



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2009 LEGISLATURE**

**ACT 219
STRATEGIC PLAN TO PROVIDE SERVICES TO FEMALE
OFFENDERS RETURNING FROM THE MAINLAND**

December 2008

I. INTRODUCTION

The Hawaii State Legislature (2008) found that the expiration of the contract in October 2008 to house the female offenders from the State of Hawaii in private prisons on the mainland provided an opportunity for the Department of Public Safety to review additional facilities and programs to house and rehabilitate female prisoners upon their return to Hawaii.

The purpose of the Act was to have the Department create an in-house strategic plan by January 1, 2009, to ensure successful re-entry into the community of female prisoners who are returning from incarceration on the mainland and who are residents of the State of Hawaii.

As mandated in the Act, the strategic plan covers the seven areas of programs and services identified.

HOUSING

For the past several months, discussions have been ongoing between the Department, the U.S. Probation Office and the Federal Detention Center (FDC) in Hawaii regarding the housing and servicing of female offenders under the jurisdiction of the State. Although sufficient amount of bed spaces are available at FDC to house all of the State's 164 women incarcerated at the Otter Creek Correctional Center (OCCK) in Kentucky as of October 2008, the additional costs to successfully transition the women back to Hawaii causes great concern especially in these challenging economic times.

The table below provides a simple analysis of the per diem cost of incarceration at FDC and OCCK. An average number of 150 inmates were used for comparison purposes. An increase in the per diem costs for the FDC and OCCK is anticipated for October 2008; however, these figures were not available at the time of this writing.

	FEDERAL DETENTION CENTER September 2008	OTTER CREEK CORRECTIONAL CENTER September 2008	DIFFERENCE
COST PER DAY	\$ 84.04	\$ 57.29	\$ 26.75
NUMBER OF FEMALES	164	164	164
DAILY COST	\$ 13,782.56	\$ 9,395.56	\$ 4,387.00
ANNUAL COST (x365)	\$5,030,634.40	\$3,429,379.40	\$1,601,255.00

It should also be reported that, as of November 2008, there are 46 available beds at the Department's Women Community Correctional Center (WCCC). The availability of these beds at WCCC provides the Department with an option of increasing their capacity for special programming beds since these beds may not be available, or may be too costly, to establish at FDC.

COMMUNITY SUPERVISION

The Department is collaborating with other governmental and privately operated agencies to provide evidence based correctional programs that maximize the successful re-entry of offenders without jeopardizing the safety of the public.

In FY2007, the Department entered into a contract to revise its Inmate Classification System. Through the new Classification System, the Department intends to identify the risk and needs of the offenders upon their admissions to the correctional institutions and provide for these needs through correctional programs and integrated case management. This project will be completed within FY2009 and is expected to improve the processing of the Department's inmate population through its correctional institutions. Improvements in the processing of the inmates through this new Classification System will help expand the Department's Furlough program.

The Department also maintains community beds for female inmates through general-funded contracts with T.J. Mahoney, Inc. on Oahu and Big Island Substance Abuse Council (BISAC) on the island of Hawaii. The table below reflects the comparison of cost estimates between the housing of eligible women at OCCK and a supervised program within the community.

	OCCK	COMMUNITY PROGRAM	DIFFERENCE
COST PER DAY	\$ 57.29	\$ 80.00	\$ 22.71
NUMBER OF FEMALES	40	40	40
DAILY COST	\$ 2,291.60	\$ 3,200.00	\$ 908.40
ANNUAL COST (x365)	\$836,434.00	\$1,168,000.00	\$331,566.00

MEDICAL CARE

The standard contract for the provision of health, dental and vision care to Hawaii's female inmates incarcerated at OCCK requires the Corrections Corporation of America to pay up to two thousand dollars (\$2,000.00) of reimbursable expenses for every incident. The Department is responsible for any reimbursable expenses in excess of the \$2,000.00 for every incident. The Department's expenses during FY2008 for the women at OCCK were \$150,508.00.

In comparison, the FDC contract terms provide for routine in-facility health care services. Specialty out-of-facility care is provided at the Department's expense. It is difficult at this time to estimate this cost.

A recent review of the medical records of the women at OCCK indicated that approximately 49% would not meet the medical screening criteria for housing at FDC. This is due in large part to the stringent medical clearance required of the FDC by the Federal Bureau of Prisons.

DRUG TREATMENT

The costs for providing various modalities of addiction treatment in OCCK are included in the per diem cost of the contract for the overall custody and care of Hawaii's female inmates. OCCK offers an Out-Patient (OP) Treatment model which takes up to 15 women at a time and approximately 3 to 6 months to complete. They also operate a Therapeutic Community (TC) Treatment model which services up to 34 women at a time and takes 9 to 15 months to complete. On an average there are approximately 80 women per year that require OP treatment and approximately 85 that require TC at OCCK.

The Department also maintains two contracts per year through general funds for OP and TC treatment modalities at WCCC. The OP model can service up to 15 women at a time while the TC can service up to 50 at a time. Both treatment modalities in Hawaii are provided through general funded contracts; \$322,000.00 per year for TC treatment at WCCC, and \$302,790.00 per year for OP treatment statewide.

In FY2008, the Department developed an Intensive Out-Patient (IOP) treatment pilot program for WCCC women in need of a more intensive model of treatment than OP, yet not as intensive as TC. The sessions take approximately 9 months to complete and can service a maximum of 15 slots per session. The IOP model is currently being delivered by a staff member of the Department at no additional cost to the state. If this pilot project is successful, the Department could expand the program to a maximum of 25 slots to help address the addictive issues of appropriately diagnosed female inmates without increasing staffing.

The Department also delivers a re-entry program, referred to as Bridge, to assist the women who have graduated from the TC program with their addictions as they transition into the community through furlough. The program is administered by certified staff members of the state and provides special housing at WCCC for a maximum of 15 women. Expansion of this program would require the provision of additional beds in a specialized housing setting and the addition of certified substance abuse counselor(s) at a ratio of one to an additional 20 inmates (1:20).

RE-INTEGRATION PROGRAMS

As reported in the section under, "Community Supervision," the Department maintains community beds for female inmates through general-funded contracts with T.J. Mahoney, Inc. on Oahu and Big Island Substance Abuse Council (BISAC) on the island of Hawaii. Currently, the Department has 40 female beds at T.J. Mahoney and 5 at BISAC. Programs are reporting substantial increases in their operating expenses as a result of the state's current economic situation. According to one program representative, their expenses have increased from \$65.00/occupied bed/day to \$80.00/occupied bed/day. Increases in the number of female inmates transitioning into the community through these supervised beds will depend heavily on the ability of privately operated programs within the community to provide additional bed spaces and services that are appropriate, and the ability of the Department to secure additional funding to address the increase in costs.

In FY2007, the Department received general funds through Act 213 (2007) to support the development of an Intensive Re-entry Program for high-risk female offenders. Approximately \$225,000.00 was expended to provide contracted services for 85 women. The women receive

intensive services to assist in transitioning them into employment and pro-social lifestyles in the community. Appropriations for this program will terminate at the end of FY2009, unless extended. Increases in the number of female inmates afforded these services will also depend heavily on the availability of qualified contractors and the Department's ability to secure the appropriate funding to address the increase in costs.

The Department has published and provided to the legislature a Comprehensive Offender Re-entry Plan in response to Act 8 (2007). The plan is constantly evolving as we develop and implement additional re-entry initiatives and strategies. As stated in the plan, the goal of the Department is to provide all individuals incarcerated under the laws of Hawaii with a continuum of care that identifies and addresses their needs as they transition from a more restrictive correctional settings into the community.

EMPLOYMENT TRAINING

The cost for the work development programs provided at OCCK are all included in the per diem expense for the custody and care of the Hawaii inmates in the privately operated facility. The programs offered at OCCK are very popular with the female inmates. Sufficient program space and staffing are the keys to the success of these work development programs in the privately operated facilities. The Department suffers shortages in both categories; insufficient space within its correctional facilities to operate additional programs, insufficient funding for program staff to deliver the programs, and insufficient security staff to ensure the safety of the program participants. As a result, current work development programs in WCCC are considered not as feasible as those in the privately operated facilities.

Act 213 (2007) provided \$75,000.00 in general funds to the Department for the development of a Culinary Training Program at WCCC. The Department entered into an agreement with Kapiolani Community College to develop and implement a training program that would prepare the participants with the basic knowledge and skills to work in the food service industry upon their release. Although this program has received positive reviews from the participants and the public, it is uncertain if general funds will continue to be available considering Hawaii's current struggling economy.

TRANSITIONAL SERVICES

The Department currently provides three types of programs to assist female inmates with their transition from the restrictive correctional setting to the community-at-large: Educational Core programs, Cognitive Based programs, and Vocational programs. The Educational Core programs are designed to provide inmates with the opportunities to participate in Adult Basic Education or General Education Diploma classes. Cognitive Based programs are designed to provide inmates with the skills to make positive changes in their lifestyles. Vocational programs are designed to provide inmates with the skills to secure gainful employment upon their release. In general, the Educational Core programs are provided by Educational Specialists who are employed by the Department, while the other two programs are supported through general funded contracted services. Increases in the number of women to be serviced through these programs in Hawaii will depend on the availability of qualified contractors from the community to provide Cognitive Based or Vocational programs, additional Educational Specialists to deliver the Educational core programs, renovation or reconfiguration of program space within the

correctional facilities to deliver the services, securing security staff to ensure the safety of the participants, and the procurement of general funds to provide the services.

CONCLUSION

As of the end of October 2008, WCCC had an Operating Capacity of 260 beds; 214 of those beds were occupied. Additionally, there were 164 women incarcerated at OCCK. A departmental report, dated October 08, 2008, reflects, in the table below, the remaining sentenced to be served before the women in OCCK are eligible for parole, or completes their maximum sentence.

Less than 2 years	19	12%
2 years to less than 3 years	18	11%
3 years to less than 5 years	21	13%
5 years or greater	106	64%

Theoretically, WCCC could house an additional 46 women to bring their count to the facility's maximum operating capacity. This, however, assumes that none of the beds are designated for special housing purposes, such as, segregation or programming. Additionally, bringing the count up to capacity will likely cause overcrowding at the facility as the daily counts will fluctuate because of disparities in the number of admissions and releases. It also does not factor in that fact that at any given time, dozens of female parolees and hundreds of female probationers face return to custody and/or re-sentencing to prison.

The Federal Detention Center in Hawaii currently has sufficient amount of beds to house the entire female population incarcerated at OCCK. However, since the correctional institution is a Detention Center, imprisonment for periods in excess of three years in its enclosed settings is not recommended, nor supported by the U.S. Bureau of Prisons. The State of Hawaii would be required, therefore, to juggle the housing assignments for the female inmate population who have sentences to serve of more than three years to ensure that their incarceration period at FDC does not exceed the 3-year limit. In addition, as previously noted, the daily costs of incarcerate female offenders at the FDC is considerably higher than the cost to house and providing them with appropriate programming at the OCCK on the mainland.

Currently, the Department attempts to provide Educational Core programs to inmates during their initial periods of incarceration. Cognitive Based programs, including Sex Offender and Substance Abuse Treatment, are normally provided within 5 years of their possible release. Vocational programming, including work or educational furlough is normally available in the final year of their possible release. The Cognitive Based and Vocational programs, however, require special provisions that may be too difficult, or too costly, to provide at FDC. Therefore, the Department is recurrently considering restructuring of programs provided at the WCCC to primarily provide both Cognitive Based and Vocational programs, while utilizing FDC to deliver basic Educational Core programs to eligible women who are housed there.

Further, neither FDC nor WCCC are structured to house any inmate serving sentences in excess of 20 years. The Department will require alternative options on the mainland for long prison terms.

RECOMMENDATION

Severing Hawaii’s dependence on prison bed spaces in privately operated correctional institutions on the mainland and providing detention alternatives within the State for our female inmates will require additional funding. The utilization of available bed spaces at the FDC and within closely supervised community programs provide the Department with the best alternatives at this time for the successful return of the women incarcerated at OCCK to Hawaii. The following assumptions have been made in the drafting of this plan:

1. WCCC has 46 beds available as of October 2008;
2. No additional funds will be required for the renovations of WCCC;
3. There are 45 beds available within the community for women;
4. 6 women at OCCK will require housing in the mainland because of their lengthy sentence;
5. The remaining 67 of the 164 women at OCCK will be housed at FDC;
6. General funds already appropriated for the incarceration of the female inmates in OCCK will be used to offset the cost of returning the women to Hawaii for incarceration.

Listed below is an outline of the preparations required to ensure the successful return of female prisoners who are returning from incarceration on the mainland along with estimates of the additional costs required.

RECOMMENDATIONS	ADDITIONAL COSTS ANNUALLY	CUMULATIVE COSTS	COMMENTS
<p><u>Phase I.</u> Fill all of the case manager positions at WCCC.</p>	\$0	\$0	<p>The case managers are the agents to ensure that the needs of the inmates are appropriately identified and that their housing is conducive to programmatic requirements. Additionally these positions are vital to the supervision of women who are placed on furlough. Although there are no additional costs identified in this category, future demands on the overall caseload may justify an additional position or two.</p>

<p>Create an Intensive Reception and Diagnostic Unit (IRAD) at WCCC.</p>	<p>\$100,000.00</p>	<p>\$100,000.00</p>	<p>It is important that inmates receive full diagnostic reviews within 30 days of their admission to prison to determine their risk and need levels. These reviews are intended to help formulate individual program plans. Included in the IRAD would be professionals who will help motivate inmates to participate in programs and identify possible areas of interest for work development. The funding would be used to purchase the services of professionals through contracts.</p>
<p>Secure funding for additional community beds and services.</p>	<p>\$331,566.00</p>	<p>\$431,566.00</p>	<p>The costs for supervised community beds have increase from \$50.00/inmate/day to \$85.00/inmate/day. The amount reflected here is to utilize all of the available beds within the community under current contract with the Department.</p>
<p>Secure funding for the provision of Educational Core programs at FDC</p>	<p>\$120,000.00</p>	<p>\$431,566.00</p>	<p>ABE and GED programs are already available at FDC. However, the programs are designed for the short-term detention population at FDC. This may affect the availability of these services for the longer term</p>

			population. It is uncertain at this time as to whether additional services would be required at FDC to address an increase in the educational needs of the longer term state population.
Secure sufficient program space at FDC for Educational Core programs.	\$0	\$431,566.00	Further discussions are required to ensure that program space remain available in FDC to State prisoners.
Secure continual funding for the delivery of Vocational Programs at WCCC.	\$250,000.00	\$681,566.00	In FY2008, the Department started a very successful program for the women known as the Intensive Re-entry program. The intent was to assist in transitioning the women into employment and pro-social lifestyles in the community. Although this program requires further appropriations to continue, an additional \$250,000.00 is estimated for the increase in services to be provided to all the women who are eligible for re-entry.
Secure funding for the delivery of Cognitive Based programs to an increased population at WCCC.	\$220,000.00	\$901,566.00	Currently, the Department purchases the services of a private contractor in the amount of \$322,000.00 for 50 available slots at WCCC. Additionally, the Department, through its contract

			with the privately operated facility on the mainland, services 34 slots. The additional costs in the second column reflect the increase in expenses to accommodate 34 TC slots within WCCC at the current contract rate. It does not take into consideration any renovation costs to the facility to provide for the additional special housing beds or any additional food service costs. It also assumes that contractors will be able to hire qualified staff to provide the additional services.
Redesign of the Program structure at WCCC.	\$0	\$901,566.00	The costs to redesign the housing structure at WCCC to focus primarily on a population in need of special housing for Cognitive Based and Vocational programs are uncertain.
<u>Phase II.</u> Assess and identify eligible inmates at WCCC and OCCK for incarceration at FDC.	\$0	\$ 901,566.00	This task is contingent on the Department's ability to fill all of WCCC's case managers' positions.
Transfer of eligible inmates to FDC.	\$654,171.25 (\$22.71x67x365)	\$1,555,737.25	The additional costs estimates are based on figures reported in September 2008 for FDC and OCCK. Both figures are anticipated to increase by October of 2008. According to the assumptions listed

			above, a minimum of 67 women would require beds at FDC. Transportation costs are not included in this estimate.
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The amount listed above, should probably be considered as the minimum amount of additional funds required to return the women at OCCK to Hawaii since certain estimates could not be provided. Just as important as securing sufficient funding for the transfer of the women will be the Department's ability to secure appropriate correctional programs and special housing for the women both within the correctional settings and the community.