

LATE

THE SENATE
TWENTY-NINTH LEGISLATURE, 2018
STATE OF HAWAII

S.B. NO. 2858

JAN 24 2018

A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. Act 8, First Special Session Laws of Hawaii
2 2007 (Act 8), enacted the Community Safety Act, which was
3 codified as chapter 353H, Hawaii Revised Statutes. The
4 Community Safety Act established a comprehensive offender
5 reentry system under the purview of the department of public
6 safety. Act 8 also required the department of public safety to
7 submit to the legislature annual reports through 2010 relating
8 to the implementation, progress, and effectiveness of the
9 program components specified in Act 8.

10 While the department of public safety's annual report lists
11 program activities and statistics, it does not include
12 information on program outcomes. The legislature finds that
13 performance indicators are an effective way to track the
14 progress of the comprehensive reentry system and to reflect any
15 change to the department's approach to rehabilitation and
16 reentry as mandated by Act 8.

17 The purpose of this Act is to:



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1 (1) Require the department of public safety to establish
2 key performance indicators or measures to be
3 incorporated in reports that evaluate the department's
4 efforts to improve offender reentry and
5 rehabilitation; and

6 (2) Consolidate into one report other specified reports of
7 the department of public safety.

8 SECTION 2. Chapter 353, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§353-_____ Annual corrections and program report. (a) No
12 later than twenty days prior to the convening of each regular
13 session, beginning with the regular session of 2019, the
14 department shall submit an annual corrections and program
15 report, among other reports that may be required from time to
16 time, that consolidates into one report the reports required by
17 the following laws:

18 (1) Act 144, Session Laws of Hawaii 2007, section 4,
19 relating to mental health services for committed
20 persons;



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- 1 (2) Act 213, Session Laws of Hawaii 2007, section 105,
- 2 relating to mental health services at certain
- 3 correctional facilities;
- 4 (3) Act 240, Session Laws of Hawaii 2008, section 5,
- 5 relating to children of incarcerated persons;
- 6 (4) Act 193, Session Laws of Hawaii 2010, relating to
- 7 cognitive restructuring;
- 8 (5) Section 353H- , relating to key performance
- 9 indicators; and
- 10 (6) Section 367D-8, relating to gender-responsive programs
- 11 for women;

12 provided that the repeal or expiration of any individual
 13 reporting requirement described in paragraphs (1) through (6)
 14 shall not repeal or otherwise affect the department's duty to
 15 submit the same report pursuant to this section.

16 (b) The department shall post the report electronically on
 17 the department's website in a timely manner."

18 SECTION 3. Chapter 353H, Hawaii Revised Statutes, is
 19 amended by adding a new section to be appropriately designated
 20 and to read as follows:



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1 "§353H- Key performance indicators; reporting. (a)

2 The department shall develop key performance indicators that
3 accurately reflect progress toward specific goals, including:

- 4 (1) Reducing the rate of recidivism;
- 5 (2) Decreasing prisoner assaults on correctional staff;
- 6 (3) Reducing correctional staff turnover; and
- 7 (4) Improving departmental efficiencies in staffing,
8 budgeting, and data management and analysis.

9 (b) The department shall submit a report to the
10 legislature no later than twenty days prior to the convening of
11 each regular session, beginning with the regular session of
12 2019. Each report shall reference key performance indicators
13 for that period that track rehabilitation and reentry efforts
14 for individuals who are prepared to exit the correctional
15 system.

16 (c) The key performance indicators shall include:
17 (1) The total number of intakes, by month, including how
18 many intakes
19 within the last year; and the last five years;



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- 1 (9) The cost per inmate per day, per facility;
- 2 (10) The median length of stay, excluding inmates who have
- 3 life or parole sentences; ✓ by max out or parole
- 4 (11) The total number of inmates released, by month;
- 5 (12) The number of individuals for whom a reentry plan is denial by
- 6 filed and the number of individuals who exit jail or Jurisdiction
- 7 prison with a reentry plan; and and month;
- 8 (13) The prison population forecast for the next decade. Number of
- 9 (d) The department shall post the reports electronically Parole
- 10 on the department's website in a timely manner." revocation

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY:

Clarence H. Fisher

[Signature]

Rosely H. Bal

Will Gu



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S.B. NO. 2858

Report Title:

Inmate Rehabilitation; Reentry System; Performance Indicators

Description:

Requires the Department of Public Safety to establish key performance indicators for inmate reentry system. Requires reports, using key performance indicators, to be provided to the legislature. Creates the annual corrections and program report as a consolidated report of other annual reports.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, January 30, 2018

1:15 pm

Room 229

STRONG SUPPORT SB 2858 - DATA

Aloha Chair Nishihara, Vice Chair Wakai and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the approximately 5,500 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,600 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

SB2858 requires the Department of Public Safety to establish key performance indicators for inmate reentry system, reports, using key performance indicators, to be provided to the legislature, and creates the annual corrections and program report as a consolidated report of other annual reports.

Community Alliance on Prisons is in strong support of this measure and any bill or resolution that mandates transparency and open access to data.

The department does file lots of reports every year with the legislature. Please mandate that these are not the usual "cut and paste" say-nothing reports for which this department is known. Open access means that the community has quick access to raw data.

The only way for a department to improve its services is to track how they are doing. If the legislature and the community do not have access to data, then we have the current situation - a dysfunctional department that operates in secret with zero accountability.

Community Alliance on Prisons urges the committee to support this measure.

"Integrity is the lifeblood of democracy, Deceit is a poison in its veins."

Edward Kennedy



Committee: Committee on Public Safety, Intergovernmental, and Military Affairs
Hearing Date/Time: Tuesday, January 30, 1:15 p.m.
Place: Conference Room 229

Re: Testimony of the ACLU of Hawai'i in support of S.B. 2861 and S.B. 2858, Relating to Establishing Key Performance Indicators

Dear Chair Nishihara, Vice Chair Wakai, and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs:

The American Civil Liberties Union of Hawai'i writes in **strong support** of S.B. 2861 and S.B. 2858, which require the Department of Public Safety ("**DPS**") to, among other things, develop performance measures to track progress in improving recidivism rates, decreasing prisoner assaults, reducing staff turnover, and improving efficiencies. We support these measures, because clear performance metrics are important not only to public safety but also to transparency, efficiency, and accountability.

S.B. 2861 and S.B. 2858 also require that DPS develop key performance indicators, including various data points relating to intakes, offender demographics, length of stay, etc. One of the barriers to meaningful and evidence-based criminal and correctional reform in Hawai'i is lack of relevant data. Therefore, we respectfully request that your Committee amend both bills to clearly require DPS to publish all data for all performance measures and all key performance indicators on at least a quarterly basis. We also request that your Committee amend both bills to require DPS to include the following key performance indicators concerning pretrial detention:

(1) number of pretrial detainees by type of crime, bail amount, risk assessed, gender, race, and age, (2) number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age, (3) number of pretrial detainees released or discharged each month and reason for release or discharge by type of crime, bail amount, risk assessed, gender, race, and age, (4) average length of stay for pretrial detainees by reason for release/discharge, type of crime, amount, risk assessed, gender, race, and age, (5) number of pretrial detainees held on cash bail by type of crime, bail amount, risk assessed, gender, race, and age, (6) average length of time for completing and verifying pretrial risk assessment by type of crime, amount, risk assessed, gender, race, and age, and (7) number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age. This data will allow DPS, the Legislature, the Judiciary, and the public to better assess Hawai'i's pretrial detention system as we all weigh important decisions about the future of pretrial

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detention in Hawai'i and the Oahu Community Correctional Center, which currently holds about 559 pretrial detainees, including 74 detainees accused only of a misdemeanor.

Thank you for the opportunity to testify.

Sincerely,



Mateo Caballero
Legal Director
ACLU of Hawai'i

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

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SB-2858

Submitted on: 1/30/2018 11:15:08 AM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota		Support	No

Comments:

Hawai'i Justice Coalition supports this bill as it would increase two important oversight goals: increasing transparency and accountability within the Department of Public Safety - by requiring PSD to develop performance measures to track process in decreasing prisoner assaults, reducing staff turnover, improving recidivism rates.

In addition, this bill would require PSD to track meaningful data that is essential to enacting comprehensive criminal justice reform. Other jurisdictions that have successful implemented Smart Justice policies consistently review data to measure success, and identify areas for improvement.

Please pass SB 2858.

Submitted on behalf of: Hawai'i Justice Coalition