
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 incarceration
21 is its impact on children. A report commissioned by Child and
22 Family Services in 2003 estimated that there were approximately



1 six thousand children of incarcerated parents in Hawaii.
2 According to the federal Bureau of Prisons, there is evidence to
3 suggest that offenders who retain kinship ties with their
4 children and families are more likely to avoid negative behavior
5 while incarcerated and are more likely to obtain reduced
6 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 prone to recidivism. 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 offender
2 to successfully reenter the community, the offender must have
3 access to a full continuum of services during incarceration and
4 immediately upon release. Correctional institutions, corporate
5 and not-for-profit agencies, as well as faith-based institutions
6 must be involved in a comprehensive effort to meet the needs of
7 offenders returning to our communities. Support services needed
8 upon release include education, continuing education, vocational
9 training, follow-up treatment services, support with finding
10 housing and employment, and help with family issues and other
11 elements of life after incarceration.

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

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

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 and 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 using state and private resources for employment and training
17 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 **PART II. OFFENDER REENTRY PROGRAMS AND SERVICES**

8 **STAKEHOLDERS COMMITTEE**

9 **§ -21 Offender reentry programs and services**
10 **stakeholders committee; establishment; members.** There is
11 established the offender reentry programs and services
12 stakeholders committee within the department of public safety.
13 The purpose of the stakeholders committee shall be to monitor
14 and review reentry programs and make recommendations to the
15 department of public safety and the legislature. The director
16 of public safety, or the director's designee, shall chair the
17 stakeholders committee which shall be composed of members from
18 the department of the attorney general, the Hawaii paroling
19 authority, the department of human services, the department of
20 health, the department of labor and industrial relations, the
21 department of education, service providers, and stakeholders
22 deemed relevant to the work of the stakeholders committee. The



1 state agency members of the stakeholders committee shall be
2 designated by their respective department or agency heads. The
3 non-state agency members shall be appointed by the director of
4 public safety. The stakeholders committee shall meet, at a
5 minimum, on a quarterly basis. The stakeholders committee may
6 work in concert with the corrections population management
7 commission established in chapter 353F.

8 **§ -22 Duties and responsibilities.** The duties and
9 responsibilities of the stakeholders committee shall include but
10 not be limited to:

11 (1) Identifying:

12 (A) The network of reentry programs, services, and
13 activities that may exist throughout the state;

14 (B) Methods to improve collaboration and coordination
15 of existing programs and services; and

16 (C) Areas of responsibility in which improved
17 collaboration and coordination would result in
18 increased effectiveness or efficiency of service
19 delivery;

20 (2) Developing innovative interagency or intergovernmental
21 programs, activities, or procedures that would improve



- 1 outcomes for offenders reentering communities and for
2 their children;
- 3 (3) Identifying areas of research that can be coordinated
4 across agencies with an emphasis on applying evidence-
5 based practices to support services, and treatment and
6 intervention programs for reentering offenders;
- 7 (4) Identifying funding areas that should be coordinated
8 across agencies and any gaps in funding; and
- 9 (5) Identifying successful programs throughout the country
10 and presenting best practices information on offender
11 reentry programming to relevant agencies and
12 organizations to determine the extent to which those
13 programs and practices can be replicated, and making
14 information on those programs and practices available
15 throughout the state to community-based organizations
16 and others.

17 **§ -23 Reporting requirements.** Twenty days prior to the
18 opening of the regular session of the 2008 legislature, and by
19 January 5 of each subsequent year, the stakeholders committee
20 established in section -21 shall submit a report to the
21 legislature on the status of the State's reentry and
22 reintegration programs. The report shall include:



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

15 **§ -24 Research and studies.** Research shall be conducted

16 by the stakeholders committee on offender reentry programs, as

17 provided for in this section. The research shall include:

- 18 (1) Identifying the number and characteristics of children
- 19 in the state who have had a parent incarcerated and
- 20 the likelihood of these minors' becoming involved in
- 21 the criminal justice system at some time in their
- 22 lifetime;



- 1 (2) Identifying a mechanism to compare the state's rates
2 of recidivism, including rates of re-arrest,
3 violations of parole and probation, and
4 reincarceration, with offenders in various states;
- 5 (3) A study on the population of individuals released from
6 custody who have not recidivated and the demographics
7 of that population, including but not limited to data
8 on their housing, employment, treatment services
9 received, and family connections established or
10 maintained;
- 11 (4) Analysis of the reentry program needs of special
12 offender populations, including prisoners with mental
13 illness or substance abuse disorders, female
14 offenders, juvenile offenders, and offenders sixty
15 years and older, who present unique reentry
16 challenges;
- 17 (5) Studies to determine the categories of offenders that
18 are reincarcerated and which of those prisoners
19 represent the greatest risk to community safety;
- 20 (6) Annual reports on the profile of the population
21 exiting prisons, jails, and juvenile correctional
22 facilities in Hawaii;



- 1 (7) A state recidivism study every three years; and
- 2 (8) A study of parole violations and revocations in the
- 3 context of offender reentry programs.

4 **PART III. ADULT OFFENDER REENTRY**

5 **DEMONSTRATION PROJECTS**

6 **§ -31 Adult offender reentry demonstration projects.**

7 (a) The director of public safety may authorize purchase of
8 service contracts, in accordance with chapter 103F, for adult
9 offender reentry demonstration projects that establish or
10 improve the offender reentry system and in which each adult
11 offender in state correctional custody is provided an
12 individualized reentry plan.

13 (b) Subject to funding by the legislature, the department
14 of public safety shall award adult offender reentry
15 demonstration project purchase of service contracts for
16 activities that:

17 (1) Coordinate the supervision and services provided to
18 adult offenders in state custody with the supervision
19 and services provided to offenders who have reentered
20 the community;

21 (2) Coordinate efforts of various public and private
22 entities to provide supervision and services to ex-



- 1 offenders after reentry into the community with the
2 offenders' family members;
- 3 (3) Provide offenders awaiting reentry into the community
4 with documents, such as identification papers,
5 referrals to services, medical prescriptions, job
6 training certificates, apprenticeship papers,
7 information on obtaining public assistance, and other
8 documents useful in achieving a successful transition
9 from prison;
- 10 (4) Involve county agencies whose programs and initiatives
11 strengthen offender reentry services for individuals
12 who have been returned to the county of their
13 jurisdiction;
- 14 (5) Allow ex-offenders who have reentered the community to
15 continue to contact mentors who remain incarcerated
16 through the use of technology, such as
17 videoconferencing, or encourage mentors in prison to
18 support the ex-offenders' reentry process;
- 19 (6) Provide structured programs, post-release housing, and
20 transitional housing, including group homes for
21 recovering substance abusers, through which offenders



1 are provided supervision and services immediately
2 following reentry into the community;

3 (7) Assist offenders in securing permanent housing upon
4 release or following a stay in transitional housing;

5 (8) Continue to link offenders with health resources for
6 health services that were provided to them when they
7 were in state custody, including mental health,
8 substance abuse treatment, aftercare, and treatment
9 services for contagious diseases;

10 (9) Provide education, job training, English as a second
11 language programs, work experience programs, self-
12 respect and life-skills training, and other skills
13 needed to achieve self-sufficiency for a successful
14 transition from prison;

15 (10) Facilitate collaboration among corrections
16 administrators, technical schools, community colleges,
17 and the workforce development and employment service
18 sectors so that there are efforts to:

19 (A) Promote, where appropriate, the employment of
20 persons released from prison, through efforts
21 such as educating employers about existing
22 financial incentives, and facilitate the creation



1 of job opportunities, including transitional
2 jobs, for such persons that will also benefit
3 communities;

4 (B) Connect offenders to employment, including
5 supportive employment and employment services,
6 before their release to the community; and

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

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

13 (12) Address systems under which family members of
14 offenders are involved with facilitating the
15 successful reentry of those offenders into the
16 community, including removing obstacles to the
17 maintenance of family relationships while the offender
18 is in custody, strengthening the family's capacity to
19 establish and maintain a stable living situation
20 during the reentry process where appropriate, and
21 involving family members in the planning and
22 implementation of the reentry process;



- 1 (13) Include victims, on a voluntary basis, in the
2 offender's reentry process;
- 3 (14) Facilitate visitation and maintenance of family
4 relationships with respect to offenders in custody by
5 addressing obstacles such as travel, telephone costs,
6 mail restrictions, and restrictive visitation
7 policies;
- 8 (15) Identify and address barriers to collaborating with
9 child welfare agencies in the provision of services
10 jointly to offenders in custody and to the children of
11 those offenders;
- 12 (16) Collect information, to the best of the department's
13 ability, regarding dependent children of incarcerated
14 persons as part of intake procedures, including the
15 number of children, age, and location or jurisdiction,
16 and connect identified children of incarcerated
17 parents with appropriate services;
- 18 (17) Address barriers to the visitation of children with an
19 incarcerated parent, and maintenance of the parent-
20 child relationship, such as the location of facilities
21 in remote areas, telephone costs, mail restrictions,
22 and visitation policies;



- 1 (18) Create, develop, or enhance prisoner and family
2 assessments curricula, policies, procedures, or
3 programs, including mentoring programs, to help
4 prisoners with a history or identified risk of
5 domestic violence, dating violence, sexual assault, or
6 stalking reconnect with their families and
7 communities, as appropriate, and become mutually
8 respectful;
- 9 (19) Develop programs and activities that support parent-
10 child relationships, such as:
- 11 (A) Using telephone conferencing to permit
12 incarcerated parents to participate in parent-
13 teacher conferences;
- 14 (B) Using videoconferencing to allow virtual
15 visitation when incarcerated persons are more
16 than one hundred miles from their families;
- 17 (C) Developing books on tape programs, through which
18 incarcerated parents read a book into a tape to
19 be sent to their children;
- 20 (D) The establishment of family days, which provide
21 for longer visitation hours or family activities;
22 or



- 1 (E) The creation of children's areas in visitation
- 2 rooms with parent-child activities;
- 3 (20) Expand family-based treatment centers that offer
- 4 family-based comprehensive treatment services for
- 5 parents and their children as a complete family unit;
- 6 (21) Conduct studies to determine who is returning to
- 7 prison and which of those returning prisoners
- 8 represent the greatest risk to community safety;
- 9 (22) Develop or adopt procedures to ensure that dangerous
- 10 felons are not released from prison prematurely;
- 11 (23) Develop and implement procedures to assist relevant
- 12 authorities in determining when release is appropriate
- 13 and in the use of data to inform the release decision;
- 14 (24) Use validated assessment tools to assess the risk
- 15 factors of returning offenders to the community and
- 16 prioritizing services based on risk;
- 17 (25) Facilitate and encourage timely and complete payment
- 18 of restitution and fines by ex-offenders to victims
- 19 and the community;
- 20 (26) Consider establishing the use of reentry courts to:
- 21 (A) Monitor offenders returning to the community;
- 22 (B) Provide returning offenders with:



- 1 (i) Drug and alcohol testing and treatment; and
- 2 (ii) Mental and medical health assessment
- 3 services;
- 4 (C) Facilitate restorative justice practices and
- 5 convene family or community impact panels, family
- 6 impact educational classes, victim impact panels,
- 7 or victim impact educational classes;
- 8 (D) Provide and coordinate the delivery of other
- 9 community services to offenders, including:
- 10 (i) Housing assistance;
- 11 (ii) Education;
- 12 (iii) Employment training;
- 13 (iv) Children and family support;
- 14 (v) Conflict resolution skills training;
- 15 (vi) Family violence intervention programs; and
- 16 (vii) Other appropriate social services;
- 17 and
- 18 (E) Establish and implement graduated sanctions and
- 19 incentives;
- 20 and
- 21 (27) Provide technology and other tools necessary to
- 22 advance post-release supervision."



1 SECTION 3. The director of public safety may establish one
 2 full-time reentry specialist position within the department of
 3 public safety to ensure that offenders have access to reentry
 4 programming within all state facilities, monitor all state
 5 contracted reentry programs, and facilitate parent-child
 6 relationships in the context of correctional facility
 7 governance.

8 SECTION 4. There is appropriated out of the general
 9 revenues of the State of Hawaii the sum of \$, or so
 10 much thereof as may be necessary for fiscal year 2007-2008, and
 11 the same sum, or so much thereof as may be necessary for fiscal
 12 year 2008-2009, for the planning, development, implementation,
 13 and expansion of an effective reentry system that offers a full
 14 continuum of services that are accessible during an adult
 15 offender's incarceration and immediately after the adult
 16 offender's reentry into the community.

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

19 PART II

20 SECTION 5. The legislature finds that some criminal
 21 offenders, due to the nature of their crimes, will remain in
 22 prison for life. However, a significant majority will serve



1 their sentence and be released. Over ninety-eight per cent of
2 criminal offenders in Hawaii will eventually return to our
3 communities. During fiscal year 2003, the department of public
4 safety released 10,629 offenders.

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

13 During incarceration, offenders may qualify to be
14 transferred to a minimum security correctional facility to
15 participate, as appropriate, in treatment-based services, such
16 as substance abuse treatment at Waiawa correctional facility or
17 sex offender treatment at Kulani correctional facility. When an
18 offender attains community custody status, the offender may
19 participate in furlough, extended furlough, transition, and
20 reintegration programs in the community. These types of
21 programs constitute the latter segment of a continuum of



1 services that help offenders reenter the community as
2 productive, law-abiding citizens.

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

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



1 The typical day-reporting program operates five days per
2 week and has a duration of approximately six months. Day-
3 reporting centers emphasize:

4 (1) Intensive supervision, frequent substance abuse
5 testing, and substance abuse follow-up education in
6 group sessions;

7 (2) Anger management, parenting, and help with obtaining
8 education classes;

9 (3) Vocational assessment, employment training, and life-
10 skills development; and

11 (4) Assistance with various issues of adjusting to life in
12 the community.

13 The first day-reporting center was established in England in
14 1974. The first American center opened in 1986 in Hamden,
15 Massachusetts. By 1995, one hundred fourteen day reporting
16 centers were established in twenty-two states.

17 Hawaii does not currently have a day-reporting center. In
18 the late 1980s and early 1990s, the department of public safety
19 attempted to create a day-reporting center in module twenty of
20 the Oahu community correctional center, but overcrowding
21 necessitated that the space be used for housing offenders.

22 Attempts were also made to use the Hale Nani reintegration



1 center on the island of Hawaii as a day-reporting center, but
2 again, the space was needed for offender housing and other
3 programs.

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

8 SECTION 6. The department of public safety, through its
9 intake service centers and education divisions, shall establish
10 a two-year pilot day-reporting center that will be available to
11 two hundred offenders who have six months to one year left to
12 serve on their sentence. The center shall offer a continuum of
13 services to prepare offenders for transition and reintegration
14 into the community. The center staff shall consist of a program
15 director, counselors, social workers, and other professional and
16 clerical staff. The ideal ratio of counselors to offenders
17 shall be one counselor for every twenty-five offenders. The
18 ideal ratio of social workers to offenders shall be one social
19 worker for every fifteen offenders. The department of public
20 safety may contract with a private or not-for-profit agency for
21 the necessary services to carry out the purposes of this part.



1 SECTION 7. 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 8. 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 9. 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 lasts 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 10. 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 11. 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 12. 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 13. 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 14. 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 the county in
 16 the state in which the committed person has the
 17 greatest family or community support, opportunities
 18 for employment, job training, education, treatment,
 19 and 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 15. 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 in which the committed person has the
7 greatest family or community support, opportunities for
8 employment, job training, education, treatment, and other social
9 services, as determined by the Hawaii paroling authority; or
10 [~~the prisoner will~~] be released for immediate departure from the
11 [~~State~~] state. The institutional parole staff shall render
12 reasonable aid to the prisoner in the preparation of the
13 prisoner's plan and in securing information for submission to
14 the authority. In 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 16. 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 drastically lowered by reducing the rate
4 of recidivism with comprehensive training and support services
5 for individuals while incarcerated and continuing upon their
6 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 who 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 17. 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, for a purchase of service contract pursuant to
4 103F, Hawaii Revised Statutes, to Maui Economic Opportunity,
5 Inc., for the development and maintenance of inmate
6 reintegration programs.

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

9 PART VI

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

20 Cognitive restructuring is based on the principle that
21 thinking, an internal behavior, controls overt actions, an
22 external behavior. Cognitive restructuring focuses on the way



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

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

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



1 SECTION 19. 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 20. 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 21. 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 22. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 23. This Act shall take effect on July 1, 2020.



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 purchase of service contract 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)

