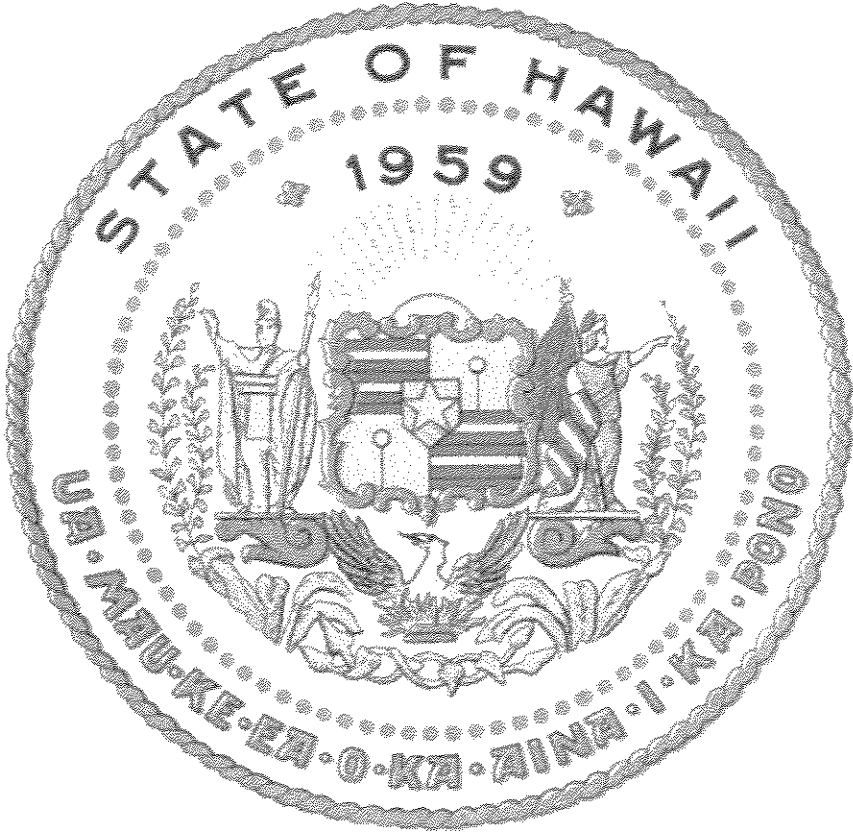


CORRECTIONS POPULATION MANAGEMENT COMMISSION



**2005 ANNUAL REPORT
December 2005**

This report can be downloaded from the
Department of Public Safety website:

www.hawaii.gov/psd

CORRECTIONS POPULATION MANAGEMENT COMMISSION

Chairperson

The Honorable Richard Perkins*
Circuit Court of the First Circuit

Members

Al Tufono, Chair
Hawaii Paroling Authority

The Honorable Colleen Hanabusa
The Senate
Hawaii State Legislature

Serena Camera, Substance Abuse
Counselor
Addition Treatment Services
Salvation Army

Ron Hajime, Administrator
Adult Client Services
Circuit Court of the First Circuit

Peter Carlisle, Prosecuting Attorney
* Department of the Prosecuting Attorney
City and County of Honolulu

Frank Lopez, Interim Director
Department of Public Safety

The Honorable Ken Ito
House of Representatives
Hawaii State Legislature

Tim Ho, Ass't Public Defender
(for John M. Tonaki, Public Defender)
Office of the Public Defender

Peter Gellatly, President
Network Media

Byran Yee, Deputy Attorney General
(for Mark Bennett, Attorney General)
Department of the Attorney General

Commission Staff

* Chief Justice Ronald Moon assigned Judge Stephen Alm, effective July 2005, to replace Judge Richard Perkins. When the Commission reconvenes, Governor Linda Lingle will select a new chair from among the members.

The Corrections Population Management Commission did not meet during Calendar Year 2005, as funds have not been appropriated for staff. The Department of Public Safety submits the following report for the purpose of providing the Hawaii State Legislature with an overview of the goals and past accomplishments of the Commission.

Although section 353F-6, Hawaii Revised Statutes, provides for the appointment of "an executive secretary and additional staff as needed" to support the work of the Commission, funds were only appropriated for the first two years of its operations. Since July 1995, the Department has been using existing staff to further the goals of the Commission, but can no longer afford to do so.

There are two appropriation bills before the 2006 Hawaii State Legislature to provide staff to the Commission. These are House Bill 37 and Senate Bill 1525, both entitled "Relating to the Corrections Population Management Team." (See appendix.)

The Department of Public Safety and the Corrections Population Management Commission urges the Hawaii State Legislature's favorable consideration of these measures so that its work may continue.

INTRODUCTION

The Corrections Population Management Commission (CPMC), created through Act 343, Session Laws of Hawaii 1993, is mandated to:

1. [E]stablish for each correctional facility, maximum inmate population limits which may be enforced by the director of public safety. Population limits shall be established pursuant to guidelines adopted by the commission, which guidelines may be adopted without regard to chapter 91. The guidelines shall ensure the safety of the public. (Section 353F-2, Hawaii Revised Statutes)
2. [R]ecommend to the appropriate authorities, cost-effective mechanisms, legislation, and policies to prevent the inmate population from exceeding the limits established pursuant to section 353F-2. These recommendations shall include estimates of fiscal impact. (Section 353F-3, Hawaii Revised Statutes)

Commission members represent the criminal justice system (law enforcement, prosecution, defense, courts, corrections, and parole) and policy makers from the legislature. The Commission is administratively attached to the Department of Public Safety.

COMMISSION HIGHLIGHTS

Establishing Maximum Inmate Population Limits

Since its inception, the Commission has submitted two recommendations concerning the maximum inmate population limits. The first, in 1995, determined the operating capacity of the combined correctional facilities to be 2,643 beds. This analysis considered a number of factors in determining capacity, including

A second, and more sophisticated, space analysis was completed and submitted in 2001. This report re-considered the previous assessment of beds available in 1995 and included new beds added to the system since that time. The 2001 maximum population limit was set at 3,487.

1995 Omnibus Corrections Population Management Plan

In 1995, the Commission presented to the Hawaii State Legislature its first report, the Omnibus Corrections Population Management Plan, which addressed its second mandate to "recommend to the appropriate authorities, cost-effective mechanisms, legislation, and policies to prevent the inmate population from exceeding the limits established pursuant to section 353F-2." The Commission developed a three-part strategy:

- Develop alternatives to incarceration (intermediate sanctions): Omnibus Plan;
- Employ early release and reintegration programs;
- Construct and/or expand facilities.

The Omnibus Plan included a wide range of recommendations to divert offenders from incarceration, reduce the length of stay in correctional facilities through rehabilitative and reintegrative programs, and expand the correctional system through construction of new beds.

The 1995 Hawaii State Legislature accepted, in part, the recommendations of the Commission. This was accomplished through amending various sections of the Hawaii Revised Statutes to implement intermediate sanctions post-adjudication (see sections 706-605.1, 353-10.5, and 353-63.5). Unfortunately, funding for the recommended programs to support alternatives to incarceration fell far short of its goal, severely limiting the ability of the Judiciary, corrections, and parole to carry out the mandates of the new amendments. The Omnibus Corrections Population Management Plan did become the vehicle, though, for funding the establishment of a drug court in the First Circuit. Funds were also allocated to expand the use of electronic monitoring.

2002 Strategies to Control Inmate Populations

Since 1995, there had been numerous projects that have supported the goals of the Commission to maintain the corrections population within the established limits. In that many have been interagency, bridging gaps that have previously resulted in state agencies competing for funds to support very similar programs for overlapping populations, the Commission has determined that it would be in the best interest of the State of Hawaii to support these existing projects rather than proposed additional ones.

Serious and Violent Offender Reentry Initiative (Maui Community BEST Reentry Program)

This federally funded project is designed to facilitate the successful reentry of incarcerated serious and violent offenders into the community through integrated case planning and the unified delivery of services, in the County of Maui.

Major elements of the project include

- Interagency cooperation, including State, County, and private non-profit agencies;
- Inmates to transition through three phases of program, from incarceration to furlough to community release;
- Assessment and placement of inmates into services based on assessed needs; and
- Comprehensive supervision and integrated delivery of services.

Interagency Council on Intermediate Sanctions

The goal of the intermediate sanctions project is to reduce recidivism among adult offenders over five years through effective interventions that will prevent the future victimization of Hawaii's citizens through an improved criminal justice system.

This Council has made considerable progress in achieving its goals, which include:

- Collaboration of public and private agencies;
- Application of common assessment instruments across criminal justice agencies;
- Development of a continuum of supervision and services;
- Matching offenders to levels of supervision and services, based on assessed risk and need; and
- Evaluating the effectiveness of intermediate sanctions, including quality assurance of the assessment and placement process, program evaluations, and recidivism studies.

Integrated Case Management and Substance Abuse Treatment for Offenders

This interagency effort aims to reduce the return to custody rate of offenders on community release through integrated case management that spans across criminal justice agencies and a continuum of substance abuse services utilizing best practices. This is achieved through:

- Effective case management across agencies;
- Utilize best practices in the continuum of community-based substance abuse services to refer offenders at risk of returning to custody;
- Provide a collaborative approach to supervising and treating the substance abusing offender in the community; and
- Reduce the return to custody rate in a manner that is conducive with public safety.

Sentencing Simulation Model

The Commission is required to provide fiscal impact statements along with its policy recommendations (section 353F-3, Hawaii Revised Statutes). In order to aid the CPMC in its mission of delineating appropriate planning strategies, the Sentencing Simulation Model Project (SSMP) was created. Under the guidance of the Commission, the overall goal of the SSMP was to provide the Commission with a statewide statistical model inclusive of all aspects of the adult criminal justice system (e.g., prison, parole). The project would act as a centralized statewide data repository for this information, accessing it for use in the model, and manipulating it within the simulation framework to project systemic changes brought about by revisions to current policies.

A sentencing simulation model enables one to assess the impact of sentencing reforms on prison populations as well as correctional populations supervised in the community, most notably parole and probation. A model that is well-developed and properly maintained in terms of data compilation and interpretation has the capacity to project corrections populations upwards of five years into the future with relative accuracy. Simulation models are becoming a standard tool across the nation for lawmakers and criminal justice practitioners in efforts to deal with burgeoning corrections populations in spite of financially strapped legal systems and justice agencies. Sentencing simulation works to extrapolate and manage the intended and unintended consequences of policy changes in a statistical manner. With proper agency data input, the simulation model will be able to examine current policies while also being able to make projections based on proposed changes to existing policies.

The Sentencing Simulation Model Project was funded through a federal grant, which had a maximum granting period of four (4) years. The Commission submitted an appropriations bill to the Twenty-Second Legislature (House Bill 1477, Relating to the Sentencing Simulation Model Project) but the bill did not pass. Due to the lack of State funding, the Sentencing Simulation Model Project was discontinued in September 2004, upon the exhaustion of federal grant funds.

CONCLUSION

Serious overcrowding of Hawaii's correctional system has continued over the past 25 years, with little indication that the inmate population growth will be curtailed in the near future. Prison overcrowding is controlled today by contracting with private prison vendors for beds located in Mainland facilities, with over 40% of Hawaii's sentenced felons and parole violators placed out-of-state. Through a contract with the Federal Bureau of Prisons, local jails can relieve overcrowding by placing post-adjudicated inmates in beds in the Honolulu Federal Detention Center.

The Corrections Population Management Commission has in the past provided a forum for all levels of the criminal justice system, from law enforcement to parole, to examine and discuss current public policy that drive correctional populations. Based on these discussions, the Commission has met its mandate by establishing correctional facility capacities and developing proposals which could effectively reduce at least some aspects of the incarcerated population.

The members of the Commission look forward to continuing its important work of and urges the 2006 Hawaii State Legislature to pass the attached legislation which is pending before it.

APPENDIX

JAN 27 2005

A BILL FOR AN ACT

RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The corrections population management
2 commission, established by Act 343, Session Laws of Hawaii 1993,
3 was created to "develop mechanisms to prevent inmate population
4 from exceeding the capacity of correctional facilities." In
5 1995, the commission provided the legislature with a
6 comprehensive report that recommended a three-prong approach to
7 controlling incarcerated populations:

- 8 (1) Reduce admissions through alternatives to
9 incarceration;
- 10 (2) Reduce length-of-stay through increased programming
11 for inmates; and
- 12 (3) Expand the capacity of the correctional system.

13 It was through Act 343 that the first drug court was
14 established in Hawaii and the Hawaii Revised Statutes were
15 amended to provide for intermediate sanctions. In 2001, the
16 commission completed a comprehensive examination of the capacity
17 of the correctional system and presented those findings to the
18 legislature in 2002.



1 Section 353F-6, Hawaii Revised Statutes, requires the
2 department of public safety to "appoint an executive secretary
3 and additional staff as necessary to carry out the functions of
4 the commission. All staff shall be appointed without regard to
5 chapter 76." For the first three years, the legislature
6 appropriated funds for these positions. After those funds
7 expired, the commission has relied on existing department of
8 public safety staff for support. There is no dedicated staff
9 for this purpose and this has seriously impacted the ability of
10 the commission to research, study, and develop corrections
11 population control recommendations. With proper staffing, the
12 commission can fulfill its mandate.

13 The purpose of this Act is to fund an executive secretary
14 position to support the corrections population management
15 commission.

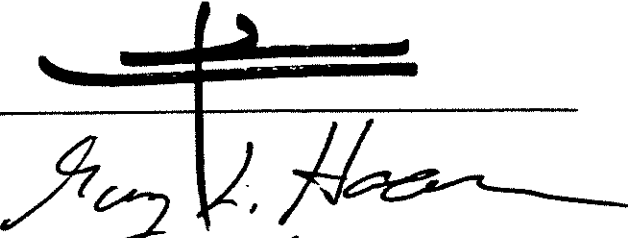

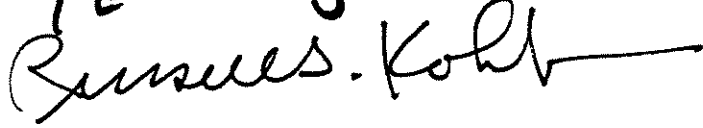

16 SECTION 2. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$, or so much
18 thereof as may be necessary, for fiscal year 2005-2006, and
19 \$, or so much thereof as may be necessary, for fiscal
20 year 2006-2007, to carry out the purpose of this Act, including
21 the purchase of office equipment and other expenses.

1 The sums appropriated shall be expended by the department
2 of public safety.

3 SECTION 3. This Act shall take effect on July 1, 2005.

4

INTRODUCED BY:



Report Title:

Corrections; Population Management Commission; Appropriation

Description:

Appropriates funds to the department of public safety to fund an executive secretary position to support the corrections population management commission.



STAND. COM. REP. NO.

519

Honolulu, Hawaii

Feb 18, 2005

RE: H.B. No. 37

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2005
State of Hawaii

Sir:

Your Committee on Public Safety & Military Affairs, to which was referred H.B. No. 37 entitled:

"A BILL FOR AN ACT RELATING TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION,"

begs leave to report as follows:

The purpose of this bill is to support the Corrections Population Management Commission (Commission) with its research, study, and development of recommendations for corrections population control by appropriating funds for a full-time executive secretary.

The Office of the Public Defender, Community Alliance on Prisons, and Out of Prison Services testified in support of this bill. The Department of Public Safety (DPS), Hawaii Paroling Authority, and Department of the Attorney General supported the intent of this measure.

Your Committee has amended this bill by:

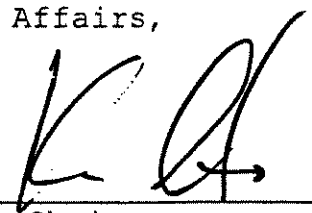
- (1) Including language to authorize DPS to create the full-time executive secretary position; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.



Your Committee notes that the Commission was created in 1993 to establish maximum limits on the inmate population in each correctional facility and to formulate policies and procedures to prevent overpopulation based on those maximum capacities.

As affirmed by the record of votes of the members of your Committee on Public Safety & Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 37, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 37, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety &
Military Affairs,



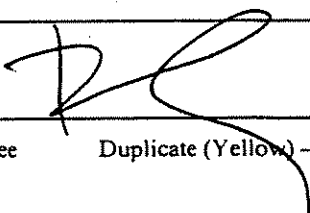
KEN ITO, Chair



State of Hawaii
House of Representatives
The Twenty-third Legislature

HSCR 519

Record of Votes of the Committee on Public Safety and Military Affairs

Bill/Resolution No.: HB 37		Date: Feb. 17, 2005		
Committee Referral: PSM, FIN		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit				
PSM Members	Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)	✓			
2. CHONG, Pono (VC)	✓			
3. LEE, Marilyn B.	✓			
4. NAKASONE, Bob	✓			
5. SHIMABUKURO, Maile S.L.	✓			
6. SOUKI, Joseph M.				✓
7. TANAKA, Kameo	✓			
8. YAMANE, Ryan J.	✓			
9. MOSES, Mark S.				✓
10. STONEBRAKER, Bud	✓			
TOTAL	8			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Clerk's Office Duplicate (Pink) – HMSO				

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4 the commission. All staff shall be appointed without regard to
5 chapter 76." For the first three years, the legislature
6 appropriated funds for these positions. However, those funds
7 have since expired, and the commission has relied on existing
8 department of public safety staff for support. Currently, there
9 are no dedicated staff to support the commission's operations,
10 seriously hampering the ability of the commission to research,
11 study, and develop recommendations for corrections population
12 control.

13 The purpose of this Act is to appropriate funds for a full-
14 time executive secretary position to support the operations of
15 the corrections population management commission.

16 SECTION 2. The department of public safety is authorized
17 to establish one full-time equivalent (1.0 FTE) executive
18 secretary position for the purpose of providing professional
19 support to the corrections population management commission.

20 SECTION 3. There is appropriated out of the general
21 revenues of the State of Hawaii the sum of \$ or so much
22 thereof as may be necessary for fiscal year 2005-2006 and



1 \$ or so much thereof as may be necessary for fiscal year
2 2006-2007 for the purposes of this Act, including the purchase
3 of office equipment and other expenses.

4 The sums appropriated shall be expended by the department
5 of public safety.

6 SECTION 4. This Act shall take effect on July 1, 2005.



H.B. 37, HD1

Report Title:

Corrections; Population Management Commission; Appropriation

Description:

Authorizes and appropriates funds for the creation of a full-time executive secretary position to support the corrections population management commission. (HB37 HD1)

HB37 HD1 HMS 2005-2370

