

**[CHAPTER 353H]**  
**COMPREHENSIVE OFFENDER REENTRY SYSTEM**

Part I. General Provisions

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## Note

Reentry/reintegration programs; annual reports. L 2010, c 193.

## Cross References

Release on parole to county with family or community support, see §§353-64(3) and 706-670(3).

### "PART I. GENERAL PROVISIONS

**[§353H-1] Title.** This chapter shall be known and may be cited as the Community Safety Act. [L Sp 2007, c 8, pt of §2]

" **[§353H-2] Definitions.** When used in this chapter:

"Community-based long-term support programs" include programs administered and operated by community agencies, faith-based organizations, and other entities offering support to offenders for at least one year.

"Community-based programs" are programs that are administered and operated outside of a correctional facility.

"Department" means the department of public safety.

"Institution-based programs" are services offered within a correctional facility.

"Reentry programs" include programs that are located within a correctional facility.

"Reintegration programs" include programs that are located within a correctional facility.

"Transition programs" include programs that are located within a correctional facility. [L Sp 2007, c 8, pt of §2]

" **[§353H-2.5] Offender reentry office.** There shall be established within the department of public safety an offender reentry office to oversee the development and implementation of the comprehensive offender reentry system.

The offender reentry office shall:

- (1) Ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner;
- (2) Develop and implement risk needs assessment tools to properly place offenders in programs and services;
- (3) Match offenders to programs and services that address risks and needs identified;
- (4) Monitor and record progress made by offenders while participating in prescribed programs and services;

- (5) Identify and make recommendations to address needs not addressed by programs and services;
- (6) Provide training opportunities for department staff and service providers in assessments and evidence-based practices;
- (7) Work closely and collaborate with the community service and work furlough programs located in the community correctional centers and correctional facilities;
- (8) Work closely and collaborate with the Hawaii paroling authority; and
- (9) Work closely and collaborate with community partners such as organizations, businesses, and concerned citizens. [L 2012, c 76, §2]

" **[\$353H-3] Offender reentry system plan; creation.** (a)

The department of public safety shall develop a comprehensive and effective offender reentry system plan for adult offenders exiting the prison system.

(b) The department of public safety shall develop comprehensive reentry plans and curricula for individuals exiting correctional facilities in order to reduce recidivism and increase a person's successful reentry into the community. The reentry plans shall include, but not be limited to:

- (1) Adopting an operational philosophy that considers that offender reentry begins on the day an offender enters the correctional system. Each offender entering the system shall be assessed to determine the offender's needs in order to assist the individual offender with developing the skills necessary to be successful in the community;
- (2) Providing appropriate programs, including, but not limited to, education, substance abuse treatment, cognitive skills development, vocational and employment training, and other programs that help to meet the assessed needs of each individual;
- (3) Developing a comprehensive network of transitional programs to address the needs of individuals exiting the correctional system;
- (4) Ensuring that all reentry programs are gender-responsive;
- (5) Issuing requests for proposals from community-based nonprofit programs with experience with offenders in the area of reentry; and
- (6) Instituting model reentry programs for adult offenders. [L Sp 2007, c 8, pt of §2]

" **[\$353H-4] Model programs; department of public safety.**

Subject to funding by the legislature, the department of public safety shall enhance the State's comprehensive offender reentry system by developing model programs designed to reduce recidivism and promote successful reentry into the community. Components of the model programs shall include but are not limited to:

- (1) Highly skilled staff who are experienced in working with offender reentry programs;
- (2) Individualized case management and a full continuum of care to ensure successful reentry;
- (3) Life skills development workshops, including budgeting, money management, nutrition, and exercise; development of self-determination through education; employment training; special education for the learning disabled; social, cognitive, communication, and life skills training; and appropriate treatment programs, including substance abuse and mental health treatment;
- (4) Parenting and relationship building classes. The department shall institute policies that support family cohesion and family participation in offenders' transition to the community, and, where possible, provide geographical proximity of offenders to their children and families; and
- (5) Ongoing attention to building support for offenders from communities, community agencies, and organizations. [L Sp 2007, c 8, pt of §2]

" **[\$353H-5] Children of incarcerated parents; families.** The director of public safety shall:

- (1) Establish policies or rules that parent inmates be placed in correctional facilities, consistent with public safety and inmate security, in the best interest of the family, rather than on economic or administrative factors;
- (2) Consider as a factor an offender's capacity to maintain parent-child contact when making prison placements of offenders;
- (3) Conduct, coordinate, or promote research that examines the impact of a parent's incarceration on the well-being of the offender's child that shall include both direct contact with an offender's child, as well as reports of caregivers; and
- (4) Conduct, coordinate, or promote research that focuses on the relationship of incarcerated fathers with their

children and the long-term impact of incarceration on fathers and their children. [L Sp 2007, c 8, pt of §2]

" **[§353H-6] Employment of ex-offenders.** (a) The director of labor and industrial relations shall take the necessary steps to ensure offenders and ex-offenders are included and involved in utilizing state and private resources for employment and training opportunities as well as life skills and educational opportunities.

(b) The department of public safety, with the assistance of the department of taxation and the department of labor and industrial relations, shall develop and propose for legislative consideration, tax incentives for employers who hire individuals who were formerly incarcerated. [L Sp 2007, c 8, pt of §2]

" **[§353H-7] Return of out-of-state inmates.** (a) The director of public safety shall return Hawaii inmates held in out-of-state prisons at least one year prior to the inmate's parole or release date in order for these inmates to participate in programs preparing them for reentry on the island where they have the most support; provided that inmates participating in reentry programs at the mainland facility in which they are incarcerated consent to the return.

(b) The provisions of subsection (a) shall not prevent the return of other Hawaii inmates held in out-of-state prisons with less than one year left of their sentence from being returned in preparation for reentry to the island where they have the most support.

(c) The department of public safety shall provide a report to the legislature at the end of each calendar year on any inmates not returned pursuant to this section with an explanation of the reasoning and circumstances for noncompliance. [L Sp 2007, c 8, pt of §2]

**"PART II. OFFENDER REENTRY LEGISLATIVE OVERSIGHT  
COMMITTEE--REPEALED**

**§353H-21 REPEALED.** L 2010, c 4, §11.

**"PART III. ADULT OFFENDER REENTRY PROGRAMS AND SERVICES**

**[§353H-31] Adult offender reentry programs and services.**  
(a) The director of public safety may authorize purchase of service contracts, in accordance with chapter 103F, subject to legislative or other appropriate funding, for adult offender reentry programs and services that establish or improve the offender reentry system and in which each adult offender in

state correctional custody is provided an individualized reentry plan.

(b) Subject to funding by the legislature or other appropriate sources, the department of public safety shall authorize the purchase of service contracts for activities that:

- (1) Coordinate the supervision and services provided to adult offenders in state custody with the supervision and services provided to offenders who have reentered the community;
- (2) Coordinate efforts of various public and private entities to provide supervision and services to ex-offenders after reentry into the community with the offenders' family members;
- (3) Provide offenders awaiting reentry into the community with documents, such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, information on obtaining public assistance, and other documents useful in achieving a successful transition from prison;
- (4) Involve county agencies whose programs and initiatives strengthen offender reentry services for individuals who have been returned to the county of their jurisdiction;
- (5) Allow ex-offenders who have reentered the community to continue to contact mentors who remain incarcerated through the use of technology, such as videoconferencing, or encourage mentors in prison to support the ex-offenders' reentry process;
- (6) Provide structured programs, post-release housing, and transitional housing, including group homes for recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;
- (7) Assist offenders in securing permanent housing upon release or following a stay in transitional housing;
- (8) Continue to link offenders with health resources for health services that were provided to them when they were in state custody, including mental health, substance abuse treatment, aftercare, and treatment services for contagious diseases;
- (9) Provide education, job training, English as a second language programs, work experience programs, self-respect and life-skills training, and other skills needed to achieve self-sufficiency for a successful transition from prison;

- (10) Facilitate collaboration among corrections administrators, technical schools, community colleges, and the workforce development and employment service sectors so that there are efforts to:
  - (A) Promote, where appropriate, the employment of persons released from prison, through efforts such as educating employers about existing financial incentives, and facilitate the creation of job opportunities, including transitional jobs, for such persons that will also benefit communities;
  - (B) Connect offenders to employment, including supportive employment and employment services, before their release to the community; and
  - (C) Address barriers to employment, including obtaining a driver's license;
- (11) Assess the literacy and educational needs of offenders in custody and provide appropriate services to meet those needs, including follow-up assessments and long-term services;
- (12) Address systems under which family members of offenders are involved with facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to establish and maintain a stable living situation during the reentry process where appropriate, and involving family members in the planning and implementation of the reentry process;
- (13) Include victims, on a voluntary basis, in the offender's reentry process;
- (14) Facilitate visitation and maintenance of family relationships with respect to offenders in custody by addressing obstacles such as travel, telephone costs, mail restrictions, and restrictive visitation policies;
- (15) Identify and address barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of those offenders;
- (16) Collect information, to the best of the department's ability, regarding dependent children of incarcerated persons as part of intake procedures, including the number of children, age, and location or jurisdiction for the exclusive purpose of connecting identified

- children of incarcerated parents with appropriate services and compiling statistical information;
- (17) Address barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;
  - (18) Create, develop, or enhance prisoner and family assessments curricula, policies, procedures, or programs, including mentoring programs, to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate, and become mutually respectful;
  - (19) Develop programs and activities that support parent-child relationships, such as:
    - (A) Using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;
    - (B) Using videoconferencing to allow virtual visitation when incarcerated persons are more than one hundred miles from their families;
    - (C) Developing books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;
    - (D) The establishment of family days, which provide for longer visitation hours or family activities; or
    - (E) The creation of children's areas in visitation rooms with parent-child activities;
  - (20) Expand family-based treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit;
  - (21) Conduct studies to determine who is returning to prison and which of those returning prisoners represent the greatest risk to community safety;
  - (22) Develop or adopt procedures to ensure that dangerous felons are not released from prison prematurely;
  - (23) Develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;
  - (24) Utilize validated assessment tools to assess the risk factors of returning offenders to the community and prioritizing services based on risk;



- (25) Facilitate and encourage timely and complete payment of restitution and fines by ex-offenders to victims and the community;
- (26) Consider establishing the use of reentry courts to:
  - (A) Monitor offenders returning to the community;
  - (B) Provide returning offenders with:
    - (i) Drug and alcohol testing and treatment; and
    - (ii) Mental and medical health assessment services;
  - (C) Facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;
  - (D) Provide and coordinate the delivery of other community services to offenders, including:
    - (i) Housing assistance;
    - (ii) Education;
    - (iii) Employment training;
    - (iv) Children and family support;
    - (v) Conflict resolution skills training;
    - (vi) Family violence intervention programs; and
    - (vii) Other appropriate social services; and
  - (E) Establish and implement graduated sanctions and incentives; and
- (27) Provide technology and other tools necessary to advance post-release supervision. [L Sp 2007, c 8, pt of §2]