



DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2012 LEGISLATURE

SPECIAL SESSION, PART 1, SECTION 7(C)
RETURN OF OUT-OF-STATE INMATES

Section 353H-7, Hawaii Revised Statutes
Annual Report

December 2011

Section 353H-7, Hawaii Revised Statutes (HRS)
Special Session, Part 1, Section 7(c)
Return of Out-of-State Inmates

The Department of Public Safety (PSD) continues to make every effort to comply with the requirement in Section 353 H-7, HRS, to return inmates housed in contracted private facilities on the mainland within one year of their parole or release date. PSD has implemented screening mechanisms to ensure that qualified inmates are returned to Hawaii's facilities in a timely manner. Qualified inmates are measured by the completion of all recommended programs, misconduct-free records, and minimum custody levels.

From November 2010 to October 2011, a total of 880 inmates met the timeframe of being within one year of their parole or release date. As of September 2011, PSD brought 538 out of 880 qualified inmates back to Hawaii for parole or work furlough participation. There were approximately 129 qualified inmates that met the requirements who remained on the mainland and were to return during the PSD's next scheduled mass movement.

The following information accounts for the balance of inmates (n=213) that were not returned during this time period:

- 1) Non-compliance in programs (i.e. refuse programs, termination of programs);
- 2) High/Greatest category misconducts within last 18 months;
- 3) Escape history within past 7 years that precludes reclassifying to and/or housing in a minimum custody facility;
- 4) Detainers (i.e. Immigration, Federal, State) that preclude minimum reclassification to and/or housing in a minimum custody facility;
- 5) Refuse to participate in work furlough programs; prefer to max out; and
- 6) Refuse to participate in work furlough programs; pending parole release to another state other than Hawaii (Interstate Compact).

Although both bed and program space in our Hawaii facilities are limited, PSD has maintained a proactive approach to bringing inmates back to Hawaii in a timely manner and strives to achieve the goals and objectives of Act 8. If beds are temporarily unavailable in our Hawaii facilities, qualified inmates returning from the mainland may be housed at the Federal Detention Center in Honolulu until a work furlough bed or other program space becomes available. This provides the PSD the flexibility to return additional qualified inmates to Hawaii who has committed themselves to their rehabilitation and successful return back to society.

PSD will continue its proactive approach to return its qualified inmates back to Hawaii within a year of their tentative parole date (TPD).