



DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2009 LEGISLATURE

ACT 8 (2007)

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

SPECIAL SESSION, PART 2, SECTION 7
INMATE TRANSITION AND REENTRY INTO THE COMMUNITY

SPECIAL SESSION, PART 7, SECTION 21
INMATE REENTRY INTO THE COMMUNITY

December 2008

Act 8 (2007) Special Session, Part 1, Section 7 (c)
Return of Out-of-State Inmates

The Department of Public Safety (Department) continues to make every effort to comply with the requirement in Act 8 to return inmates housed in contracted private facilities on the mainland within one year of their parole or release date. The Department 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 January to December 2008, a total of 772 inmates meet the time frame of being within one year of their parole or release date. As of September 2008, the Department brought 360 out of 772 qualified inmates back to Hawaii for parole, work furlough, and/or Sex Offender Treatment participation. There are approximately 103 qualified inmates that meet the requirement of this Act that remain on the mainland and will be eligible to return on the Department's next scheduled mass movement.

The following information accounts for the balance of inmates that have not been returned in 2008:

- 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 precludes minimum reclassifying 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 (Inter State Compact).

Although, both bed and program space in our Hawaii facilities is very limited, the Department 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 were temporarily unavailable in our Hawaii facilities, qualified inmates returning from the main-land were housed at the Federal Detention Center in Honolulu until a work furlough bed or other program space became available. This provided the Department the flexibility to return additional qualified inmates to Hawaii who have committed themselves to their rehabilitation and successful return back to society.

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

Act 8 (2007), Special Session, Part 2, Section 7
Inmate Transition and Reentry into the Community

Act 8 allocated \$1,820,000 for a day reporting center pilot project. This project was funded for only one year. Based on years of experience, the Department of Public Safety (PSD) found that it would be improper to expend funds on staff, services, and equipment, for the express purpose of a day reporting center, when there is no likelihood that funding would continue past a single year.

Further, in part, because of the single year of funding for a project with multi-year impact, PSD drafted and submitted for legislative consideration the following session Senate Bill 2546. This measure (SB 2546) sought to reallocate the \$1,820,000 for the pilot project for more realistic, measurable, and clearly public safety oriented purposes. In particular, PSD requested the funds be reallocated to enhance our current offender electronic monitoring system, to provide additional community-based treatment and programs services for offenders and to provide rental assistance funds to offenders reentering the community.

Unfortunately, despite testimony in support of our efforts, SB 2546 was not passed out of the Public Safety Committee. Therefore, the entire \$1,820,000 lapsed back into the General Fund and no pilot project was initiated.

Act 8 (2007), Special Session, Part 7, Section 21
Inmate Reentry into the Community

The Department of Public Safety (PSD) testified during the last two legislative sessions that it had existing reentry programs prior to the implementation of Act 8. In addition to all the programs already identified and explained in this report, PSD is currently planning both new programs and expansion of already existing programs, with no additional funding as the majority of the funds provided by Act 8 lapsed back into the General Fund.