
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 Hawaii 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
17 that have only limited vocational training in mostly



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

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



1 which conflicts with the standards of the American
2 Correctional Association and the department of public
3 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 one-
13 hundred-sixty-bed facility, it has housed up to two
14 hundred twenty 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 Hawaii Island.

21 The legislature finds that the information gathered by the
22 ad hoc committee raises questions about the wisdom of closing



1 the Kulani correctional facility. The State has made a
2 significant capital investment in this facility, and its closure
3 would severely impede the department of public safety's ability
4 to meet the needs of present and future inmates, its own
5 policies, and accepted corrections standards, and would result
6 in numerous adverse impacts to Hawaii Island communities.

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



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

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



1 The purpose of this Act is to require an audit of the
2 department of public 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 in Honolulu with housing Hawaii inmates in
8 Hawaii facilities operated by the State.

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

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



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 office of the auditor shall report its
7 findings and recommendations, including any proposed
8 legislation, to the legislature no later than twenty days prior
9 to the convening of the regular session of 2011.

10 SECTION 4. This Act shall take effect on July 1, 2020.



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. Effective July 1, 2020.
(SB2533 HD1)

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