

JAN 27 2010

A BILL FOR AN ACT

RELATING TO AN AUDIT OF CONTRACTS OF THE DEPARTMENT OF PUBLIC
SAFETY WITH THE CORRECTIONS CORPORATION OF AMERICA AND THE
FEDERAL DETENTION CENTER.

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

1 SECTION 1. In response to the governor's plan to address
2 the State's budget shortfall by, among other things, closing the
3 Kulani correctional facility, a senate ad hoc committee reviewed
4 and assessed the impact that the imminent reduction in
5 government services would have on Hawaii's communities, inmates,
6 and the State's correctional system.

7 Information gathered in briefings held in Hilo and Kailua-
8 Kona on the Big Island and the state capitol, revealed that:

9 (1) The Kulani correctional facility, in operation since
10 1946, is a minimum security facility situated on eight
11 thousand acres outside Hilo, Hawaii. The facility
12 houses adult male felons serving the last four years
13 toward their tentative parole date;

14 (2) The facility is the only department of public safety
15 facility that is a mandatory work camp, requiring all
16 inmates to work full time. Unlike other facilities



1 that have only limited vocational training in mostly
2 unskilled positions, Kulani correctional facility
3 offers a wide range of educational training and
4 occupational skills programs focusing on mechanical
5 repair and maintenance, construction, heavy equipment
6 operation, computer work, and horticulture and
7 conservation. Inmates use these skills in community
8 service projects, helping Big Island communities with
9 projects that would otherwise be unaffordable;

10 (3) The Kulani correctional facility is the only
11 department of public safety facility with a sex
12 offender treatment program for minimum-custody sex
13 offenders who are neither violent nor mentally
14 challenged and are willing to work. The most
15 successful sex offender treatment program in the
16 nation, treatment providers attribute this success to
17 the facility's unique provision of treatment in an
18 environment where inmates must also work and function
19 responsibly with minimum supervision. Options for
20 inmate transfer to other facilities with sex offender
21 treatment are limited, and would involve, for example,
22 housing minimum-custody inmates in medium-security



1 facilities, which conflicts with the standards of the
2 American Correctional Association and the department
3 of public safety's policy and procedures;

4 (4) Discontinuing the programs offered by the Kulani
5 correctional facility will significantly impede
6 present and future inmates from completing their
7 prescriptive programs. Since completion of a
8 prescriptive program is a requirement for parole
9 eligibility, this will force inmates to remain in
10 incarceration longer. It may also impede their
11 successful reentry into society upon release;

12 (5) While the Kulani correctional facility is a 160-bed
13 facility, it has housed up to two hundred twenty
14 inmates without operational problems;

15 (6) Since 2000, the facility has received state capital
16 improvement project funding of \$8,136,937; and

17 (7) As a result of the facility's closure, local vendors
18 will lose tens of thousands of dollars of sales in
19 goods and services, causing a detrimental economic
20 ripple effect for businesses throughout the Big
21 Island.



1 The legislature finds that the information gathered by the
2 ad hoc committee raises questions about the wisdom of closing
3 the Kulani correctional facility. The State has made a
4 significant capital investment in this facility and its closure
5 would severely impede the department of public safety's ability
6 to meet the needs of present and future inmates, its own
7 policies, and accepted corrections standards, and would result
8 in numerous adverse impacts to Big Island communities.

9 The Community Safety Act of 2007 requires the department of
10 public safety to develop a comprehensive and effective offender
11 reentry system plan for adult offenders exiting the prison
12 system. That Act further requires the department to develop
13 comprehensive reentry plans and curricula for individuals
14 exiting correctional facilities to reduce recidivism and
15 increase a person's successful reentry into the community.
16 Kulani correctional facility played a pivotal role in the
17 reentry system, by preparing qualified inmates for their
18 eventual return to the community by providing job training,
19 treatment programs, and graduated exposure to the community.
20 Moreover, Kulani correctional facility's programs were
21 coordinated and articulated with those at the Hawaii community
22 correctional center/Hale Nani, the reentry point for Big Island



1 inmates, thereby enhancing the effectiveness of reentry on the
2 Big Island.

3 The legislature further finds that the closure of this
4 facility with its unique and needed programs, when considered
5 with the fact that six of nine Hawaii correctional facilities
6 are under capacity, raises the question of the cost-
7 effectiveness of the department of public safety's policy of
8 contracting with the Corrections Corporation of America to house
9 a substantial number of Hawaii inmates in mainland private
10 prisons at significant cost to the State and to the detriment of
11 Hawaii inmates whose consideration for parole has and will be
12 delayed due to the absence at these facilities of programs
13 needed by the inmates to complete their prescriptive programs.

14 The department of public safety's own study, presented to
15 the legislature in 2008, indicated that a significant number of
16 inmates housed in medium security prisons on the mainland and at
17 the medium security federal detention center should have been
18 classified as minimum or community security. These inmates
19 could have been housed at Kulani correctional facility and other
20 underutilized facilities in Hawaii. Instead, the department
21 chose to pay a private vendor and the federal government an
22 additional cost to house Hawaii inmates.



1 The purpose of this Act is to require an audit of the
2 department of safety's contracts with the Corrections
3 Corporation of America and the federal detention center in
4 Honolulu, which focuses on a comparison, in terms of quality of
5 programming, costs, and economic benefit to the State, of
6 housing Hawaii inmates in mainland facilities and in the federal
7 detention center, with housing Hawaii inmates in Hawaii
8 facilities operated by the State.

9 SECTION 2. The auditor is directed to conduct a financial
10 and management audit of the department of public safety's
11 contracts with the Corrections Corporation of America and the
12 federal detention center in Honolulu, which focuses on a
13 comparison, in terms of quality of programming, costs, and
14 economic benefit to the State, of housing Hawaii inmates in
15 mainland facilities and the federal detention center in
16 Honolulu, with housing Hawaii inmates in Hawaii facilities
17 operated by the State. The auditor is directed to, among other
18 things:

19 (1) Address the closure of the Kulani correctional
20 facility as part of its analysis in conducting this
21 comparison; and



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1 (2) Make a recommendation on whether the continued housing
 2 of Hawaii inmates in mainland facilities and in the
 3 federal detention center in Honolulu is advisable, in
 4 view of the explicit requirements of the Community
 5 Safety Act of 2007 and its subsequent amendments.

6 SECTION 3. The auditor shall report findings and
 7 recommendations to the legislature no later than twenty days
 8 prior to the convening of the regular session of 2011.

9 SECTION 4. This Act shall take effect upon its approval.
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Report Title:

Corrections; Kulani Correctional Facility; Corrections Corporation of America; Ad Hoc Committee

Description:

Directs the auditor to conduct a financial and management audit of the Department of Public Safety's contract with the Corrections Corporation of America.

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