



GOV. MSG. NO. 1348

July 12, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith SB44 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB44 SD1 HD1 CD1

RELATING TO PUBLIC SAFETY

Sincerely,
A handwritten signature in black ink, reading "Neil Abercrombie". The signature is written in a cursive style with a large, stylized "N" and "A".

NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 12, 2011

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 44

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, Senate Bill No. 44, entitled "A Bill for an Act Relating to Public Safety."

The purpose of this bill is to require the Department of Public Safety ("Department") to develop "key performance indicators or measures to be incorporated in reports that evaluate the Department's efforts to improve offender reentry and rehabilitation" and to consolidate the various other reports required of the Department of Public Safety. The bill does this by amending the Community Safety Act, chapter 353H, Hawaii Revised Statutes, to require these things. It also adds an additional annual report to be made to the Legislature regarding the Department's rehabilitation and reentry efforts.

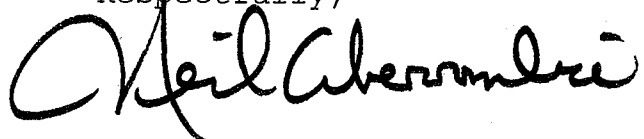
While the goals of this bill are laudable, several difficulties need to be addressed. This bill requires the Department to establish performance measures and a tracking mechanism without enough time to accomplish these things in a well-thought-out manner. Additional funds and personnel are also not provided. This bill would require the first report to the Legislature to be made in December of this year, to include the established measures and tracking data. While the goal of this bill is laudable, appropriate implementation requires planning and resources so that the establishment of measures, tracking, and assessment of the Department's rehabilitation and reentry efforts are accomplished and reported substantively and meaningfully. Without the appropriate time and resources, the

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tracking of quickly established measures would not help the Department, the Legislature, or our citizens.

For the foregoing reasons, I am returning Senate Bill No. 44, without my approval.

Respectfully,

A handwritten signature in black ink, reading "Neil Abercrombie". The signature is fluid and cursive, with the first name "Neil" and last name "Abercrombie" clearly distinguishable.

NEIL ABERCROMBIE
Governor of Hawaii

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:



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

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

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

"§353- Annual corrections and program report. (a) No later than twenty days prior to the convening of each regular session, beginning with the regular session of 2012, the department shall submit an annual corrections and program report, among other reports that may be required from time to time, that consolidates into one report the reports required by the following laws:

(1) Act 213, Session Laws of Hawaii 2007, section 105, relating to mental health services at certain correctional facilities;



- 1 (2) Act 144, Session Laws of Hawaii 2007, section 4,
2 relating to mental health services for committed
3 persons;
- 4 (3) Section 367D-8, relating to gender-responsive
5 community-based programs for women;
- 6 (4) Act 193, Session Laws of Hawaii 2010, relating to
7 cognitive restructuring;
- 8 (5) Act 240, Session Laws of Hawaii 2008, section 5,
9 relating to children of incarcerated persons; and
- 10 (6) Section 353H- , relating to key performance
11 indicators.
- 12 (b) The department shall post the report electronically on
13 the department's website in a timely manner."

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

17 "§353H- Performance indicators; reporting. (a) The
18 department shall develop key performance indicators that
19 accurately reflect progress toward specific goals, including:

- 20 (1) Reducing the rate of recidivism;
21 (2) Decreasing prisoner assaults on correctional staff;
22 (3) Reducing correctional staff turnover; and



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

3 (b) The department shall submit a report to the
4 legislature no later than twenty days prior to the convening of
5 each regular session, beginning with the regular session of
6 2012. Each report shall reference key performance indicators
7 for that period that track rehabilitation and reentry efforts
8 for individuals who are prepared to exit the correctional
9 system.

10 (c) The key performance indicators shall include:

11 (1) The number of individuals who have obtained a high
12 school diploma by successfully completing the general
13 educational development test or an equivalent
14 competency-based diploma;

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

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

20 (4) The number of individuals who have completed a drug
21 treatment program provided by the department;



- 1 (5) The number of individuals who have completed
2 restorative circles;
- 3 (6) The number of individuals who have applied for a
4 reduction of their minimum sentence, the number of
5 applications approved and denied, and when applicable,
6 the reasons for the denial of an individual's
7 application; and
- 8 (7) The number of parole revocation hearings and the
9 results of parole revocation hearings that, when
10 applicable, explain why an individual's revocation was
11 denied.

12 (d) The department shall post the reports electronically
13 on the department's website in a timely manner."

14 SECTION 4. New statutory material is underscored.

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

APPROVED this day of , 2011

GOVERNOR OF THE STATE OF HAWAII