
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.** (a)

15 The director of human services shall:

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

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



1 (3) Review and make available to other states a report on
2 any recommendations regarding the role of the
3 department of human services' child protective
4 services at the time of the arrest of a person.

5 (b) The director of public safety shall:

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

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

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

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



1 § **-6 Employment of ex-offenders.** (a) The director of
2 labor and industrial relations shall take the necessary steps to
3 ensure offenders and ex-offenders are included and involved in
4 utilizing state and private resources for employment and
5 training opportunities as well as life skills and educational
6 opportunities.

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

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

17 § **-8 Reentry specialist position; establishment.** The
18 director of public safety may establish one full-time reentry
19 specialist position within the department of public safety to
20 ensure that offenders have access to reentry programming within
21 all state facilities, monitor all state contracted reentry



1 programs, and facilitate parent-child relationships in the
2 context of correctional facility governance.

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

4 **STAKEHOLDERS COMMITTEE**

5 **§ -21 Offender reentry programs and services**

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



1 minimum on a quarterly basis. The stakeholders committee may
2 work in concert with the corrections population management
3 commission established in chapter 353F.

4 § -22 **Duties and responsibilities.** The duties and
5 responsibilities of the stakeholders committee shall include but
6 not be limited to:

7 (1) Identifying:

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

10 (B) Methods to improve collaboration and coordination
11 of existing programs and services; and

12 (C) Areas of responsibility in which improved
13 collaboration and coordination would result in
14 increased effectiveness or efficiency of service
15 delivery;

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

20 (3) Identifying areas of research that can be coordinated
21 across agencies with an emphasis on applying evidence-



1 based practices to support services, and treatment and
2 intervention programs for reentering offenders;

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

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

13 § -23 **Reporting requirements.** Twenty days prior to the
14 opening of the regular session of the 2008 legislature, and by
15 January 5 of each subsequent year, the stakeholders committee
16 established in section -21 shall submit a report to the
17 legislature on the status of the State's reentry and
18 reintegration programs. The report shall include:

19 (1) The reentry and reintegration programs on each island
20 and in each prison and jail;

21 (2) The number of offenders involved in the programs;

22 (3) The recidivism rate of those involved in each program;



- 1 (4) Barriers and problems associated with the reentry and
- 2 reintegration programs;
- 3 (5) A ranking of programs funded by the State in order of
- 4 most to least successful;
- 5 (6) Possible programs not being implemented but which are
- 6 successful in other jurisdictions, including best
- 7 practices; and
- 8 (7) Suggestions and ideas to improve the reentry and
- 9 reintegration programs to benefit the majority of
- 10 offenders.

11 § -24 **Research and studies.** Research shall be conducted
12 by the stakeholders committee on offender reentry programs, as
13 provided for in this section. The research shall include:

- 14 (1) Identifying the number and characteristics of children
- 15 in the State who have had a parent incarcerated and
- 16 the likelihood of these minors becoming involved in
- 17 the criminal justice systems at some time in their
- 18 lifetime;
- 19 (2) Identifying a mechanism to compare the State's rates
- 20 of recidivism, including rates of re-arrest,
- 21 violations of parole and probation, and
- 22 reincarceration, with offenders in various states;



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

21 **PART III. ADULT OFFENDER REENTRY**

22 **DEMONSTRATION PROJECTS**



1 § -31 **Adult offender reentry demonstration projects.**

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

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

10 (1) Coordinate the supervision and services provided to
11 adult offenders in state custody with the supervision
12 and services provided to offenders who have reentered
13 the community;

14 (2) Coordinate efforts of various public and private
15 entities to provide supervision and services to ex-
16 offenders after reentry into the community with the
17 offenders' family members;

18 (3) Provide offenders awaiting reentry into the community
19 with documents, such as identification papers,
20 referrals to services, medical prescriptions, job
21 training certificates, apprenticeship papers,
22 information on obtaining public assistance, and other



- 1 documents useful in achieving a successful transition
2 from prison;
- 3 (4) Involve county agencies whose programs and initiatives
4 strengthen offender reentry services for individuals
5 who have been returned to the county of their
6 jurisdiction;
- 7 (5) Allow ex-offenders who have reentered the community to
8 continue to contact mentors who remain incarcerated
9 through the use of technology, such as
10 videoconferencing, or encourage mentors in prison to
11 support the ex-offenders' reentry process;
- 12 (6) Provide structured programs, post-release housing, and
13 transitional housing, including group homes for
14 recovering substance abusers, through which offenders
15 are provided supervision and services immediately
16 following reentry into the community;
- 17 (7) Assist offenders in securing permanent housing upon
18 release or following a stay in transitional housing;
- 19 (8) Continue to link offenders with health resources for
20 health services that were provided to them when they
21 were in state custody, including mental health,



- 1 substance abuse treatment, aftercare, and treatment
- 2 services for contagious diseases;
- 3 (9) Provide education, job training, English as a second
- 4 language programs, work experience programs, self-
- 5 respect and life skills training, and other skills
- 6 needed to achieve self-sufficiency for a successful
- 7 transition from prison;
- 8 (10) Facilitate collaboration among corrections
- 9 administrators, technical schools, community colleges,
- 10 and the workforce development and employment service
- 11 sectors so that there are efforts to:
- 12 (A) Promote, where appropriate, the employment of
- 13 persons released from prison, through efforts
- 14 such as educating employers about existing
- 15 financial incentives, and facilitate the creation
- 16 of job opportunities, including transitional
- 17 jobs, for such persons that will also benefit
- 18 communities;
- 19 (B) Connect offenders to employment, including
- 20 supportive employment and employment services,
- 21 before their release to the community; and



- 1 (C) Address barriers to employment, including
- 2 obtaining a driver's license;
- 3 (11) Assess the literacy and educational needs of offenders
- 4 in custody and provide appropriate services to meet
- 5 those needs, including follow-up assessments and long-
- 6 term services;
- 7 (12) Address systems under which family members of
- 8 offenders are involved with facilitating the
- 9 successful reentry of those offenders into the
- 10 community, including removing obstacles to the
- 11 maintenance of family relationships while the offender
- 12 is in custody, strengthening the family's capacity to
- 13 establish and maintain a stable living situation
- 14 during the reentry process where appropriate, and
- 15 involving family members in the planning and
- 16 implementation of the reentry process;
- 17 (13) Include victims, on a voluntary basis, in the
- 18 offender's reentry process;
- 19 (14) Facilitate visitation and maintenance of family
- 20 relationships with respect to offenders in custody by
- 21 addressing obstacles such as travel, telephone costs,



- 1 mail restrictions, and restrictive visitation
- 2 policies;
- 3 (15) Identify and address barriers to collaborating with
- 4 child welfare agencies in the provision of services
- 5 jointly to offenders in custody and to the children of
- 6 those offenders;
- 7 (16) Collect information, to the best of its ability,
- 8 regarding dependent children of incarcerated persons
- 9 as part of intake procedures, including the number of
- 10 children, age, and location or jurisdiction, and
- 11 connect identified children of incarcerated parents
- 12 with appropriate services;
- 13 (17) Address barriers to the visitation of children with an
- 14 incarcerated parent, and maintenance of the parent-
- 15 child relationship, such as the location of facilities
- 16 in remote areas, telephone costs, mail restrictions,
- 17 and visitation policies;
- 18 (18) Create, develop, or enhance prisoner and family
- 19 assessments curricula, policies, procedures, or
- 20 programs, including mentoring programs, to help
- 21 prisoners with a history or identified risk of
- 22 domestic violence, dating violence, sexual assault, or



- 1 stalking reconnect with their families and
2 communities, as appropriate, and become mutually
3 respectful;
- 4 (19) Develop programs and activities that support parent-
5 child relationships, such as:
- 6 (A) Using telephone conferencing to permit
7 incarcerated parents to participate in parent-
8 teacher conferences;
- 9 (B) Using videoconferencing to allow virtual
10 visitation when incarcerated persons are more
11 than one hundred miles from their families;
- 12 (C) Developing books on tape programs, through which
13 incarcerated parents read a book into a tape to
14 be sent to their children;
- 15 (D) The establishment of family days, which provide
16 for longer visitation hours or family activities;
17 or
- 18 (E) The creation of children's areas in visitation
19 rooms with parent-child activities;
- 20 (20) Expand family-based treatment centers that offer
21 family-based comprehensive treatment services for
22 parents and their children as a complete family unit;



- 1 (21) Conduct studies to determine who is returning to
- 2 prison and which of those returning prisoners
- 3 represent the greatest risk to community safety;
- 4 (22) Develop or adopt procedures to ensure that dangerous
- 5 felons are not released from prison prematurely;
- 6 (23) Develop and implement procedures to assist relevant
- 7 authorities in determining when release is appropriate
- 8 and in the use of data to inform the release decision;
- 9 (24) Utilize validated assessment tools to assess the risk
- 10 factors of returning offenders to the community and
- 11 prioritizing services based on risk;
- 12 (25) Facilitate and encourage timely and complete payment
- 13 of restitution and fines by ex-offenders to victims
- 14 and the community;
- 15 (26) Consider establishing the use of reentry courts to:
- 16 (A) Monitor offenders returning to the community;
- 17 (B) Provide returning offenders with:
- 18 (i) Drug and alcohol testing and treatment; and
- 19 (ii) Mental and medical health assessment
- 20 services;
- 21 (C) Facilitate restorative justice practices and
- 22 convene family or community impact panels, family



1 impact educational classes, victim impact panels,
2 or victim impact educational classes;

3 (D) Provide and coordinate the delivery of other
4 community services to offenders, including:

5 (i) Housing assistance;

6 (ii) Education;

7 (iii) Employment training;

8 (iv) Children and family support;

9 (v) Conflict resolution skills training;

10 (vi) Family violence intervention programs;

11 (vii) Other appropriate social services; and

12 (E) Establish and implement graduated sanctions and
13 incentives; and

14 (27) Provide technology and other tools necessary to
15 advance post release supervision."

16 SECTION 3. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so
18 much thereof as may be necessary for fiscal year 2007-2008, and
19 the same sum, or so much thereof as may be necessary for fiscal
20 year 2008-2009, for the planning, development, implementation,
21 and expansion of an effective reentry system that offers a full
22 continuum of services that are accessible during an adult



1 offender's incarceration and immediately after the adult
2 offender's reentry into the community.

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

5 PART II.

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

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

21 During incarceration, offenders may qualify to be
22 transferred to a minimum security correctional facility to



1 participate, as appropriate, in treatment-based services, such
2 as substance abuse treatment at Waiawa correctional facility or
3 sex offender treatment at Kulani correctional facility. When an
4 offender attains community custody status, the offender may
5 participate in furlough, extended furlough, transition, and
6 reintegration programs in the community. These types of
7 programs constitute the latter segment of a continuum of
8 services that help offenders reenter the community as
9 productive, law-abiding citizens.

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



1 The legislature further finds that extended furlough
2 programs could ease overcrowding by freeing up scarce bed space
3 for offenders who require more restrictive environments and pose
4 a risk to public safety. A type of extended furlough program is
5 the day reporting center. Unlike the community correctional
6 centers, or jails, a day reporting center is non-residential and
7 offenders are required to report to the centers but return to
8 their homes to sleep at night.

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

21 Hawaii does not currently have a day reporting center. In
22 the late 1980s and early 1990s, the department of public safety



1 attempted to create a day reporting center in module twenty of
2 the Oahu community correctional center, but overcrowding
3 necessitated that the space be used for housing offenders.
4 Attempts were also made to use the Hale Nani reintegration
5 center on the island of Hawaii as a day reporting center, but
6 again, the space was needed for offender housing and other
7 programs.

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

12 SECTION 5. The department of public safety, through its
13 intake service centers and education divisions, shall establish
14 a two-year pilot day reporting center that will be available to
15 two hundred offenders who have six months to one year left to
16 serve on their sentence. The center shall offer a continuum of
17 services to prepare offenders for transition and reintegration
18 into the community. The center staff shall consist of a program
19 director, counselors, social workers, and other professional and
20 clerical staff. The ideal ratio of counselors to offenders
21 shall be one counselor for every twenty-five offenders. The
22 ideal ratio of social workers to offenders shall be one social



1 worker for every fifteen offenders. The department of public
2 safety may contract with a private or not-for-profit agency for
3 the necessary services to carry out the purposes of this part.

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

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

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

20 The sums appropriated shall be expended by the department
21 of public safety, who may contract with a private or not-for-



1 profit agency to operate the day reporting center for the
2 purposes of this part.

3 PART III.

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

14 Participation in the program is voluntary and only
15 available to victims who want to participate and to inmates who
16 want to reconcile with their victims. The process begins when
17 an inmate requests a "restorative circle" from the inmate's case
18 worker. A restorative circle is a group process that requires
19 an impartial, trained, and experienced community facilitator to
20 meet with the inmate. The facilitator and the inmate discuss
21 the protocol, and determine who the inmate has harmed by the
22 inmate's past behavior and who the inmate wants to invite for



1 support. Each restorative circle is about three hours, with
2 half of the time devoted to reconciliation and the other half
3 devoted to developing a reentry transition plan. To date, there
4 have been approximately twenty-seven restorative circles with a
5 one hundred per cent satisfaction rate reported by the
6 participating victims, offenders, and prison staff.

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

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

20 SECTION 10. The department of public safety shall contract
21 the services of a health and human services provider to
22 establish restorative circles pilot programs in other



1 correctional facilities statewide. The contract shall be
2 executed in accordance with chapter 103F, Hawaii Revised
3 Statutes.

4 SECTION 11. The sums appropriated in section 9 shall be
5 expended by the department of public safety for the purposes of
6 this part.

7 PART IV.

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

16 In 1993, the legislature amended section 353-64, Hawaii
17 Revised Statutes, to require the Hawaii paroling authority to
18 parole a committed person in the county where the committed
19 person had a permanent residence or occupation or employment
20 prior to incarceration, unless that person will reside in a
21 county with a population exceeding eight-hundred thousand, or
22 will immediately depart the State. Where none of those



1 conditions can be met, the committed person will be released to
2 the county of original commitment. At that time, the rationale
3 was that such a requirement would, "prevent the mass release of
4 parolees in the county where confinement institutions are
5 located. Otherwise, the location of new prisons on the neighbor
6 islands will be difficult or impossible." See, S.C. Rep. 486,
7 Judiciary on S.B. No. 833 (1993). Section 706-670, Hawaii
8 Revised Statutes, was also amended to include that same parole
9 requirement. In practical terms, the only county in the State
10 of Hawaii in which the population exceeds eight-hundred thousand
11 persons is the city and county of Honolulu.

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



1 A variety of studies have found that increased contact
2 between inmates and their families can contribute to an inmate's
3 successful reintegration into the community after release. In
4 making the transition back into the community, former inmates
5 turn to their spouses, parents, siblings, grandparents, and
6 other family members for assistance. These family members
7 become the "front line" of reentry, providing former inmates
8 with critical material and emotional support including shelter,
9 food, clothing, leads for jobs, and guidance in staying sober or
10 avoiding criminal behavior. Significantly, successful
11 reintegration is an indicator of reduced risk of re-offense. In
12 turn, decreased recidivism rates benefit the entire citizenry of
13 Hawaii.

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



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

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

12 (1) The committed person will reside in a county in which
13 the population exceeds eight-hundred thousand persons;

14 [~~e~~]

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

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



1 parole to another county in the State, the committed
2 person shall provide a written request to the
3 department not less than six months prior to the
4 expiration of the committed person's longest minimum
5 sentence.

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

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

19 "(3) Prisoner's plan and participation. Each prisoner
20 shall be given reasonable notice of the prisoner's parole
21 hearing and shall prepare a parole plan, setting forth the
22 manner of life the prisoner intends to lead if released on



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

17 (a) Be permitted to consult with any persons whose
18 assistance the prisoner reasonably desires, including
19 the prisoner's own legal counsel, in preparing for a
20 hearing before the authority;

21 (b) Be permitted to be represented and assisted by counsel
22 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.



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PART VII.

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

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

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.

(SD2)

