENDER REENTRY SYSTEM.

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

1 PART I

2 SECTION 1. The legislature finds that in 2005, there were  
3 16,825 persons on probation statewide under the jurisdiction of  
4 the State's four judicial districts. Additionally, in 2005 the  
5 Hawaii paroling authority was responsible for supervising 2,119  
6 parolees. As of December 25, 2006, the department of public  
7 safety had 5,982 persons in its correctional system. These  
8 numbers are significant in the context of a comprehensive effort  
9 to reintegrate ex-offenders back into our communities as  
10 productive, law-abiding citizens.

11 In recent years, state and local government agencies  
12 throughout the country have begun to establish improved systems  
13 for reintegrating ex-offenders as a way to prevent large numbers  
14 of offenders from returning to prison. A United States  
15 Department of Justice study found that sixty-seven per cent of  
16 those released from state prisons in 1994 were re-arrested for a  
17 new crime within the first three years after their release.



1 Forty-six per cent of the arrestees were reconvicted for a new  
2 crime and fifty-one per cent were returned to prison. Efforts  
3 to reduce recidivism would greatly benefit the State of Hawaii,  
4 given that the State's prison capacity is sorely inadequate and  
5 has been severely overcrowded for the past two decades.

6 The financial, social, and economic costs of incarceration  
7 without rehabilitation are staggering. According to the 2004  
8 annual report of the department of public safety, the  
9 corrections division budget for fiscal year 2003-2004 was  
10 \$190,000,000. This figure excludes the nearly \$50,000,000 in  
11 costs attributable to the contract with the Corrections  
12 Corporation of America to house Hawaii offenders in four private  
13 correctional institutions in the continental United States.  
14 Further, this figure does not include the cost of arrest and  
15 prosecution, nor does it take into account the cost to victims.  
16 There are also financial costs associated with the health care  
17 of incarcerated populations, who have a high prevalence of  
18 infectious disease, substance abuse, and mental health  
19 disorders.

20 One of the most significant social costs of offender  
21 reentry is its impact on children. A report commissioned by  
22 Child and Family Services in 2003 estimated that there were



1 approximately six thousand children of incarcerated parents in  
2 Hawaii. According to the federal Bureau of Prisons, there is  
3 evidence to suggest that offenders who retain kinship ties with  
4 their children and families are more likely to avoid negative  
5 behavior while incarcerated and are more likely to obtain  
6 reduced sentences.

7 In terms of economic costs, studies have shown that fifteen  
8 to twenty-seven per cent of prisoners expect to go to a homeless  
9 shelter upon release from prison. Additionally, as many as  
10 sixty per cent of ex-offenders fail to find stable employment in  
11 the legal labor market one year after release. A felony record  
12 precludes many from gainful employment and may result in  
13 persistent discrimination in the labor market. In addition to  
14 housing and employment, there are the enormous economic costs of  
15 crimes committed in order to obtain money for drugs.

16 The legislature further finds that sixty to eighty per cent  
17 of the nation's correctional population has used illegal drugs  
18 at some point in their lives. Furthermore, a United States  
19 Department of Justice analysis indicates that only fifty per  
20 cent of federal offenders and forty per cent of state offenders  
21 have taken part in substance abuse treatment programs since  
22 being admitted to prison. Substance abuse education, treatment,



1 intervention, and follow-up services are clearly needed in a  
2 comprehensive offender reentry system.

3 An offender reentry system must also consider the  
4 correlation between education and recidivism. According to the  
5 National Institute for Literacy, seventy per cent of all  
6 offenders function at the two lowest literacy levels. A Bureau  
7 of Justice Statistics analysis has found that less educated  
8 offenders are more likely to recidivate. Moreover, a recent  
9 United States Department of Education study found that  
10 participation in a state correctional education program lowers  
11 the likelihood of reincarceration by twenty-nine per cent. A  
12 federal Bureau of Prisons study found a thirty-three per cent  
13 drop in recidivism among federal prisoners who participated in  
14 vocational and apprenticeship training.

15 The legislature finds that increased recidivism results in  
16 profound collateral consequences, including public health risks,  
17 homelessness, unemployment, and disenfranchisement.  
18 Accordingly, systems and programs that provide assistance with  
19 offenders' transition from institutional to community life are  
20 critical to the families, neighborhoods, and communities to  
21 which the offender returns.



1           The legislature further finds that, in order for an  
2 offender to successfully reenter the community, the offender  
3 must have access to a full continuum of services during  
4 incarceration and immediately upon release. Correctional  
5 institutions, corporate and not-for-profit agencies, as well as  
6 faith-based institutions must be involved in a comprehensive  
7 effort to meet the needs of offenders returning to our  
8 communities. Support services needed upon release include  
9 education, continuing education, vocational training, follow-up  
10 treatment services, support with finding housing and employment,  
11 and help with family issues and other elements of life after  
12 incarceration.

13           The purpose of this part is to establish a comprehensive  
14 offender reentry system that assists adult offenders with their  
15 reintegration back into our communities and offers a full  
16 continuum of services that are accessible during and immediately  
17 after their incarceration. Parts II through VI address specific  
18 elements of the comprehensive offender reentry system.

19           SECTION 2. The Hawaii Revised Statutes is amended by  
20 adding a new chapter to be appropriately designated and to read  
21 as follows:



## 1 "CHAPTER

## 2 COMPREHENSIVE OFFENDER REENTRY SYSTEM

## 3 PART I. GENERAL PROVISIONS

4 § -1 Title. This chapter shall be known and may be  
5 cited as the Community Safety Act.

6 § -2 Definitions. When used in this chapter:

7 "Community-based long-term support programs" include  
8 programs administered and operated by community agencies, faith-  
9 based organizations, and other entities offering support to  
10 offenders for at least one year or longer.

11 "Community-based programs" are programs that are  
12 administered and operated outside of a correctional facility.

13 "Institution-based programs" are services offered within a  
14 correctional facility.

15 "Reentry programs" include programs that are located within  
16 a correctional facility.

17 "Reintegration programs" include programs that are located  
18 within a correctional facility.

19 "Transition programs" include programs that are located  
20 within a correctional facility.

21 § -3 Offender reentry system plan; creation. (a) The  
22 department of public safety shall develop a comprehensive and



1 effective offender reentry system plan for adult offenders  
2 exiting the prison system.

3 (b) The department of public safety shall develop  
4 comprehensive reentry plans and curricula for individuals  
5 exiting correctional facilities in order to reduce recidivism  
6 and increase a person's successful reentry into the community.

7 The reentry plans shall include, but not be limited to:

8 (1) Adopting an operational philosophy that considers that  
9 offender reentry begins on the day an offender enters  
10 the correctional system. Each offender entering the  
11 system shall be assessed to determine the offender's  
12 needs in order to assist the individual offender with  
13 developing the skills necessary to be successful in  
14 the community;

15 (2) Providing appropriate programs, including, but not  
16 limited to, education, substance abuse treatment,  
17 cognitive skills development, vocational and  
18 employment training, and other programs that help to  
19 meet the assessed needs of each individual;

20 (3) Developing a comprehensive network of transitional  
21 programs to address the needs of individuals exiting  
22 the correctional system;



- 1 (4) Ensuring that all reentry programs are gender  
2 responsive;
- 3 (5) Issuing requests for proposals from community-based  
4 nonprofit programs with experience with offenders in  
5 the area of reentry; and
- 6 (6) Instituting model reentry programs for adult  
7 offenders.

8 **§ -4 Model programs; department of public safety.**

9 Subject to funding by the legislature, the department of public  
10 safety shall enhance the State's comprehensive offender reentry  
11 system by developing model programs designed to reduce  
12 recidivism and promote successful reentry into the community.  
13 Components of the model programs shall include, but not be  
14 limited to:

- 15 (1) Highly skilled staff who are experienced in working  
16 with offender reentry programs;
- 17 (2) Individualized case management and a full continuum of  
18 care to ensure successful reentry;
- 19 (3) Life skills development workshops, including  
20 budgeting, money management, nutrition, and exercise;  
21 development of self-determination through education;  
22 employment training; special education for the





1 learning disabled; social, cognitive, communication,  
2 and life skills training; and appropriate treatment  
3 programs, including substance abuse and mental health  
4 treatment;

5 (4) Parenting and relationship building classes. The  
6 department shall institute policies that support  
7 family cohesion and family participation in offenders'  
8 transition to the community; and, where possible,  
9 provide geographical proximity of offenders to their  
10 children and families; and

11 (5) Ongoing attention to building support for offenders  
12 from communities, community agencies, and  
13 organizations.

14 **§ -5 Children of incarcerated parents; families.** The  
15 director of public safety shall:

16 (1) Establish policies or rules that parent inmates be  
17 placed in correctional facilities based primarily on  
18 public safety, inmate security, and the best interests  
19 of the family, rather than on economic or  
20 administrative factors;



- 1           (2) Consider as a factor an offender's capacity to
- 2           maintain parent-child contact when making prison
- 3           placements of offenders;
- 4           (3) Conduct research that examines the impact of a
- 5           parent's incarceration on the well-being of the
- 6           offender's child that shall include both direct
- 7           contact with an offender's child, as well as reports
- 8           of caregivers; and
- 9           (4) Conduct research that focuses on the relationship of
- 10          incarcerated fathers with their children and the long-
- 11          term impact of incarceration on fathers and their
- 12          children.

13           **§ -6 Employment of ex-offenders.** (a) The director of

14 labor and industrial relations shall take the necessary steps to

15 ensure offenders and ex-offenders are included and involved in

16 utilizing state and private resources for employment and

17 training opportunities as well as life skills and educational

18 opportunities.

19           (b) The department of public safety, with the assistance

20 of the department of labor and industrial relations, shall

21 develop and propose for legislative enactment tax incentives for

22 employers who hire individuals who were formerly incarcerated.



1           **§ -7 Return of out-of-state inmates.** The director of  
2 public safety shall return Hawaii inmates held in out-of-state  
3 prisons at least one year prior to the inmate's parole date or  
4 release date in order for these inmates to participate in  
5 programs preparing them for reentry on the island where they  
6 have the most support.

7           **§ -8 Reentry specialist position; establishment.** The  
8 director of public safety may establish one full-time reentry  
9 specialist position within the department of public safety to  
10 ensure that offenders have access to reentry programming within  
11 all state facilities, monitor all state contracted reentry  
12 programs, and facilitate parent-child relationships in the  
13 context of correctional facility governance.

14                   **PART II. OFFENDER REENTRY PROGRAMS AND SERVICES**

15                               **STAKEHOLDERS COMMITTEE**

16           **§ -21 Offender reentry programs and services**  
17 **stakeholders committee; establishment; members.** There is  
18 established the offender reentry programs and services  
19 stakeholders committee within the department of public safety.  
20 The purpose of the stakeholders committee shall be to monitor  
21 and review reentry programs and make recommendations to the  
22 department of public safety and the legislature. The director



1 of public safety, or the director's designee, shall chair the  
2 stakeholders committee that shall be composed of members from  
3 the department of the attorney general, the Hawaii paroling  
4 authority, the department of human services, the department of  
5 health, the department of labor and industrial relations, the  
6 department of education, service providers, and stakeholders  
7 deemed relevant to the work of the stakeholders committee. The  
8 state agency members of the stakeholders committee shall be  
9 designated by their respective department or agency heads. The  
10 non-state agency members shall be appointed by the director of  
11 public safety. The stakeholders committee shall meet at a  
12 minimum on a quarterly basis. The stakeholders committee may  
13 work in concert with the corrections population management  
14 commission established in chapter 353F.

15       **§ -22 Duties and responsibilities.** The duties and  
16 responsibilities of the stakeholders committee shall include but  
17 not be limited to:

18       (1) Identifying:

19               (A) The network of reentry programs, services, and  
20                       activities that may exist throughout the State;

21               (B) Methods to improve collaboration and coordination  
22                       of existing programs and services; and



- 1 (C) Areas of responsibility in which improved  
2 collaboration and coordination would result in  
3 increased effectiveness or efficiency of service  
4 delivery;
- 5 (2) Developing innovative interagency or intergovernmental  
6 programs, activities, or procedures that would improve  
7 outcomes for offenders reentering communities and for  
8 their children;
- 9 (3) Identifying areas of research that can be coordinated  
10 across agencies with an emphasis on applying evidence-  
11 based practices to support services, and treatment and  
12 intervention programs for reentering offenders;
- 13 (4) Identifying funding areas that should be coordinated  
14 across agencies and any gaps in funding; and
- 15 (5) Identifying successful programs throughout the country  
16 and presenting best practices information on offender  
17 reentry programming to relevant agencies and  
18 organizations to determine the extent to which those  
19 programs and practices can be replicated, and make  
20 information on those programs and practices available  
21 throughout the State to community-based organizations  
22 and others.



1           **§ -23 Reporting requirements.** Twenty days prior to the  
2 opening of the regular session of the 2008 legislature, and by  
3 January 5 of each subsequent year, the stakeholders committee  
4 established in section -21 shall submit a report to the  
5 legislature on the status of the State's reentry and  
6 reintegration programs. The report shall include:

- 7           (1) The reentry and reintegration programs on each island  
8                     and in each prison and jail;
- 9           (2) The number of offenders involved in the programs;
- 10          (3) The recidivism rate of those involved in each program;
- 11          (4) Barriers and problems associated with the reentry and  
12                     reintegration programs;
- 13          (5) A ranking of programs funded by the State in order of  
14                     most to least successful;
- 15          (6) Possible programs not being implemented but which are  
16                     successful in other jurisdictions, including best  
17                     practices; and
- 18          (7) Suggestions and ideas to improve the reentry and  
19                     reintegration programs to benefit the majority of  
20                     offenders.



1           §   -24   **Research and studies.**   Research shall be conducted  
2 by the stakeholders committee on offender reentry programs, as  
3 provided for in this section.   The research shall include:

4           (1)   Identifying the number and characteristics of children  
5                in the State who have had a parent incarcerated and  
6                the likelihood of these minors becoming involved in  
7                the criminal justice systems at some time in their  
8                lifetime;

9           (2)   Identifying a mechanism to compare the State's rates  
10               of recidivism, including rates of re-arrest,  
11               violations of parole and probation, and  
12               reincarceration, with offenders in various states;

13           (3)   A study on the population of individuals released from  
14               custody who have not recidivated and the demographics  
15               of that population, including but not limited to data  
16               on their housing, employment, treatment services  
17               received, and family connections established or  
18               maintained;

19           (4)   Analysis of the reentry program needs of special  
20               offender populations, including prisoners with mental  
21               illness or substance abuse disorders, female



- 1 offenders, juvenile offenders, offenders sixty years  
2 and older, who present unique reentry challenges;
- 3 (5) Studies to determine the categories of offenders that  
4 are reincarcerated and which of those prisoners  
5 represent the greatest risk to community safety;
- 6 (6) Annual reports on the profile of the population  
7 exiting prisons, jails, and juvenile correctional  
8 facilities in Hawaii;
- 9 (7) A state recidivism study every three years; and
- 10 (8) A study of parole violations and revocations in the  
11 context of offender reentry programs.

12 **PART III. ADULT OFFENDER REENTRY**

13 **DEMONSTRATION PROJECTS**

14 **§ -31 Adult offender reentry demonstration projects.**

15 (a) The director of public safety may provide grants, in  
16 accordance with chapter 42F, for adult offender reentry  
17 demonstration projects that establish or improve the offender  
18 reentry system for which each adult offender in state  
19 correctional custody is provided an individualized reentry plan.

20 (b) Subject to funding by the legislature, the department  
21 of public safety shall award adult offender reentry  
22 demonstration project grants for activities that:





- 1 (1) Coordinate the supervision and services provided to  
2 adult offenders in state custody with the supervision  
3 and services provided to offenders who have reentered  
4 the community;
- 5 (2) Coordinate efforts of various public and private  
6 entities to provide supervision and services to ex-  
7 offenders after reentry into the community with the  
8 offenders' family members;
- 9 (3) Provide offenders awaiting reentry into the community  
10 with documents, such as identification papers,  
11 referrals to services, medical prescriptions, job  
12 training certificates, apprenticeship papers,  
13 information on obtaining public assistance, and other  
14 documents useful in achieving a successful transition  
15 from prison;
- 16 (4) Involve county agencies whose programs and initiatives  
17 strengthen offender reentry services for individuals  
18 who have been returned to the county of their  
19 jurisdiction;
- 20 (5) Allow ex-offenders who have reentered the community to  
21 continue to contact mentors who remain incarcerated  
22 through the use of technology, such as



- 1 videoconferencing, or encourage mentors in prison to  
2 support the ex-offenders' reentry process;
- 3 (6) Provide structured programs, post-release housing, and  
4 transitional housing, including group homes for  
5 recovering substance abusers, through which offenders  
6 are provided supervision and services immediately  
7 following reentry into the community;
- 8 (7) Assist offenders in securing permanent housing upon  
9 release or following a stay in transitional housing;
- 10 (8) Continue to link offenders with health resources for  
11 health services that were provided to them when they  
12 were in state custody, including mental health,  
13 substance abuse treatment, aftercare, and treatment  
14 services for contagious diseases;
- 15 (9) Provide education, job training, English as a second  
16 language programs, work experience programs, self-  
17 respect and life skills training, and other skills  
18 needed to achieve self-sufficiency for a successful  
19 transition from prison;
- 20 (10) Facilitate collaboration among corrections  
21 administrators, technical schools, community colleges,



1 and the workforce development and employment service  
2 sectors so that there are efforts to:

3 (A) Promote, where appropriate, the employment of  
4 persons released from prison, through efforts  
5 such as educating employers about existing  
6 financial incentives, and facilitate the creation  
7 of job opportunities, including transitional  
8 jobs, for such persons that will also benefit  
9 communities;

10 (B) Connect offenders to employment, including  
11 supportive employment and employment services,  
12 before their release to the community; and

13 (C) Address barriers to employment, including  
14 obtaining a driver's license;

15 (11) Assess the literacy and educational needs of offenders  
16 in custody and provide appropriate services to meet  
17 those needs, including follow-up assessments and long-  
18 term services;

19 (12) Address systems under which family members of  
20 offenders are involved with facilitating the  
21 successful reentry of those offenders into the  
22 community, including removing obstacles to the



- 1 maintenance of family relationships while the offender  
2 is in custody, strengthening the family's capacity to  
3 establish and maintain a stable living situation  
4 during the reentry process where appropriate, and  
5 involving family members in the planning and  
6 implementation of the reentry process;
- 7 (13) Include victims, on a voluntary basis, in the  
8 offender's reentry process;
- 9 (14) Facilitate visitation and maintenance of family  
10 relationships with respect to offenders in custody by  
11 addressing obstacles such as travel, telephone costs,  
12 mail restrictions, and restrictive visitation  
13 policies;
- 14 (15) Identify and address barriers to collaborating with  
15 child welfare agencies in the provision of services  
16 jointly to offenders in custody and to the children of  
17 those offenders;
- 18 (16) Collect information, to the best of its ability,  
19 regarding dependent children of incarcerated persons  
20 as part of intake procedures, including the number of  
21 children, age, and location or jurisdiction, and



- 1 connect identified children of incarcerated parents  
2 with appropriate services;
- 3 (17) Address barriers to the visitation of children with an  
4 incarcerated parent, and maintenance of the parent-  
5 child relationship, such as the location of facilities  
6 in remote areas, telephone costs, mail restrictions,  
7 and visitation policies;
- 8 (18) Create, develop, or enhance prisoner and family  
9 assessments curricula, policies, procedures, or  
10 programs, including mentoring programs, to help  
11 prisoners with a history or identified risk of  
12 domestic violence, dating violence, sexual assault, or  
13 stalking reconnect with their families and  
14 communities, as appropriate, and become mutually  
15 respectful;
- 16 (19) Develop programs and activities that support parent-  
17 child relationships, such as:
- 18 (A) Using telephone conferencing to permit  
19 incarcerated parents to participate in parent-  
20 teacher conferences;



- 1 (B) Using videoconferencing to allow virtual  
2 visitation when incarcerated persons are more  
3 than one hundred miles from their families;
- 4 (C) Developing books on tape programs, through which  
5 incarcerated parents read a book into a tape to  
6 be sent to their children;
- 7 (D) The establishment of family days, which provide  
8 for longer visitation hours or family activities;  
9 or
- 10 (E) The creation of children's areas in visitation  
11 rooms with parent-child activities;
- 12 (20) Expand family-based treatment centers that offer  
13 family-based comprehensive treatment services for  
14 parents and their children as a complete family unit;
- 15 (21) Conduct studies to determine who is returning to  
16 prison and which of those returning prisoners  
17 represent the greatest risk to community safety;
- 18 (22) Develop or adopt procedures to ensure that dangerous  
19 felons are not released from prison prematurely;
- 20 (23) Develop and implement procedures to assist relevant  
21 authorities in determining when release is appropriate  
22 and in the use of data to inform the release decision;



- 1           (24) Utilize validated assessment tools to assess the risk  
2                   factors of returning offenders to the community and  
3                   prioritizing services based on risk;
- 4           (25) Facilitate and encourage timely and complete payment  
5                   of restitution and fines by ex-offenders to victims  
6                   and the community;
- 7           (26) Consider establishing the use of reentry courts to:  
8                   (A) Monitor offenders returning to the community;  
9                   (B) Provide returning offenders with:  
10                         (i) Drug and alcohol testing and treatment; and  
11                         (ii) Mental and medical health assessment  
12                                 services;
- 13                   (C) Facilitate restorative justice practices and  
14                         convene family or community impact panels, family  
15                         impact educational classes, victim impact panels,  
16                         or victim impact educational classes;
- 17                   (D) Provide and coordinate the delivery of other  
18                         community services to offenders, including:  
19                         (i) Housing assistance;  
20                         (ii) Education;  
21                         (iii) Employment training;  
22                         (iv) Children and family support;



- 1 (v) Conflict resolution skills training;
- 2 (vi) Family violence intervention programs; and
- 3 (vii) Other appropriate social services;

4 and

- 5 (E) Establish and implement graduated sanctions and
- 6 incentives;

7 and

- 8 (27) Provide technology and other tools necessary to
- 9 advance post release supervision."

10 SECTION 3. There is appropriated out of the general  
 11 revenues of the State of Hawaii the sum of \$ , or so  
 12 much thereof as may be necessary for fiscal year 2007-2008, and  
 13 the same sum, or so much thereof as may be necessary for fiscal  
 14 year 2008-2009, for the planning, development, implementation,  
 15 and expansion of an effective reentry system that offers a full  
 16 continuum of services that are accessible during an adult  
 17 offender's incarceration and immediately after the adult  
 18 offender's reentry into the community.

19 The sums appropriated in this section shall be expended by  
 20 the department of public safety for the purposes of this part.

21 PART II





1 SECTION 4. The legislature finds that some criminal  
2 offenders, due to the nature of their crimes, will remain in  
3 prison for life. However, a significant majority will serve  
4 their sentence and be released. Over ninety-eight per cent of  
5 criminal offenders in Hawaii will eventually return to our  
6 communities. During fiscal year 2003, the department of public  
7 safety released 10,629 offenders.

8 The legislature finds that, in order for an offender to  
9 successfully reenter the community, the offender must have  
10 access to a full continuum of services during incarceration and  
11 immediately upon release. These services include education,  
12 continuing education, vocational training, substance abuse  
13 treatment, follow-up treatment services, support with finding  
14 housing and employment, and help with family issues and other  
15 elements of life after incarceration.

16 During incarceration, offenders may qualify to be  
17 transferred to a minimum security correctional facility to  
18 participate, as appropriate, in treatment-based services, such  
19 as substance abuse treatment at Waiawa correctional facility or  
20 sex offender treatment at Kulani correctional facility. When an  
21 offender attains community custody status, the offender may  
22 participate in furlough, extended furlough, transition, and



1 reintegration programs in the community. These types of  
2 programs constitute the latter segment of a continuum of  
3 services that help offenders reenter the community as  
4 productive, law-abiding citizens.

5 Furlough and work release programs include the Laumaka work  
6 furlough program, located adjacent to the Oahu community  
7 correctional center. Extended furlough programs involve  
8 offenders who live and work in the community, but are required  
9 to return to a correctional facility during weekday or weekend  
10 evenings. Others on extended furlough may live at home and be  
11 supervised through an electronic monitoring device. Transition  
12 and reintegration programs are usually located in the community  
13 and are provided by community-based agencies such as TJ Mahoney  
14 and the Big Island Substance Abuse Council, which offer  
15 residential transition and reintegration services for female  
16 offenders.

17 The legislature further finds that extended furlough  
18 programs could ease overcrowding by freeing up scarce bed space  
19 for offenders who require more restrictive environments and pose  
20 a risk to public safety. A type of extended furlough program is  
21 the day reporting center. Unlike the community correctional  
22 centers, or jails, a day reporting center is non-residential and



1 offenders are required to report to the centers but return to  
2 their homes to sleep at night.

3       The typical day reporting program operates five days per  
4 week and has a duration of approximately six months. Day  
5 reporting centers emphasize: intensive supervision, frequent  
6 substance abuse testing, and substance abuse follow-up education  
7 in group sessions; anger management, parenting, and help with  
8 obtaining education classes; vocational assessment, employment  
9 training, and life skills development; and assistance with  
10 various issues of adjusting to life in the community. The first  
11 day reporting center was established in England in 1974. The  
12 first American center opened in 1986 in Hamden, Massachusetts.  
13 By 1995, one hundred fourteen day reporting centers were  
14 established in twenty-two states.

15       Hawaii does not currently have a day reporting center. In  
16 the late 1980s and early 1990s, the department of public safety  
17 attempted to create a day reporting center in module twenty of  
18 the Oahu community correctional center, but overcrowding  
19 necessitated that the space be used for housing offenders.  
20 Attempts were also made to use the Hale Nani reintegration  
21 center on the island of Hawaii as a day reporting center, but



1 again, the space was needed for offender housing and other  
2 programs.

3 The purpose of this Act is to establish a two-year pilot  
4 day reporting center at an existing state site, facility, or  
5 building designated by the governor for use as a day reporting  
6 center.

7 SECTION 5. The department of public safety, through its  
8 intake service centers and education divisions, shall establish  
9 a two-year pilot day reporting center that will be available to  
10 two hundred offenders who have six months to one year left to  
11 serve on their sentence. The center shall offer a continuum of  
12 services to prepare offenders for transition and reintegration  
13 into the community. The center staff shall consist of a program  
14 director, counselors, social workers, and other professional and  
15 clerical staff. The ideal ratio of counselors to offenders  
16 shall be one counselor for every twenty-five offenders. The  
17 ideal ratio of social workers to offenders shall be one social  
18 worker for every fifteen offenders. The department of public  
19 safety may contract with a private or not-for-profit agency for  
20 the necessary services to carry out the purposes of this part.



1 SECTION 6. The department shall submit, no later than  
2 twenty days prior to the start of the 2009 and 2010 regular  
3 sessions of the legislature, a written report on:

- 4 (1) The outcome of the pilot project;
- 5 (2) Cost analysis and an accounting of expenses;
- 6 (3) Relevant data on program participants;
- 7 (4) Program and management evaluations; and
- 8 (5) Any other pertinent information, recommendations, or  
9 proposed legislation, if any, to determine whether the  
10 program should be continued.

11 SECTION 7. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ , or so  
13 much thereof as may be necessary for fiscal year 2007-2008, and  
14 the same sum, or so much thereof as may be necessary for fiscal  
15 year 2008-2009, for the establishment of a two-year pilot day  
16 reporting center.

17 The sums appropriated shall be expended by the department  
18 of public safety, who may contract with a private or not-for-  
19 profit agency to operate the day reporting center for the  
20 purposes of this part.

21 PART III



1 SECTION 8. The legislature finds that restorative circles  
2 is a pilot program that has been in place at the Waiawa  
3 correctional facility since March 2005. The program is based on  
4 the methodological tool known as "restorative justice," which  
5 aims to address the unresolved issues faced by victims,  
6 offenders, and their families. The program brings together  
7 victims, offenders, and their personal supporters in a carefully  
8 managed, safe environment. The process is both a powerful  
9 healing tool and a way to empower victims to make decisions  
10 about how to repair the harm caused by offenses.

11 Participation in the program is voluntary and only  
12 available to victims who want to participate and to inmates who  
13 want to reconcile with their victims. The process begins when  
14 an inmate requests a "restorative circle" from the inmate's case  
15 worker. A restorative circle is a group process that requires  
16 an impartial, trained, and experienced community facilitator to  
17 meet with the inmate. The facilitator and the inmate discuss  
18 the protocol, and determine who the inmate has harmed by the  
19 inmate's past behavior and who the inmate wants to invite for  
20 support. Each restorative circle is about three hours, with  
21 half of the time devoted to reconciliation and the other half  
22 devoted to developing a reentry transition plan. To date, there



1 have been approximately twenty-seven restorative circles with a  
2 one hundred per cent satisfaction rate reported by the  
3 participating victims, offenders, and prison staff.

4 This innovative Hawaii pilot program has been highlighted  
5 by Federal Probation Journal, Honolulu Magazine, and KITV News.  
6 The program recently expanded to the women's community  
7 correctional center. Considering that ninety-five per cent of  
8 all inmates will eventually be released back into the community,  
9 a program such as this one is vital because it helps an offender  
10 take responsibility for past behavior and plan for release.

11 SECTION 9. There is appropriated out of the general  
12 revenues of the State of Hawaii the sum of \$ , or so  
13 much thereof as may be necessary for fiscal year 2007-2008, and  
14 the same sum, or so much thereof as may be necessary for fiscal  
15 year 2008-2009, for the expansion of the restorative circles  
16 pilot program to other correctional facilities statewide.

17 SECTION 10. The department of public safety shall contract  
18 the services of a health and human services provider to  
19 establish restorative circles pilot programs in other  
20 correctional facilities statewide. The contract shall be  
21 executed in accordance with chapter 103F, Hawaii Revised  
22 Statutes.



1 SECTION 11. The sums appropriated in section 9 shall be  
2 expended by the department of public safety for the purposes of  
3 this part.

4 PART IV

5 SECTION 12. The legislature finds that the Hawaii paroling  
6 authority, through its parole release programs, must continue to  
7 strive to provide a meaningful opportunity for individual  
8 offenders to successfully reintegrate into society while serving  
9 their sentences. The legislature also finds that, in addition  
10 to personal effort, offenders require active family and  
11 community support, as well as employment and educational  
12 opportunities, to function as law-abiding citizens.

13 In 1993, the legislature amended section 353-64, Hawaii  
14 Revised Statutes, to require the Hawaii paroling authority to  
15 parole a committed person in the county where the committed  
16 person had a permanent residence or occupation or employment  
17 prior to incarceration, unless that person will reside in a  
18 county with a population exceeding eight-hundred thousand, or  
19 will immediately depart the State. Where none of those  
20 conditions can be met, the committed person will be released to  
21 the county of original commitment. At that time, the rationale  
22 was that such a requirement would, "prevent the mass release of





1 parolees in the county where confinement institutions are  
2 located. Otherwise, the location of new prisons on the neighbor  
3 islands will be difficult or impossible." See, S.C. Rep. 486,  
4 Judiciary on S.B. No. 833 (1993). Section 706-670, Hawaii  
5 Revised Statutes, was also amended to include that same parole  
6 requirement. In practical terms, the only county in the State  
7 of Hawaii in which the population exceeds eight-hundred thousand  
8 persons is the city and county of Honolulu.

9 As a result of this requirement, the Hawaii paroling  
10 authority is precluded from conducting an individualized  
11 assessment and paroling of committed persons to the county where  
12 they have the greatest support and opportunities to assist the  
13 offender in making a successful transition into the community  
14 upon their eventual release. The effect is that committed  
15 persons that have family, children, community support,  
16 employment, training, or educational opportunities in the  
17 counties of Kauai, Maui, and Hawaii are prohibited from being  
18 paroled to these counties, unless they had a permanent residence  
19 or occupation or employment there prior to incarceration.

20 A variety of studies have found that increased contact  
21 between inmates and their families can contribute to an inmate's  
22 successful reintegration into the community after release. In



1 making the transition back into the community, former inmates  
2 turn to their spouses, parents, siblings, grandparents, and  
3 other family members for assistance. These family members  
4 become the "front line" of reentry, providing former inmates  
5 with critical material and emotional support including shelter,  
6 food, clothing, leads for jobs, and guidance in staying sober or  
7 avoiding criminal behavior. Significantly, successful  
8 reintegration is an indicator of reduced risk of re-offense. In  
9 turn, decreased recidivism rates benefit the entire citizenry of  
10 Hawaii.

11 The purpose of this part is to grant the Hawaii paroling  
12 authority the authority to parole committed persons to a county  
13 in the State where the committed person has the greatest family  
14 or community support, opportunities for employment, job  
15 training, education, treatment, and other social services. This  
16 amendment will enable the Hawaii paroling authority to achieve  
17 its mission of providing meaningful opportunities for offenders  
18 to reintegrate into society and demonstrate that they have the  
19 potential to function as law-abiding citizens.

20 SECTION 13. Section 353-64, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "§353-64 Committed persons paroled. Any committed person  
2 confined in any state correctional facility in execution of any  
3 sentence imposed upon the committed person, except in cases  
4 where the penalty of life imprisonment not subject to parole has  
5 been imposed, shall be subject to parole in the manner and form  
6 as set forth in this part; provided that the committed person  
7 shall be paroled in the county where the committed person had a  
8 permanent residence or occupation or employment prior to  
9 incarceration, unless:

10           (1) The committed person will reside in a county in which  
11           the population exceeds eight-hundred thousand persons;  
12           ~~[or]~~

13           (2) The committed person will be released for immediate  
14           departure from the State ~~[-]~~; or

15           (3) The committed person will be released to a county in  
16           the State where the committed person has the greatest  
17           family or community support, opportunities for  
18           employment, job training, education, treatment, and  
19           other social services, as determined by the Hawaii  
20           paroling authority; provided that to be considered for  
21           parole to another county in the State, the committed  
22           person shall provide a written request to the



1           department not less than six months prior to the  
2           expiration of the committed person's longest minimum  
3           sentence.

4    Provided further that to be eligible for parole, the committed  
5    person, if the person is determined by the department to be  
6    suitable for participation, must have been a participant in an  
7    academic, vocational education, or prison industry program  
8    authorized by the department and must have been involved in or  
9    completed the program to the satisfaction of the department; and  
10   provided further that this precondition for parole shall not  
11   apply if the committed person is in a correctional facility  
12   where academic, vocational education, and prison industry  
13   programs or facilities are not available. A grant of parole  
14   shall not be subject to acceptance by the committed person."

15           SECTION 14. Section 706-670, Hawaii Revised Statutes, is  
16   amended by amending subsection (3) to read as follows:

17           "(3) Prisoner's plan and participation. Each prisoner  
18   shall be given reasonable notice of the prisoner's parole  
19   hearing and shall prepare a parole plan, setting forth the  
20   manner of life the prisoner intends to lead if released on  
21   parole, including specific information as to where and with whom  
22   the prisoner will reside and what occupation or employment the



1 prisoner will follow. The prisoner shall be paroled in the  
2 county where the prisoner had a permanent residence or  
3 occupation or employment prior to the prisoner's incarceration,  
4 unless the prisoner will: reside in a county in which the  
5 population exceeds eight-hundred thousand persons; reside in a  
6 county in the State where the committed person has the greatest  
7 family or community support, opportunities for employment, job  
8 training, education, treatment, and other social services, as  
9 determined by the Hawaii paroling authority; or [the prisoner  
10 will] be released for immediate departure from the State. The  
11 institutional parole staff shall render reasonable aid to the  
12 prisoner in the preparation of the prisoner's plan and in  
13 securing information for submission to the authority. In  
14 addition, the prisoner shall:

- 15 (a) Be permitted to consult with any persons whose  
16 assistance the prisoner reasonably desires, including  
17 the prisoner's own legal counsel, in preparing for a  
18 hearing before the authority;
- 19 (b) Be permitted to be represented and assisted by counsel  
20 at the hearing;



1 (c) Have counsel appointed to represent and assist the  
2 prisoner if the prisoner so requests and cannot afford  
3 to retain counsel; and

4 (d) Be informed of the prisoner's rights as set forth in  
5 this subsection."

6 PART V

7 SECTION 15. The legislature finds that, given the problems  
8 associated with reentry and the high rate of recidivism among  
9 the former inmate population, programs that effectively assist  
10 the transition of former inmates from prison to the community  
11 promote public safety. Upon release from prison, formerly  
12 incarcerated persons face institutional barriers to reentry such  
13 as housing and workplace restrictions, as well as the challenges  
14 of reconnecting with families and maintaining sobriety.

15 Research shows that returning prisoners who have access to  
16 key supports and services on release commit fewer crimes,  
17 maintain employment, and show improved outcomes for health,  
18 income, and a broad range of other indicators. Conversely,  
19 former prisoners lacking in support and services are more likely  
20 to continue to commit crimes.

21 The legislature further finds that, in Hawaii, a person's  
22 stay in a correctional facility costs the public \$70 to \$400 per



1 day, depending upon the level of security measures and programs  
2 involved.

3       These costs can be dramatically lowered by reducing the  
4 rate of recidivism with comprehensive training and support  
5 services for individuals while incarcerated and continuing upon  
6 their release into the community. For example, Maui Economic  
7 Opportunity, Inc., administers the BEST (Being Empowered and  
8 Safe Together) Reintegration Program in collaboration with the  
9 department of public safety and receives federal funds for the  
10 Going Home pilot program, which is designed to serve individuals  
11 who are preparing to return to the Maui community after  
12 incarceration.

13       Under the federal grant requirements, BEST serves  
14 individuals between the ages of eighteen and thirty-five  
15 convicted of class A and B felonies and have been sentenced to a  
16 minimum of one year or more of incarceration. The BEST Program  
17 provides intensive case management, training, and support  
18 services in the areas of employment, housing, cognitive skills  
19 restructuring, culture, family reunification, mentoring, and  
20 referrals for substance abuse, mental health, and counseling  
21 services.



1           In August 2006, Dr. Marilyn Brown, a University of Hawaii  
 2 sociologist, issued A Report on Program Implementation and  
 3 Preliminary Outcomes for the BEST Program. Of the sixty-one  
 4 BEST clients who have spent time in the community, only nine  
 5 have been returned to custody as of March 31, 2006. This  
 6 translates to a recidivism rate of approximately fifteen per  
 7 cent. In contrast, a 2002 Bureau of Justice Statistics report  
 8 entitled *Recidivism of Prisoners Released in 1994*, indicates  
 9 that approximately sixty-seven per cent of all prisoners  
 10 released in 1994 were rearrested within three years of release.

11           Community reintegration programs provide individuals with  
 12 new tools and support services while instilling values and  
 13 beliefs that empower them to overcome obstacles and become  
 14 contributing members of the community.

15           The purpose of this part is to appropriate funds to support  
 16 organizations that provide comprehensive training and support  
 17 services for inmates and formerly incarcerated persons to assist  
 18 them in their successful reintegration into the community.  
 19 These programs will help to reduce recidivism rates and increase  
 20 public safety in the community.

21           SECTION 16. There is appropriated out of the general  
 22 revenues of the State of Hawaii the sum of \$                   , or so





1 much thereof as may be necessary for fiscal year 2007-2008, and  
2 the same sum, or so much thereof as may be necessary for fiscal  
3 year 2008-2009, as a grant pursuant to 42F, Hawaii Revised  
4 Statutes, to Maui Economic Opportunity, Inc., for the  
5 development and maintenance of inmate reintegration programs.

6 The sums appropriated shall be expended by the department  
7 of public safety for the purposes of this part.

8 PART VI

9 SECTION 17. The legislature finds that, according to the  
10 department of public safety, Hawaii parolees incarcerated in the  
11 State had a deplorable recidivism rate of between forty-seven  
12 and fifty-seven per cent. The recidivism rate for inmates who  
13 were housed at out-of-state facilities was even higher, ranging  
14 from fifty to seventy-eight per cent. A promising approach to  
15 reducing recidivism and helping inmates make the successful  
16 transition from prison to the community is to establish a  
17 cognitive restructuring and transition program at correctional  
18 facilities.

19 Cognitive restructuring is based on the principle that  
20 thinking, an internal behavior, controls overt actions, an  
21 external behavior. Cognitive restructuring focuses on the way  
22 thoughts and beliefs drive a person's behavior. A cognitive



1 restructuring program for inmates involves self-examination of  
2 their belief system, criminal addictive cycle, attitudes and  
3 thinking patterns, and develops a relapse prevention plan for  
4 future situations. The program assists offenders in  
5 "restructuring" their thought process and teaches cognitive  
6 skills that help them with basic decision-making and problem-  
7 solving. The goal of cognitive restructuring is to guide  
8 offenders to consciously examine their own thoughts by engaging  
9 in processes that develop self control, thus making them  
10 responsible for, and in charge of, their actions no matter how  
11 stressful the situation.

12 The legislature further finds that transition programs  
13 prepare an inmate to make a successful transition from prison to  
14 the community by assisting them with skills to find housing,  
15 prepare for employment, learn money management, and obtain  
16 support from other resources to become productive, law-abiding  
17 citizens.

18 The purpose of this part is to appropriate funds to  
19 establish a cognitive restructuring and transition pilot program  
20 in the county of Hawaii to help inmates achieve a successful  
21 transition into the community.



1 SECTION 18. The cognitive restructuring transition pilot  
2 program shall teach specific skills that include problem  
3 solving, social skills training, anger management, and empathy  
4 training. The cognitive restructuring and transition pilot  
5 program shall be established in the county of Hawaii at Kulani  
6 correctional facility, Hawaii community correctional center, and  
7 Hale Nani reintegration center.

8 SECTION 19. There is appropriated out of the general  
9 revenues of the State of Hawaii the sum of \$ , or so much  
10 thereof as may be necessary for fiscal year 2007-2008, and the  
11 same sum, or so much thereof as may be necessary for fiscal year  
12 2008-2009, for a cognitive restructuring and transition pilot  
13 program to be established in the county of Hawaii at Kulani  
14 correctional facility, Hawaii community correctional center, and  
15 Hale Nani reintegration center.

16 The sums appropriated shall be expended by the department  
17 of public safety for the purposes of this part.



1 PART VII

2 SECTION 20. This Act does not affect rights and duties  
3 that matured, penalties that were incurred, and proceedings that  
4 were begun, before its effective date.

5 SECTION 21. Statutory material to be repealed is bracketed  
6 and stricken. New statutory material is underscored.

7 SECTION 22. This Act shall take effect on July 1, 2007.



**REPORT Title:**

Corrections; Offender Reentry System

**Description:**

Establishes offender reentry system to help adult offenders prepare for release and reintegration back to the community. Establishes a stakeholder committee and appropriates funds for demonstration projects. Establishes a one-year pilot day reporting center administered by the department of public safety and appropriates funds. Appropriates funds for the expansion of the restorative circles pilot program to other correctional facilities statewide. Authorizes the Hawaii paroling authority to parole committed persons to any county in the State where they will receive the greatest support to successfully reintegrate into the community. Appropriates funds for a grant to Maui Economic Opportunity, Inc., for the administration of community-based reintegration programs. Appropriates funds to the department of public safety to provide a cognitive restructuring and transition program in the county of Hawaii.  
(SB932 HD1)

