

## ACT 8

S.B. NO. 932

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

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

In recent years, state and local government agencies throughout the country have begun to establish improved systems for reintegrating ex-offenders as a way to prevent large numbers of offenders from returning to prison. A United States Department of Justice study found that sixty-seven per cent of those released from state prisons in 1994 were re-arrested for a new crime within the first three years after their release. Forty-six per cent of the arrestees were reconvicted for a new crime and fifty-one per cent were returned to prison. Efforts to reduce recidivism would greatly benefit the State of Hawaii, given that the State's prison capacity is sorely inadequate and has been severely overcrowded for the past two decades.

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

One of the most significant social costs of incarceration is its impact on children. A report commissioned by Child and Family Services in 2003 estimated that there were approximately six thousand children of incarcerated parents in Hawaii. According to the federal Bureau of Prisons, there is evidence to suggest that offenders who retain kinship ties with their children and families are more likely to avoid negative behavior while incarcerated and are more likely to obtain reduced sentences.

In terms of economic costs, studies have shown that fifteen to twenty-seven per cent of prisoners expect to go to a homeless shelter upon release from prison.

Additionally, as many as sixty per cent of ex-offenders fail to find stable employment in the legal labor market one year after release. A felony record precludes many from gainful employment and may result in persistent discrimination in the labor market. In addition to housing and employment, there are the enormous economic costs of crimes committed in order to obtain money for drugs.

The legislature further finds that sixty to eighty per cent of the nation's correctional population has used illegal drugs at some point in their lives. Furthermore, a United States Department of Justice analysis indicates that only fifty per cent of federal offenders and forty per cent of state offenders have taken part in substance abuse treatment programs since being admitted to prison. Substance abuse education, treatment, intervention, and follow-up services are clearly needed in a comprehensive offender reentry system.

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

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

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

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

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

## **“CHAPTER COMPREHENSIVE OFFENDER REENTRY SYSTEM**

### **PART I. GENERAL PROVISIONS**

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

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

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

“Community-based programs” are programs that are administered and operated outside of a correctional facility.

“Department” means the department of public safety.

“Institution-based programs” are services offered within a correctional facility.

“Reentry programs” include programs that are located within a correctional facility.

“Reintegration programs” include programs that are located within a correctional facility.

“Transition programs” include programs that are located within a correctional facility.

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

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

- (1) Adopting an operational philosophy that considers that offender reentry begins on the day an offender enters the correctional system. Each offender entering the system shall be assessed to determine the offender’s needs in order to assist the individual offender with developing the skills necessary to be successful in the community;
- (2) Providing appropriate programs, including, but not limited to, education, substance abuse treatment, cognitive skills development, vocational and employment training, and other programs that help to meet the assessed needs of each individual;
- (3) Developing a comprehensive network of transitional programs to address the needs of individuals exiting the correctional system;
- (4) Ensuring that all reentry programs are gender-responsive;
- (5) Issuing requests for proposals from community-based nonprofit programs with experience with offenders in the area of reentry; and
- (6) Instituting model reentry programs for adult offenders.

**§ -4 Model programs; department of public safety.** Subject to funding by the legislature, the department of public safety shall enhance the State’s comprehensive offender reentry system by developing model programs designed to reduce recidivism and promote successful reentry into the community. Components of the model programs shall include but are not limited to:

- (1) Highly skilled staff who are experienced in working with offender reentry programs;
- (2) Individualized case management and a full continuum of care to ensure successful reentry;
- (3) Life skills development workshops, including budgeting, money management, nutrition, and exercise; development of self-determination through education; employment training; special education for the learning disabled; social, cognitive, communication, and life skills training; and appropriate treatment programs, including substance abuse and mental health treatment;
- (4) Parenting and relationship building classes. The department shall institute policies that support family cohesion and family participation in

- offenders' transition to the community, and, where possible, provide geographical proximity of offenders to their children and families; and
- (5) Ongoing attention to building support for offenders from communities, community agencies, and organizations.

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

- (1) Establish policies or rules that parent inmates be placed in correctional facilities, consistent with public safety and inmate security, in the best interest of the family, rather than on economic or administrative factors;
- (2) Consider as a factor an offender's capacity to maintain parent-child contact when making prison placements of offenders;
- (3) Conduct, coordinate, or promote research that examines the impact of a parent's incarceration on the well-being of the offender's child that shall include both direct contact with an offender's child, as well as reports of caregivers; and
- (4) Conduct, coordinate, or promote research that focuses on the relationship of incarcerated fathers with their children and the long-term impact of incarceration on fathers and their children.

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

(b) The department of public safety, with the assistance of the department of taxation and the department of labor and industrial relations, shall develop and propose for legislative consideration, tax incentives for employers who hire individuals who were formerly incarcerated.

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

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

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

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

§ **-21 Legislative oversight committee; established.** There is established a legislative oversight committee to ensure transparency in the operations of the department, analyze the effectiveness of the department's governance, operations, and administration of its programs and services, evaluate the department's purchase of community-based programs and services, and review any other issues impacting the department. The legislative oversight committee shall conduct site visits and have access to all areas in correctional facilities, within the constraints of safety and

security. The legislative oversight committee shall meet publicly for input and recommendations for the department. The legislative oversight committee shall be composed of members of the standing committees of both houses of the legislature whose purview is to oversee the department. The legislative oversight committee shall be jointly chaired by the legislative standing committees' respective chairs.

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

§ -31 **Adult offender reentry programs and services.** (a) The director of public safety may authorize purchase of service contracts, in accordance with chapter 103F, subject to legislative or other appropriate funding, for adult offender reentry programs and services that establish or improve the offender reentry system and in which each adult offender in state correctional custody is provided an individualized reentry plan.

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

- (1) Coordinate the supervision and services provided to adult offenders in state custody with the supervision and services provided to offenders who have reentered the community;
- (2) Coordinate efforts of various public and private entities to provide supervision and services to ex-offenders after reentry into the community with the offenders' family members;
- (3) Provide offenders awaiting reentry into the community with documents, such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, information on obtaining public assistance, and other documents useful in achieving a successful transition from prison;
- (4) Involve county agencies whose programs and initiatives strengthen offender reentry services for individuals who have been returned to the county of their jurisdiction;
- (5) Allow ex-offenders who have reentered the community to continue to contact mentors who remain incarcerated through the use of technology, such as videoconferencing, or encourage mentors in prison to support the ex-offenders' reentry process;
- (6) Provide structured programs, post-release housing, and transitional housing, including group homes for recovering substance abusers, through which offenders are provided supervision and services immediately following reentry into the community;
- (7) Assist offenders in securing permanent housing upon release or following a stay in transitional housing;
- (8) Continue to link offenders with health resources for health services that were provided to them when they were in state custody, including mental health, substance abuse treatment, aftercare, and treatment services for contagious diseases;
- (9) Provide education, job training, English as a second language programs, work experience programs, self-respect and life-skills training, and other skills needed to achieve self-sufficiency for a successful transition from prison;
- (10) Facilitate collaboration among corrections administrators, technical schools, community colleges, and the workforce development and employment service sectors so that there are efforts to:

- (A) Promote, where appropriate, the employment of persons released from prison, through efforts such as educating employers about existing financial incentives, and facilitate the creation of job opportunities, including transitional jobs, for such persons that will also benefit communities;
  - (B) Connect offenders to employment, including supportive employment and employment services, before their release to the community; and
  - (C) Address barriers to employment, including obtaining a driver's license;
- (11) Assess the literacy and educational needs of offenders in custody and provide appropriate services to meet those needs, including follow-up assessments and long-term services;
  - (12) Address systems under which family members of offenders are involved with facilitating the successful reentry of those offenders into the community, including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to establish and maintain a stable living situation during the reentry process where appropriate, and involving family members in the planning and implementation of the reentry process;
  - (13) Include victims, on a voluntary basis, in the offender's reentry process;
  - (14) Facilitate visitation and maintenance of family relationships with respect to offenders in custody by addressing obstacles such as travel, telephone costs, mail restrictions, and restrictive visitation policies;
  - (15) Identify and address barriers to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of those offenders;
  - (16) Collect information, to the best of the department's ability, regarding dependent children of incarcerated persons as part of intake procedures, including the number of children, age, and location or jurisdiction for the exclusive purpose of connecting identified children of incarcerated parents with appropriate services and compiling statistical information;
  - (17) Address barriers to the visitation of children with an incarcerated parent, and maintenance of the parent-child relationship, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies;
  - (18) Create, develop, or enhance prisoner and family assessments curricula, policies, procedures, or programs, including mentoring programs, to help prisoners with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities, as appropriate, and become mutually respectful;
  - (19) Develop programs and activities that support parent-child relationships, such as:
    - (A) Using telephone conferencing to permit incarcerated parents to participate in parent-teacher conferences;
    - (B) Using videoconferencing to allow virtual visitation when incarcerated persons are more than one hundred miles from their families;
    - (C) Developing books on tape programs, through which incarcerated parents read a book into a tape to be sent to their children;
    - (D) The establishment of family days, which provide for longer visitation hours or family activities; or
    - (E) The creation of children's areas in visitation rooms with parent-child activities;

- (20) Expand family-based treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit;
- (21) Conduct studies to determine who is returning to prison and which of those returning prisoners represent the greatest risk to community safety;
- (22) Develop or adopt procedures to ensure that dangerous felons are not released from prison prematurely;
- (23) Develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;
- (24) Utilize validated assessment tools to assess the risk factors of returning offenders to the community and prioritizing services based on risk;
- (25) Facilitate and encourage timely and complete payment of restitution and fines by ex-offenders to victims and the community;
- (26) Consider establishing the use of reentry courts to:
  - (A) Monitor offenders returning to the community;
  - (B) Provide returning offenders with:
    - (i) Drug and alcohol testing and treatment; and
    - (ii) Mental and medical health assessment services;
  - (C) Facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;
  - (D) Provide and coordinate the delivery of other community services to offenders, including:
    - (i) Housing assistance;
    - (ii) Education;
    - (iii) Employment training;
    - (iv) Children and family support;
    - (v) Conflict resolution skills training;
    - (vi) Family violence intervention programs; and
    - (vii) Other appropriate social services; and
  - (E) Establish and implement graduated sanctions and incentives; and
- (27) Provide technology and other tools necessary to advance post-release supervision.”

SECTION 3. The director of public safety may establish any necessary staffing, including one manager, two full-time reentry specialists, one secretary, and one clerk-typist within the department of public safety to ensure that offenders have access to reentry programming within all state facilities, monitor all state contracted reentry programs, and facilitate parent-child relationships in the context of correctional facility governance.

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

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

## PART II

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

The legislature finds that, in order for an offender to successfully reenter the community, the offender must have access to a full continuum of services during incarceration and immediately upon release. These services include education, continuing education, vocational training, substance abuse treatment, follow-up treatment services, support with finding housing and employment, and help with family issues and other elements of life after incarceration.

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

Furlough and work release programs include the Laumaka work furlough program, located adjacent to the Oahu community correctional center. Extended furlough programs involve offenders who live and work in the community but are required to return to a correctional facility during weekday or weekend evenings. Others on extended furlough may live at home and be supervised through an electronic monitoring device. Transition and reintegration programs are usually located in the community and are provided by community-based agencies such as TJ Mahoney and the Big Island Substance Abuse Council, which offer residential transition and reintegration services for female offenders.

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

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

- (1) Intensive supervision, frequent substance abuse testing, and substance abuse follow-up education in group sessions;
- (2) Anger management, parenting, and help with obtaining education classes;
- (3) Vocational assessment, employment training, and life-skills development; and
- (4) Assistance with various issues of adjusting to life in the community.

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

Hawaii does not currently have a day reporting center. In the late 1980s and early 1990s, the department of public safety attempted to create a day reporting center in module twenty of the Oahu community correctional center, but overcrowding necessitated that the space be used for housing offenders. Attempts were also made to use the Hale Nani reintegration center on the island of Hawaii as a day



reporting center, but again, the space was needed for offender housing and other programs.

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

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

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

- (1) The outcome of the pilot project;
- (2) Cost analysis and an accounting of expenses;
- (3) Relevant data on program participants;
- (4) Program and management evaluations; and
- (5) Any other pertinent information, recommendations, or proposed legislation, if any, to determine whether the program should be continued.

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

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

### PART III

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

Participation in the program is voluntary and only available to victims who want to participate and to inmates who want to reconcile with their victims. The process begins when an inmate requests a "restorative circle" from the inmate's case worker. A restorative circle is a group process that requires an impartial, trained, and experienced community facilitator to meet with the inmate. The facilitator and the inmate discuss the protocol, and determine who the inmate has harmed by the inmate's past behavior and who the inmate wants to invite for support. Each restorative circle lasts about three hours, with half of the time devoted to reconciliation and the other half devoted to developing a reentry transition plan. To date, there have been approxi-

mately twenty-seven restorative circles with a one hundred per cent satisfaction rate reported by the participating victims, offenders, and prison staff.

This innovative Hawaii pilot program has been highlighted by Federal Probation Journal, Honolulu Magazine, and KITV News. The program recently expanded to the women's community correctional center. Considering that approximately ninety-eight per cent of all inmates will eventually be released back into the community, a program such as this one is vital because it helps an offender take responsibility for past behavior and plan for release.

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

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

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

#### **PART IV**

**SECTION 13.** The legislature finds that the Hawaii paroling authority, through its parole release programs, must continue to strive to provide a meaningful opportunity for individual offenders to successfully reintegrate into society while serving their sentences. The legislature also finds that, in addition to personal effort, offenders require active family and community support, as well as employment and educational opportunities, to function as law-abiding citizens.

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

As a result of this requirement, the Hawaii paroling authority is precluded from conducting an individualized assessment and paroling of committed persons to the county where they have the greatest support and opportunities to assist the offender in making a successful transition into the community upon their eventual release. The effect is that committed persons that have family, children, community support, employment, training, or educational opportunities in the counties of Kauai, Maui, and Hawaii are prohibited from being paroled to these counties, unless they had a permanent residence or occupation or employment there prior to incarceration.

A variety of studies have found that increased contact between inmates and their families can contribute to an inmate's successful reintegration into the commu-

nity after release. In making the transition back into the community, former inmates turn to their spouses, parents, siblings, grandparents, and other family members for assistance. These family members become the “front line” of reentry, providing former inmates with critical material and emotional support including shelter, food, clothing, leads for jobs, and guidance in staying sober or avoiding criminal behavior. Significantly, successful reintegration is an indicator of reduced risk of re-offense. In turn, decreased recidivism rates benefit the entire citizenry of Hawaii.

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

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

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

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

Provided further that to be eligible for parole, the committed person, if the person is determined by the department to be suitable for participation, must have been a participant in an academic, vocational education, or prison industry program authorized by the department and must have been involved in or completed the program to the satisfaction of the department; and provided further that this precondition for parole shall not apply if the committed person is in a correctional facility where academic, vocational education, and prison industry programs or facilities are not available. A grant of parole shall not be subject to acceptance by the committed person.”

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

“(3) Prisoner’s plan and participation. Each prisoner shall be given reasonable notice of the prisoner’s parole hearing and shall prepare a parole plan, setting forth the manner of life the prisoner intends to lead if released on parole, including specific information as to where and with whom the prisoner will reside and what

occupation or employment the prisoner will follow. The prisoner shall be paroled in the county where the prisoner had a permanent residence or occupation or employment prior to the prisoner's incarceration, unless the prisoner will: reside in a county in which the population exceeds eight-hundred thousand persons; reside in a county in the State in which the committed person has the greatest family or community support, opportunities for employment, job training, education, treatment, and other social services, as determined by the Hawaii paroling authority; or [the prisoner will] be released for immediate departure from the State. The institutional parole staff shall render reasonable aid to the prisoner in the preparation of the prisoner's plan and in securing information for submission to the authority. In addition, the prisoner shall:

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

## PART V

SECTION 16. The legislature finds that, given the problems associated with reentry and the high rate of recidivism among the former inmate population, programs that effectively assist the transition of former inmates from prison to the community promote public safety. Upon release from prison, formerly incarcerated persons face institutional barriers to reentry such as housing and workplace restrictions, as well as the challenges of reconnecting with families and maintaining sobriety.

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

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

These costs can be drastically lowered by reducing the rate of recidivism with comprehensive training and support services for individuals while incarcerated and continuing upon their release into the community. For example, Maui Economic Opportunity, Inc., administers the BEST (Being Empowered and Safe Together) Reintegration Program in collaboration with the department of public safety and receives funding under a federal Serious Violent Offender Reentry Initiative grant, which is designed to serve individuals who are preparing to return to the Maui community after incarceration.

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

In August 2006, Dr. Marilyn Brown, a University of Hawaii sociologist, issued A Report on Program Implementation and Preliminary Outcomes for the BEST Program. Of the sixty-one BEST clients who have spent time in the community, only nine have been returned to custody as of March 31, 2006. This translates to

a recidivism rate of approximately fifteen per cent. In contrast, a 2002 Bureau of Justice Statistics report entitled *Recidivism of Prisoners Released in 1994*, indicates that approximately sixty-seven per cent of all prisoners released in 1994 were rearrested within three years of release.

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

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

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

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

## PART VI

SECTION 18. The legislature finds that, according to the department of public safety, Hawaii parolees incarcerated in the State had a deplorable recidivism rate of between forty-seven and fifty-seven per cent. The recidivism rate for inmates who were housed at out-of-state facilities was even higher, ranging from fifty to seventy-eight per cent. A promising approach to reducing recidivism and helping inmates make the successful transition from prison to the community is to establish a cognitive restructuring and transition program at correctional facilities.

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

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

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

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

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

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

## **PART VII**

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

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

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

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

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

(Vetoed by Governor and veto overridden by Legislature on July 10, 2007.)