

CROSSOVER

The Legislature is at Crossover, the halfway point and deadline for a chamber to decide on bills that originated in it. As Chair of the Senate Committee on Public Safety, during the interim between sessions, I worked with the Department of Public Safety (DPS), groups who work with prisoners and ex-offenders, and other stakeholders to develop bills in this area. These bills were approved by the Senate and will move on to the House for its consideration.

SB 44, Inmate Rehabilitation. *Requires the Department of Public Safety to establish and report on key performance indicators for the inmate reentry system.*

Each year the Department of Public Safety reports to the Legislature on a number of items: mental health services at certain correctional facilities; mental health services for committed persons; gender-responsive community-based programs for women; cognitive restructuring programs; programs relating to children of incarcerated persons. The report, however, does not include management-type information. This bill would require the DPS to begin collecting and reporting data to measure the effectiveness of the programs in rehabilitating inmates. Through the use of key performance indicators, both the DPS and the Legislature can evaluate program effectiveness. This outcomes data will help the Department assess program strengths and weaknesses to optimize its rehabilitative efforts. The report will be posted on the Department's website.

The data collected will include information on how many inmates (a) earn their general education diploma or equivalent; (b) have a re-entry plan prepared for them; (c) fail drug tests while incarcerated or on parole; (d) complete a drug treatment plan; (e) complete the restorative circles program; (f) apply for, receive, or are denied a reduction in their minimum sentence and the reasons for denials; and (g) have their parole revoked, and explanations for the results. This data will reflect progress toward (1) reducing the rate of recidivism; (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.

SB 48, Inmate Transfers. *Specifies criteria for transfers of prisoners from Hawaii to the mainland. Prohibits transfer to the mainland of inmates who are within 12 months of eligibility for parole.*

Mainland transfers are a concern in the corrections system. Rehabilitation programs are not uniformly available at all facilities, so transfers can disrupt an inmate's treatment, education, vocational training, or other re-entry program participation. For many inmates family support is important, and being on the mainland makes this extremely difficult. Currently there are no standards for transfer decisions, so this bill establishes transfer criteria. The decision should take into account whether there are volunteers for transfer; the current participation in or availability of required re-entry programs; and whether the inmate has regular visits with his/her children.

SB 1357, Return of Mainland Inmates. *Directs the Department of Public Safety to develop a master plan for the return of Hawaii inmates housed in mainland prisons.*

About 15 years ago, overcrowding in our prisons due to insufficient space in-state led to the decision to house inmates in mainland prisons. Families are separated. It can be harder for inmates to prepare to re-enter the community without family support. This bill will require the DPS to develop a master plan and timetable for bringing Hawaii's inmates back to Hawaii. This plan includes determining the logistics for increasing prison space and local availability of intervention and rehabilitation programs. We currently spend about \$60 million to care for prisoners out of the state, and those funds would be better spent here. The plan is due to the Legislature by January 2012.

SB 1358 Reopening of Kulani Correctional Facility. Requires the Department of Public Safety to, by 12/31/2011, develop a plan to reopen Kulani Correctional Facility and implement transfers.

Near the end of 2009, the Kulani Correctional Facility on the Big Island was closed. Its approximately 120 inmates were transferred to the Halawa Correctional Facility, the federal detention center in Honolulu, or to mainland prisons. Kulani was the corrections center specifically designated for the treatment of sex offenders. Its treatment programs have been found to be one of the most successful in the country.

This bill would require the DPS to formulate a plan to reopen the Kulani Correctional Facility, with the emphasis on once again provide sex offender treatment rehabilitation services, and to re-transfer here those inmates who should participate in its corrective program. This re-opening is warranted because (1) Kulani's sex offender treatment services were highly rated nationally; (2) we need more beds in Hawaii for inmates; and (3) living in familiar surroundings and in proximity to supportive relatives enhances inmates' rehabilitative potential. As the Legislature found, "[s]uccessful rehabilitation eventually results in lower recidivism and lower costs."

SB 166, Clean and Sober Home and Halfway House Task Force. Establishes a task force for regulating clean and sober homes and halfway houses.

Ex-offenders who have served their terms and are dealing with the stress of trying to lead a productive life after prison and maintain sobriety need the support of a stable home environment. Balanced against that is the concern in communities regarding having these "next step" houses nearby. This bill would create a task force to address the needs of both communities and residents of these facilities, and develop procedures and protocols for accountability of these homes without formal licensure.

SB 49, Correctional Facility Deaths. Requires the Department of Public Safety to report to the Legislature any inmate or correctional facility employee death within 48 hours.

SB 52, Sex Offender Registration. Requires persons convicted of violation of privacy in the first degree to register as sex offenders. Individuals who use cameras and video records secretly and improperly for sexual content would be labeled sexual offenders.