



GOV. MSG. NO. 1041

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 10, 2007

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

Dear Madam President and Members of the Senate:

I am transmitting herewith SB932 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB932 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO A
COMPREHENSIVE OFFENDER REENTRY SYSTEM.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

WHEREAS, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 932, entitled "A Bill for an Act Relating to A Comprehensive Offender Reentry System," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 932 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 932 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,
State of Hawaii, this 25th
day of June, 2007.



LINDA LINGLE
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 932

Honorable Members
Twenty-Fourth 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, Senate Bill No. 932, entitled "A Bill for an Act Relating to A Comprehensive Offender Reentry System."

The purposes of this bill are to establish a comprehensive offender reentry system for adult offenders with reentry programs, form a one-year pilot day reporting center work furlough program administered by the department of public safety, and create a legislative oversight committee. A total of \$3.5 million is appropriated in fiscal year 2007-08 only for these programs.

This bill is objectionable because it endangers the well-being of the inmate population, compromises the safety of the community, may expose the State to costly litigation, and provides only a single year of funding for programs with multi-year impacts.

First, this bill would require the return of out-of-state inmates at least one year prior to the inmate's parole or release date, irrespective of whether there is available space to house the inmates. This is objectionable because statutorily requiring the indiscriminate determination of an offender's eligibility for reentry into the community based on his/her release date, rather than the cognitive and behavioral preparedness of the offender without consideration for public

STATEMENT OF OBJECTIONS
SENATE BILL NO. 932
Page 2

safety and inmate security, endangers the safety of the community, may create additional overcrowding and unsafe conditions for prisoners, and exposes the State to liability. This will also increase the number of inmate litigations in cases where the department has no available beds and could result in the early release of prisoners.

Second, the bill establishes unrealistic expectations that inmates will be incarcerated in facilities nearest their families without providing the means for carrying out this policy. Overcrowding already exists at a number of Hawaii's current in-state correctional institutions. To lead inmates to believe they will be placed in a location where there is no room is unfair to the prisoner, misleading to his or her family, and discriminates against those inmates who do not have dependents. Further, it may expose the State to potential costly litigation.

Third, the bill appropriates \$3.5 million outside of the legislatively approved biennium budget to start programs in fiscal year 2007-2008 but fails to provide funding in the subsequent year or address the fiscal implications of these programs in future years. This is fiscally imprudent and could lead to the start-up of programs that would have to be closed down less than 12 months later.

Finally, The Offender Reentry Legislative Oversight Committee, established by Part II, is duplicative of the authority the Legislature already has to conduct site visits, access areas in correctional facilities, hold public meetings, and make recommendations to the Department of Public Safety. Further, this Committee duplicates efforts of the Corrections Population Management Commission established by Act 343 of 1993

STATEMENT OF OBJECTIONS
SENATE BILL NO. 932
Page 3

which already includes members of the Legislature.

For the foregoing reasons, I am returning Senate Bill
No. 932 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

A BILL FOR AN ACT

RELATING TO A COMPREHENSIVE OFFENDER REENTRY SYSTEM.

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

PART I

1
2 SECTION 1. The legislature finds that in 2005, there were
3 16,825 persons on probation statewide under the jurisdiction of
4 the State's four judicial districts. Additionally, in 2005, the
5 Hawaii paroling authority was responsible for supervising 2,119
6 parolees. As of December 25, 2006, the department of public
7 safety had 5,982 persons in its correctional system. These
8 numbers are significant in the context of a comprehensive effort
9 to reintegrate ex-offenders back into our communities as
10 productive, law-abiding citizens.

11 In recent years, state and local government agencies
12 throughout the country have begun to establish improved systems
13 for reintegrating ex-offenders as a way to prevent large numbers
14 of offenders from returning to prison. A United States
15 Department of Justice study found that sixty-seven per cent of
16 those released from state prisons in 1994 were re-arrested for a
17 new crime within the first three years after their release.



1 Forty-six per cent of the arrestees were reconvicted for a new
2 crime and fifty-one per cent were returned to prison. Efforts
3 to reduce recidivism would greatly benefit the State of Hawaii,
4 given that the State's prison capacity is sorely inadequate and
5 has been severely overcrowded for the past two decades.

6 The financial, social, and economic costs of incarceration
7 without rehabilitation are staggering. According to the 2004
8 annual report of the department of public safety, the
9 corrections division budget for fiscal year 2003-2004 was
10 \$190,000,000. This figure excludes the nearly \$50,000,000 in
11 costs attributable to the contract with the Corrections
12 Corporation of America to house Hawaii offenders in four private
13 correctional institutions in the continental United States.
14 Further, this figure does not include the cost of arrest and
15 prosecution, nor does it take into account the cost to victims.
16 There are also financial costs associated with the health care
17 of incarcerated populations, who have a high prevalence of
18 infectious disease, substance abuse, and mental health
19 disorders.

20 One of the most significant social costs of incarceration
21 is its impact on children. A report commissioned by Child and
22 Family Services in 2003 estimated that there were approximately



1 six thousand children of incarcerated parents in Hawaii.
2 According to the federal Bureau of Prisons, there is evidence to
3 suggest that offenders who retain kinship ties with their
4 children and families are more likely to avoid negative behavior
5 while incarcerated and are more likely to obtain reduced
6 sentences.

7 In terms of economic costs, studies have shown that fifteen
8 to twenty-seven per cent of prisoners expect to go to a homeless
9 shelter upon release from prison. Additionally, as many as
10 sixty per cent of ex-offenders fail to find stable employment in
11 the legal labor market one year after release. A felony record
12 precludes many from gainful employment and may result in
13 persistent discrimination in the labor market. In addition to
14 housing and employment, there are the enormous economic costs of
15 crimes committed in order to obtain money for drugs.

16 The legislature further finds that sixty to eighty per cent
17 of the nation's correctional population has used illegal drugs
18 at some point in their lives. Furthermore, a United States
19 Department of Justice analysis indicates that only fifty per
20 cent of federal offenders and forty per cent of state offenders
21 have taken part in substance abuse treatment programs since
22 being admitted to prison. Substance abuse education, treatment,



1 intervention, and follow-up services are clearly needed in a
2 comprehensive offender reentry system.

3 An offender reentry system must also consider the
4 correlation between education and recidivism. According to the
5 National Institute for Literacy, seventy per cent of all
6 offenders function at the two lowest literacy levels. A Bureau
7 of Justice Statistics analysis has found that less educated
8 offenders are more prone to recidivism. Moreover, a recent
9 United States Department of Education study found that
10 participation in a state correctional education program lowers
11 the likelihood of reincarceration by twenty-nine per cent. A
12 federal Bureau of Prisons study found a thirty-three per cent
13 drop in recidivism among federal prisoners who participated in
14 vocational and apprenticeship training.

15 The legislature finds that increased recidivism results in
16 profound collateral consequences, including public health risks,
17 homelessness, unemployment, and disenfranchisement.
18 Accordingly, systems and programs that provide assistance with
19 offenders' transition from institutional to community life are
20 critical to the families, neighborhoods, and communities to
21 which the offender returns.



1 The legislature further finds that in order for an offender
2 to successfully reenter the community, the offender must have
3 access to a full continuum of services during incarceration and
4 immediately upon release. Correctional institutions, corporate
5 and not-for-profit agencies, as well as faith-based institutions
6 must be involved in a comprehensive effort to meet the needs of
7 offenders returning to our communities. Support services needed
8 upon release include education, continuing education, vocational
9 training, follow-up treatment services, support with finding
10 housing and employment, and help with family issues and other
11 elements of life after incarceration.

12 The purpose of this part is to establish a comprehensive
13 offender reentry system under the purview of the department of
14 public safety that assists adult offenders with their
15 reintegration back into our communities and offers a full
16 continuum of services that are accessible during and immediately
17 after their incarceration. Parts II through VI address specific
18 elements of the comprehensive offender reentry system.

19 SECTION 2. The Hawaii Revised Statutes is amended by
20 adding a new chapter to be appropriately designated and to read
21 as follows:



1 "CHAPTER

2 COMPREHENSIVE OFFENDER REENTRY SYSTEM

3 PART I. GENERAL PROVISIONS

4 § -1 Title. This chapter shall be known and may be
5 cited as the Community Safety Act.

6 § -2 Definitions. When used in this chapter:

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

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

13 "Department" means the department of public safety.

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

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

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

20 "Transition programs" include programs that are located
21 within a correctional facility.



1 § -3 Offender reentry system plan; creation. (a) The
2 department of public safety shall develop a comprehensive and
3 effective offender reentry system plan for adult offenders
4 exiting the prison system.

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

10 (1) Adopting an operational philosophy that considers that
11 offender reentry begins on the day an offender enters
12 the correctional system. Each offender entering the
13 system shall be assessed to determine the offender's
14 needs in order to assist the individual offender with
15 developing the skills necessary to be successful in
16 the community;

17 (2) Providing appropriate programs, including, but not
18 limited to, education, substance abuse treatment,
19 cognitive skills development, vocational and
20 employment training, and other programs that help to
21 meet the assessed needs of each individual;



- 1 (3) Developing a comprehensive network of transitional
- 2 programs to address the needs of individuals exiting
- 3 the correctional system;
- 4 (4) Ensuring that all reentry programs are gender-
- 5 responsive;
- 6 (5) Issuing requests for proposals from community-based
- 7 nonprofit programs with experience with offenders in
- 8 the area of reentry; and
- 9 (6) Instituting model reentry programs for adult
- 10 offenders.

11 § -4 Model programs; department of public safety.

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

- 18 (1) Highly skilled staff who are experienced in working
- 19 with offender reentry programs;
- 20 (2) Individualized case management and a full continuum of
- 21 care to ensure successful reentry;



- 1 (3) Life skills development workshops, including
2 budgeting, money management, nutrition, and exercise;
3 development of self-determination through education;
4 employment training; special education for the
5 learning disabled; social, cognitive, communication,
6 and life skills training; and appropriate treatment
7 programs, including substance abuse and mental health
8 treatment;
- 9 (4) Parenting and relationship building classes. The
10 department shall institute policies that support
11 family cohesion and family participation in offenders'
12 transition to the community, and, where possible,
13 provide geographical proximity of offenders to their
14 children and families; and
- 15 (5) Ongoing attention to building support for offenders
16 from communities, community agencies, and
17 organizations.

18 § -5 Children of incarcerated parents; families. The
19 director of public safety shall:

- 20 (1) Establish policies or rules that parent inmates be
21 placed in correctional facilities, consistent with
22 public safety and inmate security, in the best



1 interest of the family, rather than on economic or
2 administrative factors;

3 (2) Consider as a factor an offender's capacity to
4 maintain parent-child contact when making prison
5 placements of offenders;

6 (3) Conduct, coordinate, or promote research that examines
7 the impact of a parent's incarceration on the well-
8 being of the offender's child that shall include both
9 direct contact with an offender's child, as well as
10 reports of caregivers; and

11 (4) Conduct, coordinate, or promote research that focuses
12 on the relationship of incarcerated fathers with their
13 children and the long-term impact of incarceration on
14 fathers and their children.

15 § -6 **Employment of ex-offenders.** (a) The director of
16 labor and industrial relations shall take the necessary steps to
17 ensure offenders and ex-offenders are included and involved in
18 utilizing state and private resources for employment and
19 training opportunities as well as life skills and educational
20 opportunities.

21 (b) The department of public safety, with the assistance
22 of the department of taxation and the department of labor and



1 industrial relations, shall develop and propose for legislative
2 consideration, tax incentives for employers who hire individuals
3 who were formerly incarcerated.

4 § -7 Return of out-of-state inmates. (a) The director
5 of public safety shall return Hawaii inmates held in out-of-
6 state prisons at least one year prior to the inmate's parole or
7 release date in order for these inmates to participate in
8 programs preparing them for reentry on the island where they
9 have the most support; provided that inmates participating in
10 reentry programs at the mainland facility in which they are
11 incarcerated consent to the return.

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

17 (c) The department of public safety shall provide a report
18 to the legislature at the end of each calendar year on any
19 inmates not returned pursuant to this section with an
20 explanation of the reasoning and circumstances for
21 noncompliance.

22



1 **PART II. OFFENDER REENTRY LEGISLATIVE OVERSIGHT COMMITTEE**

2 **§ -21 Legislative oversight committee; established.**

3 There is established a legislative oversight committee to ensure
4 transparency in the operations of the department, analyze the
5 effectiveness of the department's governance, operations, and
6 administration of its programs and services, evaluate the
7 department's purchase of community-based programs and services,
8 and review any other issues impacting the department. The
9 legislative oversight committee shall conduct site visits and
10 have access to all areas in correctional facilities, within the
11 constraints of safety and security. The legislative oversight
12 committee shall meet publicly for input and recommendations for
13 the department. The legislative oversight committee shall be
14 composed of members of the standing committees of both houses of
15 the legislature whose purview is to oversee the department. The
16 legislative oversight committee shall be jointly chaired by the
17 legislative standing committees' respective chairs.

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

19 **§ -31 Adult offender reentry programs and services. (a)**

20 The director of public safety may authorize purchase of service
21 contracts, in accordance with chapter 103F, subject to
22 legislative or other appropriate funding, for adult offender



1 reentry programs and services that establish or improve the
2 offender reentry system and in which each adult offender in
3 state correctional custody is provided an individualized reentry
4 plan.

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

8 (1) Coordinate the supervision and services provided to
9 adult offenders in state custody with the supervision
10 and services provided to offenders who have reentered
11 the community;

12 (2) Coordinate efforts of various public and private
13 entities to provide supervision and services to
14 ex-offenders after reentry into the community with the
15 offenders' family members;

16 (3) Provide offenders awaiting reentry into the community
17 with documents, such as identification papers,
18 referrals to services, medical prescriptions, job
19 training certificates, apprenticeship papers,
20 information on obtaining public assistance, and other
21 documents useful in achieving a successful transition
22 from prison;



- 1 (4) Involve county agencies whose programs and initiatives
2 strengthen offender reentry services for individuals
3 who have been returned to the county of their
4 jurisdiction;
- 5 (5) Allow ex-offenders who have reentered the community to
6 continue to contact mentors who remain incarcerated
7 through the use of technology, such as
8 videoconferencing, or encourage mentors in prison to
9 support the ex-offenders' reentry process;
- 10 (6) Provide structured programs, post-release housing, and
11 transitional housing, including group homes for
12 recovering substance abusers, through which offenders
13 are provided supervision and services immediately
14 following reentry into the community;
- 15 (7) Assist offenders in securing permanent housing upon
16 release or following a stay in transitional housing;
- 17 (8) Continue to link offenders with health resources for
18 health services that were provided to them when they
19 were in state custody, including mental health,
20 substance abuse treatment, aftercare, and treatment
21 services for contagious diseases;



- 1 (9) Provide education, job training, English as a second
2 language programs, work experience programs, self-
3 respect and life-skills training, and other skills
4 needed to achieve self-sufficiency for a successful
5 transition from prison;
- 6 (10) Facilitate collaboration among corrections
7 administrators, technical schools, community colleges,
8 and the workforce development and employment service
9 sectors so that there are efforts to:
- 10 (A) Promote, where appropriate, the employment of
11 persons released from prison, through efforts
12 such as educating employers about existing
13 financial incentives, and facilitate the creation
14 of job opportunities, including transitional
15 jobs, for such persons that will also benefit
16 communities;
- 17 (B) Connect offenders to employment, including
18 supportive employment and employment services,
19 before their release to the community; and
- 20 (C) Address barriers to employment, including
21 obtaining a driver's license;



- 1 (11) Assess the literacy and educational needs of offenders
2 in custody and provide appropriate services to meet
3 those needs, including follow-up assessments and
4 long-term services;
- 5 (12) Address systems under which family members of
6 offenders are involved with facilitating the
7 successful reentry of those offenders into the
8 community, including removing obstacles to the
9 maintenance of family relationships while the offender
10 is in custody, strengthening the family's capacity to
11 establish and maintain a stable living situation
12 during the reentry process where appropriate, and
13 involving family members in the planning and
14 implementation of the reentry process;
- 15 (13) Include victims, on a voluntary basis, in the
16 offender's reentry process;
- 17 (14) Facilitate visitation and maintenance of family
18 relationships with respect to offenders in custody by
19 addressing obstacles such as travel, telephone costs,
20 mail restrictions, and restrictive visitation
21 policies;



- 1 (15) Identify and address barriers to collaborating with
2 child welfare agencies in the provision of services
3 jointly to offenders in custody and to the children of
4 those offenders;
- 5 (16) Collect information, to the best of the department's
6 ability, regarding dependent children of incarcerated
7 persons as part of intake procedures, including the
8 number of children, age, and location or jurisdiction
9 for the exclusive purpose of connecting identified
10 children of incarcerated parents with appropriate
11 services and compiling statistical information;
- 12 (17) Address barriers to the visitation of children with an
13 incarcerated parent, and maintenance of the parent-
14 child relationship, such as the location of facilities
15 in remote areas, telephone costs, mail restrictions,
16 and visitation policies;
- 17 (18) Create, develop, or enhance prisoner and family
18 assessments curricula, policies, procedures, or
19 programs, including mentoring programs, to help
20 prisoners with a history or identified risk of
21 domestic violence, dating violence, sexual assault, or
22 stalking reconnect with their families and



- 1 communities, as appropriate, and become mutually
2 respectful;
- 3 (19) Develop programs and activities that support parent-
4 child relationships, such as:
- 5 (A) Using telephone conferencing to permit
6 incarcerated parents to participate in parent-
7 teacher conferences;
- 8 (B) Using videoconferencing to allow virtual
9 visitation when incarcerated persons are more
10 than one hundred miles from their families;
- 11 (C) Developing books on tape programs, through which
12 incarcerated parents read a book into a tape to
13 be sent to their children;
- 14 (D) The establishment of family days, which provide
15 for longer visitation hours or family activities;
16 or
- 17 (E) The creation of children's areas in visitation
18 rooms with parent-child activities;
- 19 (20) Expand family-based treatment centers that offer
20 family-based comprehensive treatment services for
21 parents and their children as a complete family unit;



- 1 (21) Conduct studies to determine who is returning to
2 prison and which of those returning prisoners
3 represent the greatest risk to community safety;
- 4 (22) Develop or adopt procedures to ensure that dangerous
5 felons are not released from prison prematurely;
- 6 (23) Develop and implement procedures to assist relevant
7 authorities in determining when release is appropriate
8 and in the use of data to inform the release decision;
- 9 (24) Utilize validated assessment tools to assess the risk
10 factors of returning offenders to the community and
11 prioritizing services based on risk;
- 12 (25) Facilitate and encourage timely and complete payment
13 of restitution and fines by ex-offenders to victims
14 and the community;
- 15 (26) Consider establishing the use of reentry courts to:
- 16 (A) Monitor offenders returning to the community;
- 17 (B) Provide returning offenders with:
- 18 (i) Drug and alcohol testing and treatment; and
19 (ii) Mental and medical health assessment
20 services;
- 21 (C) Facilitate restorative justice practices and
22 convene family or community impact panels, family



1 impact educational classes, victim impact panels,
2 or victim impact educational classes;

3 (D) Provide and coordinate the delivery of other
4 community services to offenders, including:

- 5 (i) Housing assistance;
- 6 (ii) Education;
- 7 (iii) Employment training;
- 8 (iv) Children and family support;
- 9 (v) Conflict resolution skills training;
- 10 (vi) Family violence intervention programs; and
- 11 (vii) Other appropriate social services; and

12 (E) Establish and implement graduated sanctions and
13 incentives; and

14 (27) Provide technology and other tools necessary to
15 advance post-release supervision."

16 SECTION 3. The director of public safety may establish any
17 necessary staffing, including one manager, two full-time reentry
18 specialists, one secretary, and one clerk-typist within the
19 department of public safety to ensure that offenders have access
20 to reentry programming within all state facilities, monitor all
21 state contracted reentry programs, and facilitate parent-child



1 relationships in the context of correctional facility
2 governance.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$245,000 or so much
5 thereof as may be necessary for fiscal year 2007-2008 for the
6 staffing established in section 3 and operational expenses
7 including but not limited to, employee benefits, computers,
8 desks, supplies, travel expenses, and refreshments.

9 The sum appropriated in this section shall be expended by
10 the department of public safety for the purposes of this part.

11 PART II

12 SECTION 5. The legislature finds that some criminal
13 offenders, due to the nature of their crimes, will remain in
14 prison for life. However, a significant majority will serve
15 their sentence and be released. Over ninety-eight per cent of
16 criminal offenders in Hawaii will eventually return to our
17 communities. During fiscal year 2003, the department of public
18 safety released 10,629 offenders.

19 The legislature finds that, in order for an offender to
20 successfully reenter the community, the offender must have
21 access to a full continuum of services during incarceration and
22 immediately upon release. These services include education,



1 continuing education, vocational training, substance abuse
2 treatment, follow-up treatment services, support with finding
3 housing and employment, and help with family issues and other
4 elements of life after incarceration.

5 During incarceration, offenders may qualify to be
6 transferred to a minimum security correctional facility to
7 participate, as appropriate, in treatment-based services, such
8 as substance abuse treatment at Waiawa correctional facility or
9 sex offender treatment at Kulani correctional facility. When an
10 offender attains community custody status, the offender may
11 participate in furlough, extended furlough, transition, and
12 reintegration programs in the community. These types of
13 programs constitute the latter segment of a continuum of
14 services that help offenders reenter the community as
15 productive, law-abiding citizens.

16 Furlough and work release programs include the Laumaka work
17 furlough program, located adjacent to the Oahu community
18 correctional center. Extended furlough programs involve
19 offenders who live and work in the community but are required to
20 return to a correctional facility during weekday or weekend
21 evenings. Others on extended furlough may live at home and be
22 supervised through an electronic monitoring device. Transition



1 and reintegration programs are usually located in the community
2 and are provided by community-based agencies such as TJ Mahoney
3 and the Big Island Substance Abuse Council, which offer
4 residential transition and reintegration services for female
5 offenders.

6 The legislature further finds that extended furlough
7 programs could ease overcrowding by freeing up scarce bed space
8 for offenders who require more restrictive environments and pose
9 a risk to public safety. A type of extended furlough program is
10 the day reporting center. Unlike the community correctional
11 centers, or jails, a day reporting center is non-residential and
12 offenders are required to report to the centers but return to
13 their homes at night.

14 The typical day reporting program operates five days per
15 week and has a duration of approximately six months. Day
16 reporting centers emphasize:

- 17 (1) Intensive supervision, frequent substance abuse
18 testing, and substance abuse follow-up education in
19 group sessions;
- 20 (2) Anger management, parenting, and help with obtaining
21 education classes;



- 1 (3) Vocational assessment, employment training, and
- 2 life-skills development; and
- 3 (4) Assistance with various issues of adjusting to life in
- 4 the community.

5 The first day reporting center was established in England in
6 1974. The first American center opened in 1986 in Hamden,
7 Massachusetts. By 1995, one hundred fourteen day reporting
8 centers were established in twenty-two states.

9 Hawaii does not currently have a day reporting center. In
10 the late 1980s and early 1990s, the department of public safety
11 attempted to create a day reporting center in module twenty of
12 the Oahu community correctional center, but overcrowding
13 necessitated that the space be used for housing offenders.
14 Attempts were also made to use the Hale Nani reintegration
15 center on the island of Hawaii as a day reporting center, but
16 again, the space was needed for offender housing and other
17 programs.

18 The purpose of this part is to establish a one-year pilot
19 day reporting center at an existing state site, facility, or
20 building designated by the governor for use as a day reporting
21 center.



1 SECTION 6. The department of public safety, through its
2 intake service centers and education divisions, shall establish
3 a one-year pilot day reporting center that will be available to
4 two hundred offenders who have six months to one year left to
5 serve on their sentence. The center shall offer a continuum of
6 services to prepare offenders for transition and reintegration
7 into the community. The center staff shall consist of a program
8 director, counselors, social workers, and other professional and
9 clerical staff. The ideal ratio of counselors to offenders
10 shall be one counselor for every twenty-five offenders. The
11 ideal ratio of social workers to offenders shall be one social
12 worker for every fifteen offenders. The department of public
13 safety may contract with a private or not-for-profit agency for
14 the necessary services to carry out the purposes of this part.

15 SECTION 7. The department of public safety shall submit,
16 no later than twenty days prior to the start of the 2008 and
17 2009 regular sessions of the legislature, a written report on:

- 18 (1) The outcome of the pilot project;
19 (2) Cost analysis and an accounting of expenses;
20 (3) Relevant data on program participants;
21 (4) Program and management evaluations; and



1 (5) Any other pertinent information, recommendations, or
2 proposed legislation, if any, to determine whether the
3 program should be continued.

4 SECTION 8. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$1,820,000 or so much
6 thereof as may be necessary for fiscal year 2007-2008 for the
7 establishment of a one-year pilot day reporting center.

8 The sum appropriated shall be expended by the department of
9 public safety, who may contract with a private or nonprofit
10 agency to operate the day-reporting center for the purposes of
11 this part.

12 PART III

13 SECTION 9. The legislature finds that restorative circles
14 is a pilot program that has been in place at the Waiawa
15 correctional facility since March 2005. The program is based on
16 the methodological tool known as "restorative justice," which
17 aims to address the unresolved issues faced by victims,
18 offenders, and their families. The program brings together
19 victims, offenders, and their personal supporters in a carefully
20 managed, safe environment. The process is both a powerful
21 healing tool and a way to empower victims to make decisions
22 about how to repair the harm caused by offenses.



1 Participation in the program is voluntary and only
2 available to victims who want to participate and to inmates who
3 want to reconcile with their victims. The process begins when
4 an inmate requests a "restorative circle" from the inmate's case
5 worker. A restorative circle is a group process that requires
6 an impartial, trained, and experienced community facilitator to
7 meet with the inmate. The facilitator and the inmate discuss
8 the protocol, and determine who the inmate has harmed by the
9 inmate's past behavior and who the inmate wants to invite for
10 support. Each restorative circle lasts about three hours, with
11 half of the time devoted to reconciliation and the other half
12 devoted to developing a reentry transition plan. To date, there
13 have been approximately twenty-seven restorative circles with a
14 one hundred per cent satisfaction rate reported by the
15 participating victims, offenders, and prison staff.

16 This innovative Hawaii pilot program has been highlighted
17 by Federal Probation Journal, Honolulu Magazine, and KITV News.
18 The program recently expanded to the women's community
19 correctional center. Considering that approximately ninety-
20 eight per cent of all inmates will eventually be released back
21 into the community, a program such as this one is vital because



1 it helps an offender take responsibility for past behavior and
2 plan for release.

3 SECTION 10. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$202,000 or so much
5 thereof as may be necessary for fiscal year 2007-2008 for the
6 continuation and expansion of the restorative circles pilot
7 program to other correctional facilities statewide.

8 SECTION 11. The department of public safety shall contract
9 the services of a provider to establish restorative circles
10 pilot programs in other correctional facilities statewide. The
11 contract shall be executed in accordance with chapter 103F,
12 Hawaii Revised Statutes.

13 SECTION 12. The sum appropriated in section 10 shall be
14 expended by the department of public safety for the purposes of
15 this part.

16 PART IV

17 SECTION 13. The legislature finds that the Hawaii paroling
18 authority, through its parole release programs, must continue to
19 strive to provide a meaningful opportunity for individual
20 offenders to successfully reintegrate into society while serving
21 their sentences. The legislature also finds that, in addition
22 to personal effort, offenders require active family and



1 community support, as well as employment and educational
2 opportunities, to function as law-abiding citizens.

3 In 1993, the legislature amended section 353-64, Hawaii
4 Revised Statutes, to require the Hawaii paroling authority to
5 parole a committed person in the county where the committed
6 person had a permanent residence or occupation or employment
7 prior to incarceration, unless that person will reside in a
8 county with a population exceeding eight-hundred thousand, or
9 will immediately depart the State. Where none of those
10 conditions can be met, the committed person will be released to
11 the county of original commitment. At that time, the rationale
12 was that such a requirement would, "prevent the mass release of
13 parolees in the county where confinement institutions are
14 located. Otherwise, the location of new prisons on the neighbor
15 islands will be difficult or impossible." See, S.C. Rep. 486,
16 Judiciary on S.B. No. 833 (1993). Section 706-670, Hawaii
17 Revised Statutes, was also amended to include that same parole
18 requirement. In practical terms, the only county in the State
19 of Hawaii in which the population exceeds eight-hundred thousand
20 persons is the city and county of Honolulu.

21 As a result of this requirement, the Hawaii paroling
22 authority is precluded from conducting an individualized



1 assessment and paroling of committed persons to the county where
2 they have the greatest support and opportunities to assist the
3 offender in making a successful transition into the community
4 upon their eventual release. The effect is that committed
5 persons that have family, children, community support,
6 employment, training, or educational opportunities in the
7 counties of Kauai, Maui, and Hawaii are prohibited from being
8 paroled to these counties, unless they had a permanent residence
9 or occupation or employment there prior to incarceration.

10 A variety of studies have found that increased contact
11 between inmates and their families can contribute to an inmate's
12 successful reintegration into the community after release. In
13 making the transition back into the community, former inmates
14 turn to their spouses, parents, siblings, grandparents, and
15 other family members for assistance. These family members
16 become the "front line" of reentry, providing former inmates
17 with critical material and emotional support including shelter,
18 food, clothing, leads for jobs, and guidance in staying sober or
19 avoiding criminal behavior. Significantly, successful
20 reintegration is an indicator of reduced risk of re-offense. In
21 turn, decreased recidivism rates benefit the entire citizenry of
22 Hawaii.



1 The purpose of this part is to grant the Hawaii paroling
2 authority the authority to parole committed persons to a county
3 in the State where the committed person has the greatest family
4 or community support, opportunities for employment, job
5 training, education, treatment, and other social services. This
6 amendment will enable the Hawaii paroling authority to achieve
7 its mission of providing meaningful opportunities for offenders
8 to reintegrate into society and demonstrate that they have the
9 potential to function as law-abiding citizens.

10 SECTION 14. Section 353-64, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "§353-64 Committed persons paroled. Any committed person
13 confined in any state correctional facility in execution of any
14 sentence imposed upon the committed person, except in cases
15 where the penalty of life imprisonment not subject to parole has
16 been imposed, shall be subject to parole in the manner and form
17 as set forth in this part; provided that the committed person
18 shall be paroled in the county where the committed person had a
19 permanent residence or occupation or employment prior to
20 incarceration, unless:



- 1 (1) The committed person will reside in a county in which
- 2 the population exceeds eight-hundred thousand persons;
- 3 ~~[or]~~
- 4 (2) The committed person will be released for immediate
- 5 departure from the State[-]; or
- 6 (3) The committed person shall be released to the county
- 7 in the State in which the committed person has the
- 8 greatest family or community support, opportunities
- 9 for employment, job training, education, treatment,
- 10 and other social services, as determined by the Hawaii
- 11 paroling authority; provided that to be considered for
- 12 parole to another county in the State, the committed
- 13 person shall provide a written request to the
- 14 department not less than six months prior to the
- 15 expiration of the committed person's longest minimum
- 16 sentence.

17 Provided further that to be eligible for parole, the committed
 18 person, if the person is determined by the department to be
 19 suitable for participation, must have been a participant in an
 20 academic, vocational education, or prison industry program
 21 authorized by the department and must have been involved in or
 22 completed the program to the satisfaction of the department; and

1 provided further that this precondition for parole shall not
2 apply if the committed person is in a correctional facility
3 where academic, vocational education, and prison industry
4 programs or facilities are not available. A grant of parole
5 shall not be subject to acceptance by the committed person."

6 SECTION 15. Section 706-670, Hawaii Revised Statutes, is
7 amended by amending subsection (3) to read as follows:

8 "(3) Prisoner's plan and participation. Each prisoner
9 shall be given reasonable notice of the prisoner's parole
10 hearing and shall prepare a parole plan, setting forth the
11 manner of life the prisoner intends to lead if released on
12 parole, including specific information as to where and with whom
13 the prisoner will reside and what occupation or employment the
14 prisoner will follow. The prisoner shall be paroled in the
15 county where the prisoner had a permanent residence or
16 occupation or employment prior to the prisoner's incarceration,
17 unless the prisoner will: reside in a county in which the
18 population exceeds eight-hundred thousand persons; reside in a
19 county in the State in which the committed person has the
20 greatest family or community support, opportunities for
21 employment, job training, education, treatment, and other social
22 services, as determined by the Hawaii paroling authority; or



1 ~~[the prisoner will]~~ be released for immediate departure from the
2 State. The institutional parole staff shall render reasonable
3 aid to the prisoner in the preparation of the prisoner's plan
4 and in securing information for submission to the authority. In
5 addition, the prisoner shall:

- 6 (a) Be permitted to consult with any persons whose
7 assistance the prisoner reasonably desires, including
8 the prisoner's own legal counsel, in preparing for a
9 hearing before the authority;
- 10 (b) Be permitted to be represented and assisted by counsel
11 at the hearing;
- 12 (c) Have counsel appointed to represent and assist the
13 prisoner if the prisoner so requests and cannot afford
14 to retain counsel; and
- 15 (d) Be informed of the prisoner's rights as set forth in
16 this subsection."

17 **PART V**

18 **SECTION 16.** The legislature finds that, given the problems
19 associated with reentry and the high rate of recidivism among
20 the former inmate population, programs that effectively assist
21 the transition of former inmates from prison to the community
22 promote public safety. Upon release from prison, formerly



1 incarcerated persons face institutional barriers to reentry such
2 as housing and workplace restrictions, as well as the challenges
3 of reconnecting with families and maintaining sobriety.

4 Research shows that returning prisoners who have access to
5 key supports and services on release commit fewer crimes,
6 maintain employment, and show improved outcomes for health,
7 income, and a broad range of other indicators. Conversely,
8 former prisoners lacking in support and services are more likely
9 to continue to commit crimes.

10 The legislature further finds that, in Hawaii, a person's
11 stay in a correctional facility costs the public \$70 to \$400 per
12 day, depending upon the level of security measures and programs
13 involved.

14 These costs can be drastically lowered by reducing the rate
15 of recidivism with comprehensive training and support services
16 for individuals while incarcerated and continuing upon their
17 release into the community. For example, Maui Economic
18 Opportunity, Inc., administers the BEST (Being Empowered and
19 Safe Together) Reintegration Program in collaboration with the
20 department of public safety and receives funding under a federal
21 Serious Violent Offender Reentry Initiative grant, which is



1 designed to serve individuals who are preparing to return to the
2 Maui community after incarceration.

3 Under the federal grant requirements, BEST serves
4 individuals between the ages of eighteen and thirty-five
5 convicted of class A and B felonies who have been sentenced to a
6 minimum of one year or more of incarceration. The BEST Program
7 provides intensive case management, training, and support
8 services in the areas of employment, housing, cognitive skills
9 restructuring, culture, family reunification, mentoring, and
10 referrals for substance abuse, mental health, and counseling
11 services.

12 In August 2006, Dr. Marilyn Brown, a University of Hawaii
13 sociologist, issued A Report on Program Implementation and
14 Preliminary Outcomes for the BEST Program. Of the sixty-one
15 BEST clients who have spent time in the community, only nine
16 have been returned to custody as of March 31, 2006. This
17 translates to a recidivism rate of approximately fifteen per
18 cent. In contrast, a 2002 Bureau of Justice Statistics report
19 entitled *Recidivism of Prisoners Released in 1994*, indicates
20 that approximately sixty-seven per cent of all prisoners
21 released in 1994 were rearrested within three years of release.



1 Community reintegration programs provide individuals with
2 new tools and support services while instilling values and
3 beliefs that empower them to overcome obstacles and become
4 contributing members of the community.

5 The purpose of this part is to appropriate funds to support
6 organizations that provide comprehensive training and support
7 services for inmates and formerly incarcerated persons to assist
8 them in their successful reintegration into the community.
9 These programs will help to reduce recidivism rates and increase
10 public safety in the community.

11 SECTION 17. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$1,200,000 or so much
13 thereof as may be necessary for fiscal year 2007-2008 for a
14 purchase of service contract pursuant to chapter 103F, Hawaii
15 Revised Statutes, to Maui Economic Opportunity, Inc. for the
16 development and maintenance of inmate reintegration programs.

17 The sum appropriated shall be expended by the department of
18 public safety for the purposes of this part.

19 PART VI

20 SECTION 18. The legislature finds that, according to the
21 department of public safety, Hawaii parolees incarcerated in the
22 State had a deplorable recidivism rate of between forty-seven



1 and fifty-seven per cent. The recidivism rate for inmates who
2 were housed at out-of-state facilities was even higher, ranging
3 from fifty to seventy-eight per cent. A promising approach to
4 reducing recidivism and helping inmates make the successful
5 transition from prison to the community is to establish a
6 cognitive restructuring and transition program at correctional
7 facilities.

8 Cognitive restructuring is based on the principle that
9 thinking, an internal behavior, controls overt actions, an
10 external behavior. Cognitive restructuring focuses on the way
11 thoughts and beliefs drive a person's behavior. A cognitive
12 restructuring program for inmates involves self-examination of
13 their belief system, criminal addictive cycle, attitudes and
14 thinking patterns, and develops a relapse prevention plan for
15 future situations. The program assists offenders in
16 "restructuring" their thought process and teaches cognitive
17 skills that help them with basic decision-making and problem-
18 solving. The goal of cognitive restructuring is to guide
19 offenders to consciously examine their own thoughts by engaging
20 in processes that develop self control, thus making them
21 responsible for, and in charge of, their actions no matter how
22 stressful the situation.



1 The legislature further finds that transition programs
2 prepare an inmate to make a successful transition from prison to
3 the community by assisting them with skills to find housing,
4 prepare for employment, learn money management skills, and
5 obtain support from other resources to become productive,
6 law-abiding citizens.

7 The purpose of this part is to appropriate funds to
8 establish a cognitive restructuring pilot program in the county
9 of Hawaii to help inmates achieve a successful transition into
10 the community.

11 SECTION 19. The cognitive restructuring pilot program
12 shall teach specific skills that include problem solving, social
13 skills training, anger management, and empathy training. The
14 cognitive restructuring pilot program shall be established in
15 the county of Hawaii at Kulani correctional facility, Hawaii
16 community correctional center, and Hale Nani reintegration
17 center.

18 SECTION 20. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$33,000 or so much
20 thereof as may be necessary for fiscal year 2007-2008 for a
21 cognitive restructuring pilot program to be established in the
22 county of Hawaii at Kulani correctional facility, Hawaii



1 community correctional center, and Hale Nani reintegration
2 center.

3 The sum appropriated shall be expended by the department of
4 public safety for the purposes of this part.

5 PART VII

6 SECTION 21. The department of public safety shall report
7 to the legislature no later than twenty days prior to the
8 convening on the 2008, 2009, and 2010 regular legislative
9 sessions on the implementation, progress, and effectiveness of
10 the components of this measure.

11 SECTION 22. The department of public safety shall report
12 to the legislature no later than twenty days prior to the
13 convening of the 2008 regular legislative session with suggested
14 tax incentives for employers who hire individuals who were
15 formerly incarcerated, developed with the assistance of the
16 department of taxation and the department of labor and
17 industrial relations, as mandated in section 1 of this Act.

18 SECTION 23. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun, before its effective date.



1 SECTION 24. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 25. This Act shall take effect on July 1, 2007.



