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

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



1 and fifty-one per cent were returned to prison. Efforts to  
2 reduce recidivism would greatly benefit the State of Hawaii,  
3 given that the State's prison and jail capacities are sorely  
4 inadequate and have been severely overcrowded for the past two  
5 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 contract costs with the Corrections Corporation of America to  
12 house Hawaii offenders in four private correctional institutions  
13 in the continental United States. Further, this figure does not  
14 include the cost of arrest and prosecution, nor does it take  
15 into account the cost to victims. There are also financial  
16 costs associated with the health care of incarcerated  
17 populations, who have a high prevalence of infectious disease,  
18 substance abuse, and mental health disorders.

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



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

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

15 The legislature further finds that sixty to eighty per cent  
16 of the nation's correctional population has used illegal drugs  
17 at some point in their lives. Furthermore, a United States  
18 Department of Justice analysis indicates that only fifty per  
19 cent of federal offenders and forty per cent of state offenders  
20 have taken part in substance abuse treatment and programs since  
21 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 (b) The department of public safety shall develop  
2 comprehensive reentry plans and curricula for individuals  
3 exiting correctional facilities in order to reduce recidivism  
4 and increase a person's successful reentry into the community.

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

- 6 (1) Adopting an operational philosophy that considers that  
7 offender reentry begins on the day an offender enters  
8 the correctional system. Each offender entering the  
9 system shall be assessed to determine the offender's  
10 needs in order to assist the individual offender with  
11 developing the skills necessary to be successful in  
12 the community;
- 13 (2) Providing appropriate programs, including, but not  
14 limited to, education, substance abuse treatment,  
15 cognitive skills development, vocational and  
16 employment training, and other programs that help to  
17 meet the assessed needs of each individual;
- 18 (3) Developing a comprehensive network of transitional  
19 programs to address the needs of individuals exiting  
20 the correctional system;
- 21 (4) Ensuring that all reentry programs are gender  
22 responsive;



1 (5) Issuing requests for proposals from community-based  
2 nonprofit programs with experience with offenders in  
3 the area of reentry; and

4 (6) Instituting model reentry programs for adult  
5 offenders.

6 § -4 Model programs; department of public safety.

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

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





1 programs, including substance abuse and mental health  
2 treatment;

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

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

12 § -5 Children of incarcerated parents; families. (a)

13 The director of human services shall:

14 (1) Establish by policy or rule, services that the  
15 director deems necessary for the preservation of  
16 families who have been impacted by the incarceration  
17 of a family member;

18 (2) Establish practices that focus on children whose  
19 parents are incarcerated and work to strengthen  
20 attachment and bonding between parent and child; and

21 (3) Review and make available to other states a report on  
22 any recommendations regarding the role of the



1 department of human services' child protective  
2 services at the time of the arrest of a person.

3 (b) The director of public safety shall:

4 (1) Establish policies or rules that parent inmates be  
5 placed in correctional facilities based primarily on  
6 public safety, inmate security, and the best interests  
7 of the family, rather than on economic or  
8 administrative factors;

9 (2) Consider as a factor an offender's capacity to  
10 maintain parent-child contact when making prison  
11 placements of offenders;

12 (3) Conduct research that examines the impact of a  
13 parent's incarceration on the well-being of the  
14 offender's child, that shall include both direct  
15 contact with an offender's child, as well as reports  
16 of caregivers; and

17 (4) Conduct research that focuses on the relationship of  
18 incarcerated fathers with their children and the long  
19 term impact of incarceration on fathers and their  
20 children.

21 § -6 Employment of ex-offenders. (a) The director of  
22 labor and industrial relations shall take the necessary steps to



1 ensure offenders and ex-offenders are included and involved in  
2 utilizing state and private resources for employment and  
3 training opportunities as well as life skills and educational  
4 opportunities.

5 (b) The department of public safety, with the assistance  
6 of the department of taxation and the department of labor and  
7 industrial relations, shall develop and propose for legislative  
8 enactment tax incentives for employers who hire individuals who  
9 were formerly incarcerated.

10 § -7 Return of out-of-state inmates. The director of  
11 public safety shall return out-of-state inmates to Hawaii at  
12 least one year prior to the inmate's parole date or release date  
13 in order for these inmates to participate in the State's  
14 offender reentry system.

15 § -8 Reentry specialist position; establishment. The  
16 director of public safety may establish one full-time reentry  
17 specialist position within the department of public safety to  
18 ensure that offenders have access to reentry programming within  
19 all state facilities, monitor all state contracted reentry  
20 programs, and facilitate parent-child relationships in the  
21 context of correctional facility governance.



1                   PART II. OFFENDER REENTRY PROGRAMS AND SERVICES

2                                   STAKEHOLDERS COMMITTEE

3           §   -9 Offender reentry programs and services stakeholders

4 committee; establishment; members. There is established the  
5 offender reentry programs and services stakeholders committee  
6 within the department of public safety. The purpose of the  
7 stakeholders committee shall be to monitor and review reentry  
8 programs and make recommendations to the department of public  
9 safety and the legislature. The director of public safety, or  
10 the director's designee, shall chair the stakeholders committee  
11 that shall be composed of members from the department of the  
12 attorney general, the Hawaii paroling authority, the department  
13 of human services, the department of health, the department of  
14 labor and industrial relations, the department of education,  
15 service providers, and stakeholders deemed relevant to the work  
16 of the stakeholders committee. The state agency members of the  
17 stakeholders committee shall be designated by their respective  
18 department or agency heads. The non-state agency members shall  
19 be appointed by the director of public safety. The stakeholders  
20 committee shall meet at a minimum on a quarterly basis. The  
21 stakeholders committee may work in concert with the corrections  
22 population management commission established in chapter 353F.



1           §   -10 Duties and responsibilities. The duties and  
2 responsibilities of the stakeholders committee shall include but  
3 not be limited to the following:

4           (1) Identifying:

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

7                 (B) Methods to improve collaboration and coordination  
8                         of existing programs and services; and

9                 (C) Areas of responsibility in which improved  
10                        collaboration and coordination would result in  
11                        increased effectiveness or efficiency of service  
12                        delivery;

13           (2) Developing innovative interagency or intergovernmental  
14                programs, activities, or procedures that would improve  
15                outcomes for offenders reentering communities and for  
16                their children;

17           (3) Identifying areas of research that can be coordinated  
18                across agencies with an emphasis on applying evidence-  
19                based practices to support services, and treatment and  
20                intervention programs for reentering offenders;

21           (4) Identifying funding areas that should be coordinated  
22                across agencies and any gaps in funding; and



1 (5) Identifying successful programs throughout the country  
 2 and presenting best practices information on offender  
 3 reentry programming to relevant agencies and  
 4 organizations to determine the extent to which those  
 5 programs and practices can be replicated, and make  
 6 information on those programs and practices available  
 7 throughout the State to community-based organizations  
 8 and others.

9 § -11 Reporting requirements. Twenty days prior to the  
 10 opening of the regular session of the 2008 legislature, and by  
 11 January 5 of each subsequent year, the stakeholders committee  
 12 established in section -9 shall submit a report to the  
 13 legislature on the status of Hawaii's reentry and reintegration  
 14 programs. The report shall include:

- 15 (1) The reentry and reintegration programs on each island  
 16 and in each prison and jail;
- 17 (2) The number of offenders involved in the programs;
- 18 (3) The recidivism rate of those involved in each program;
- 19 (4) Barriers and problems associated with the reentry and  
 20 reintegration programs;
- 21 (5) A ranking of programs funded by the State in order of  
 22 most to least successful;



1 (6) Possible programs not being implemented but which are  
2 successful in other jurisdictions, including best  
3 practices; and

4 (7) Suggestions and ideas to improve the reentry and  
5 reintegration programs to benefit the majority of  
6 offenders.

7 § -12 **Research and studies.** Research shall be conducted  
8 by the stakeholders committee on offender reentry programs, as  
9 provided for in this section. The research shall include:

- 10 (1) Identifying the number and characteristics of Hawaii  
11 children who have had a parent incarcerated and the  
12 likelihood of these minors becoming involved in the  
13 criminal justice systems at some time in their  
14 lifetime;
- 15 (2) Identifying a mechanism to compare Hawaii's rates of  
16 recidivism, including rates of re-arrest, violations  
17 of parole and probation, and reincarceration, with  
18 offenders in various states;
- 19 (3) A study on the population of individuals released from  
20 custody who have not recidivated and the demographics  
21 of that population, including but not limited to data  
22 on their housing, employment, treatment services



- 1 received, and family connections established or  
2 maintained;
- 3 (4) Analysis of the reentry program needs of special  
4 offender populations, including prisoners with mental  
5 illness or substance abuse disorders, female  
6 offenders, juvenile offenders, offenders sixty years  
7 and older, who present unique reentry challenges;
- 8 (5) Studies to determine the categories of offenders that  
9 are reincarcerated and which of those prisoners  
10 represent the greatest risk to community safety;
- 11 (6) Annual reports on the profile of the population  
12 exiting prisons, jails, and juvenile correctional  
13 facilities in Hawaii;
- 14 (7) A state recidivism study every three years; and
- 15 (8) A study of parole violations and revocations in the  
16 context of offender reentry programs.

17 **PART III. ADULT OFFENDER**

18 **REENTRY DEMONSTRATION PROJECTS**

19 **§ -13 Adult offender reentry demonstration projects.**

- 20 (a) The director of public safety may provide grants in  
21 accordance with chapter 42F for adult offender reentry  
22 demonstration projects that establish or improve the offender





1 reentry system for which each adult offender in state  
2 correctional custody is provided an individualized reentry plan.

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

6 (1) Coordinate the supervision and services provided to  
7 adult offenders in state custody with the supervision  
8 and services provided to offenders who have reentered  
9 the community;

10 (2) Coordinate efforts of various public and private  
11 entities to provide supervision and services to ex-  
12 offenders after reentry into the community with the  
13 offenders' family members;

14 (3) Provide offenders awaiting reentry into the community  
15 with documents such as identification papers,  
16 referrals to services, medical prescriptions, job  
17 training certificates, apprenticeship papers,  
18 information on obtaining public assistance, and other  
19 documents useful in achieving a successful transition  
20 from prison;

21 (4) Involve county agencies whose programs and initiatives  
22 strengthen offender reentry services for individuals



- 1           who have been returned to the county of their  
2           jurisdiction;
- 3           (5) Allow ex-offenders who have reentered the community to  
4           continue to contact mentors who remain incarcerated  
5           through the use of technology such as  
6           videoconferencing, and that encourage mentors in  
7           prison support the ex-offenders reentry process;
- 8           (6) Provide structured programs, post-release housing, and  
9           transitional housing, including group homes for  
10          recovering substance abusers, through which offenders  
11          are provided supervision and services immediately  
12          following reentry into the community;
- 13          (7) Assist offenders in securing permanent housing upon  
14          release or following a stay in transitional housing;
- 15          (8) Continue to link offenders with health resources for  
16          health services that were provided to them when they  
17          were in state custody, including mental health,  
18          substance abuse treatment, aftercare, and treatment  
19          services for contagious diseases;
- 20          (9) Provide education, job training, English as a second  
21          language programs, work experience programs, self-  
22          respect and life skills training, and other skills



1 needed to achieve self-sufficiency for a successful  
2 transition from prison;

3 (10) Facilitate collaboration among corrections  
4 administrators, technical schools, community colleges,  
5 and the workforce development and employment service  
6 sectors so that there are efforts to:

7 (A) Promote, where appropriate, the employment of  
8 people released from prison and jail, through  
9 efforts such as educating employers about  
10 existing financial incentives and facilitate the  
11 creation of job opportunities, including  
12 transitional jobs, for this population that will  
13 benefit communities;

14 (B) Connect offenders to employment, including  
15 supportive employment and employment services,  
16 before their release to the community; and

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

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



- 1           (12) Address systems under which family members of  
2           offenders are involved with facilitating the  
3           successful reentry of those offenders into the  
4           community, including removing obstacles to the  
5           maintenance of family relationships while the offender  
6           is in custody, strengthening the family's capacity to  
7           establish and maintain a stable living situation  
8           during the reentry process where appropriate, and  
9           involving family members in the planning and  
10          implementation of the reentry process;
- 11          (13) Include victims, on a voluntary basis, in the  
12          offender's reentry process;
- 13          (14) Facilitate visitation and maintenance of family  
14          relationships with respect to offenders in custody by  
15          addressing obstacles such as travel, telephone costs,  
16          mail restrictions, and restrictive visitation  
17          policies;
- 18          (15) Identify and address barriers to collaborating with  
19          child welfare agencies in the provision of services  
20          jointly to offenders in custody and to the children of  
21          those offenders;



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



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



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



- 1           (ii) Education;
- 2           (iii) Employment training;
- 3           (iv) Children and family support;
- 4           (v) Conflict resolution skills training;
- 5           (vi) Family violence intervention programs;
- 6           (vii) Other appropriate social services; and
- 7           (E) Establish and implement graduated sanctions and
- 8                 incentives; and
- 9           (27) Provide technology and other tools necessary to
- 10                 advance post release supervision."

11           SECTION 3. There is appropriated out of the general  
 12 revenues of the State of Hawaii the sum of \$4,000,000, 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 planning, development, implementation,  
 16 and expansion of an effective reentry system that offers a full  
 17 continuum of services that are accessible during an adult  
 18 offender's incarceration and immediately after the adult  
 19 offender's reentry into the community.

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

22           SECTION 4. This Act shall take effect on July 1, 2007.





**Report Title:**

Corrections; Offender Reentry System

**Description:**

Establishes offender reentry system to assist adult offenders with preparing for release and reintegration back to the community. Establishes a stakeholder committee and appropriates funds for demonstration projects. (SD1)

