ACT 212   S.B. NO. 2861

A Bill for an Act Relating to Public Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. According to The Pew Center on the States, one in thirty-two adults in Hawaii is under correctional control. The legislature recognized that the financial, social, and economic costs of incarceration without adequate rehabilitation are staggering, and thus enacted Act 8, Special Session Laws of Hawaii 2007 (Act 8), also known as the Community Safety Act of 2007 and codified as chapter 353H, Hawaii Revised Statutes. Act 8 established a comprehensive offender reentry system under the purview of the department of public safety. One key component of Act 8 required the department of public safety to submit annual reports relating to the implementation, progress, and effectiveness of the various program components specified in Act 8.

While the department's annual report listed program activities and statistics, it did not include information on program outcomes. The legislature finds that use of performance indicators is an effective way to monitor and evaluate the progress of the comprehensive reentry system and to reflect the philosophical change to the department's approach to rehabilitation and reentry mandated by Act 8. Additionally, the legislature requires specific data to accurately assess programs and to continue to improve public policy.

The purpose of this Act is to:

(1) Direct the department of public safety to establish key performance indicators or measures to be incorporated in reports that evaluate the outcomes of program components as required in Act 8; and

(2) Require the department of public safety to submit specific program participation data annually to the legislature.

SECTION 2. Chapter 353H, Hawaii Revised Statutes, is amended by adding two new sections to be appropriately designated and to read as follows:

"§353H-   **Performance indicator reporting.** (a) The department of public safety shall develop performance measures that accurately reflect progress toward specific goals, including:

(1) Improving recidivism rates;

(2) Decreasing prisoner assaults on correctional staff;

(3) Reducing correctional staff turnover; and

(4) Improving departmental efficiencies in staffing, budgeting, and data management and analysis.

(b) The department shall develop key performance indicators, which shall include:

(1) The number of individuals enrolled in and who have completed a general education diploma or competency-based diploma;

(2)   The number of individuals for whom a reentry plan is filed and the number of individuals who exit jail or prison with a reentry plan;

(3)   Drug test failure rates of inmates while incarcerated and while on parole;

(4)   The number of inmates currently enrolled in and who have completed drug treatment programs provided by the department of public safety;

(5)   The number of inmates currently enrolled in and who have completed restorative circles;

(6)   The number of parolees who have applied for a reduction of their minimum sentence, the number of applications approved and denied, and, when applicable, the reasons for the denial of a parolee's application;

(7)   The number of parole revocation hearings and the results of parole revocation hearings that, when applicable, explain why the parolees' revocation was denied;

(8)   The cost of incarceration per inmate, per day, per facility;

(9)   Offender demographics, including gender, race, age, and type of offense;

(10)   The number of individuals who received vocational training or rehabilitation services and type of vocational training or rehabilitation services received;

(11)   The total number of inmate intakes, by month, including the number of intakes each month within the past year and past five years;

(12)   The total number of inmates released, by month;

(13)   The number of inmates with substance abuse problems, including the type of dependence or addiction, and the number of inmates with no reported substance abuse problems;

(14)   The median length of incarceration, excluding inmates who have received life sentences or been paroled;

(15)   The prison population forecast for the next decade;

(16)   The total number of pretrial detainees and the number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age;

(17)   The number of pretrial detainees released or discharged each month and the reason for the release or discharge by type of crime, bail amount, risk assessed, gender, race, and age;

(18)   The average length of stay for pretrial detainees by reason for release or discharge, type of crime, bail amount, risk assessed, gender, race, and age;

(19)   The number of pretrial detainees held on cash bail by type of crime, bail amount, risk assessed, gender, race, and age;

(20)   The average amount of time for completing and verifying pretrial risk assessment by type of crime, bail amount, risk assessed, gender, race, and age; and

(21)   The number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age.

§353H-   **Annual reporting requirements.** (a) For each program established pursuant to this chapter, the department shall submit a report to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018. Each report shall reference key performance indicators that track rehabilitation and reentry efforts for individuals being prepared to exit the correctional system. The report shall also include:

(1) A complete list of programs offered;
(2) The length of each program;
(3) Each program's success rate, including the percentage of participant completion in the previous two years;
(4) A description of participant criteria assessed by the program for admittance;
(5) The number of available positions with each program;
(6) The number of potential participants on waiting lists;
(7) The number of participants who do not complete the program;
(8) A summary of reasons why participants do not complete a program; and
(9) A complete list of programs that are no longer offered and explanations for termination of the programs.

(b) The department shall also submit a report, including all of the key performance indicators provided under this chapter, to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018.

(c) The department shall also post the reports electronically on the department's website in a timely manner."

SECTION 3. Section 353G-13, Hawaii Revised Statutes, is amended by amending subsection (c) to read as follows:

"(c) The department of public safety, in conjunction with the department of health, shall report on an annual basis to the legislature and to the governor, its findings concerning the need for and implementation of the various provisions of this chapter. The report shall include information collected under subsection (a) and a synopsis of information or data necessary to determine the impact, utility, and cost-benefits of the provisions of this chapter. The report shall also include:

(1) A complete list of programs offered;
(2) The length of each program;
(3) Each program's success rate, including the percentage of participant completion in the previous two years;
(4) A description of participant criteria assessed by the program for admittance;
(5) The number of available positions with each program;
(6) The number of potential participants on waiting lists;
(7) The number of participants who do not complete the program;
(8) A summary of common reasons why participants do not complete a program; and
(9) A complete list of programs no longer offered, with explanations for termination of the programs.

The department shall also post the reports electronically on the department's website in a timely manner."

SECTION 4. New statutory material is underscored.[1]

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

(Approved July 10, 2018.)

Note

1. Edited pursuant to HRS §23G-16.5.