



GOV. MSG. NO. 638

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 24, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

I am transmitting herewith HB415 HD2 SD2 CD1, without my approval, and with the statement of objections relating to the measure.

HB415 HD2 SD2 CD1

A BILL FOR AN ACT
RELATING TO PUBLIC SAFETY.

Sincerely,


LINDA LINGLE

EXECUTIVE CHAMBERS

HONOLULU

June 24, 2010

STATEMENT OF OBJECTIONS TO HOUSE BILL NO. 415

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, House Bill No. 415, entitled "A Bill for an Act Relating to Public Safety."

The purpose of this bill is to require the Auditor to conduct an audit of the Department of Public Safety's contracts for prison beds and services outside Hawaii, and the department's contract with the federal detention center. As part of her comparison, the Auditor is directed to "address the closure of Kulani correctional facility" and make a recommendation on "whether the continued housing of Hawaii inmates in mainland facilities and in the federal detention center in Honolulu is advisable, in view of the explicit requirements of Chapter 353H."

This bill is objectionable because, it forces the Auditor to go beyond her duties as specified in HRS 23-4, requiring her to give a legal opinion and make a policy judgment outside the scope of a normal audit. The bill is ineffective because it proposes no solutions to the problems previously identified over many years regarding the lack of funds and facilities to house prisoners in Hawaii.

Further, the audit would duplicate an independent audit that is regularly conducted by a third party covering the fiscal conditions and finances of the Department. The redundant work would consume an estimated \$60,000 in State funds that would result in the loss of resources in the State Department of Defense, a State agency charged with protecting the safety of

STATEMENT OF OBJECTIONS
HOUSE BILL NO. 415
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State residents.

For the foregoing reasons, I am returning House Bill
No. 415 without my approval.

Respectfully,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE
Governor of Hawaii

VETO

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

H.B. NO. 415
H.D. 2
S.D. 2
C.D. 1

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The purpose of this Act is to request an audit
2 of department of public safety contracts for prison beds and
3 services with private entities outside of Hawaii and the federal
4 government.

5 A senate ad hoc committee reviewed and assessed the impact
6 that the closure of Kulani correctional facility and other
7 imminent reduction in government services would have on Hawaii's
8 communities, inmates, and the state's correctional system.
9 Information gathered at briefings held in Hilo and Kailua-Kona
10 on Hawaii Island and the state capitol, revealed that:

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

16 (2) The facility is the only department of public safety
17 facility that is a mandatory work camp, requiring all
18 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 Hawaii Island communities
9 with 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 sex offender
15 treatment program is one of the most successful 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; and

4 (4) While the Kulani correctional facility is a one
5 hundred sixty-bed facility, it has housed up to two
6 hundred twenty inmates without operational problems.

7 Chapter 353H, Hawaii Revised Statutes, the Community Safety
8 Act of 2007, requires the department of public safety to develop
9 a comprehensive and effective offender reentry system plan for
10 adult offenders exiting the prison system. That Act further
11 requires the department to develop comprehensive reentry plans
12 and curricula for individuals exiting correctional facilities to
13 reduce recidivism and increase a person's successful reentry
14 into the community. Kulani correctional facility played a
15 pivotal role in the reentry system, by preparing qualified
16 inmates for their eventual return to the community by providing
17 job training, treatment programs, and graduated exposure to the
18 community. Moreover, Kulani correctional facility's programs
19 were coordinated and articulated with those at the Hawaii
20 community correctional center/Hale Nani, the reentry point for
21 Hawaii Island inmates, thereby enhancing the effectiveness of
22 reentry on the island of Hawaii.



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

12 SECTION 2. The auditor is directed to conduct an audit of
13 the department of public safety's contracts for prison beds and
14 services outside of Hawaii, focusing on a comparison, in terms
15 of quality of programming, costs, and economic benefit to the
16 state, with housing Hawaii inmates in Hawaii facilities operated
17 by the State.

18 The auditor shall also conduct an audit of the department
19 of public safety's contract with the federal detention center in
20 Honolulu, focusing on a comparison, in terms of quality of
21 programming, costs, and economic benefit to the state, with



1 housing Hawaii inmates in Hawaii facilities operated by the
2 State.

3 The auditor is directed to, among other things:

4 (1) Address the closure of the Kulani correctional
5 facility as part of its analysis in conducting this
6 comparison; and

7 (2) Make a recommendation on whether the continued housing
8 of Hawaii inmates in mainland facilities and in the
9 federal detention center in Honolulu is advisable, in
10 view of the explicit requirements of Chapter 353H,
11 Hawaii Revised Statutes, Community Safety Act of 2007,
12 and its subsequent amendments.

13 SECTION 3. The auditor shall report its findings and
14 recommendations to the legislature no later than twenty days
15 prior to the convening of the regular session of 2011.

16 SECTION 4. This Act shall take effect upon its approval.

