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# Appendix A

## Foundational Documents

## **CHAPTER 353H COMPREHENSIVE OFFENDER REENTRY SYSTEM**

### Part I. General Provisions

#### Section

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#### **Note**

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#### **Cross References**

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## **PART I. GENERAL PROVISIONS**

**[§353H-1] Title.** This chapter shall be known and may be cited as the Community Safety Act. [L Sp 2007, c 8, pt of §2]

**§353H-2.5 Offender reentry office.** There shall be established within the department of corrections and rehabilitation an offender reentry office to oversee the development and implementation of the comprehensive offender reentry system.

The offender reentry office shall:

- (1) Ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner;
- (2) Develop and implement risk needs assessment tools to properly place offenders in programs and services;
- (3) Match offenders to programs and services that address risks and needs identified;
- (4) Monitor and record progress made by offenders while participating in prescribed programs and services;
- (5) Identify and make recommendations to address needs not addressed by programs and services;
- (6) Provide training opportunities for department staff and service providers in assessments and evidence-based practices;
- (7) Work closely and collaborate with the community service and work furlough programs located in the community correctional centers and correctional facilities;
- (8) Work closely and collaborate with the Hawaii paroling authority; and
- (9) Work closely and collaborate with community partners such as organizations, businesses, and concerned citizens. [L 2012, c 76, §2; am L 2022, c 278, §29]

**§353H-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 corrections and rehabilitation.

"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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-3 Offender reentry system plan; creation.** (a) The department of corrections and rehabilitation shall develop a comprehensive and effective offender reentry system plan for adult offenders exiting the prison system.

(b) The department of corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-4 Model programs; department of corrections and rehabilitation.** Subject to funding by the legislature, the department of corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]



**§353H-5 Children of incarcerated parents; families.** The director of corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-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 corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-7 Return of out-of-state inmates.** (a) The director of corrections and rehabilitation 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 corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-8 Performance indicator reporting.** (a) The department of corrections and rehabilitation shall develop performance measures that accurately reflect progress toward specific goals, including:

- (1) Improving recidivism rates;
- (2) Decreasing prisoner assaults on correctional staff;
- (3) Reducing correctional staff turnover; and
- (4) Improving departmental efficiencies in staffing, budgeting, and data management and analysis.

(b) The department shall develop key performance indicators, which shall include:

- (1) The number of individuals enrolled in and who have completed a general education diploma or competency-based diploma;
- (2) The number of individuals for whom a reentry plan is filed and the number of individuals who exit jail or prison with a reentry plan;
- (3) Drug test failure rates of inmates while incarcerated and while on parole;
- (4) The number of inmates currently enrolled in and who have completed drug treatment programs provided by the department of corrections and rehabilitation;
- (5) The number of inmates currently enrolled in and who have completed restorative circles;
- (6) The number of parolees who have applied for a reduction of their minimum sentence, the number of applications approved and denied, and, when applicable, the reasons for the denial of a parolee's application;
- (7) The number of parole revocation hearings and the results of parole revocation hearings that, when applicable, explain why the parolees' revocation was denied;
- (8) The cost of incarceration per inmate, per day, per facility;
- (9) Offender demographics, including gender, race, age, and type of offense;
- (10) The number of individuals who received vocational training or rehabilitation services and type of vocational training or rehabilitation services received;
- (11) The total number of inmate intakes, by month, including the number of intakes each month within the past year and past five years;
- (12) The total number of inmates released, by month;
- (13) The number of inmates with substance abuse problems, including the type of dependence or addiction, and the

number of inmates with no reported substance abuse problems;

- (14) The median length of incarceration, excluding inmates who have received life sentences or been paroled;
- (15) The prison population forecast for the next decade;
- (16) The total number of pretrial detainees and the number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age;
- (17) The number of pretrial detainees released or discharged each month and the reason for the release or discharge by type of crime, bail amount, risk assessed, gender, race, and age;
- (18) The average length of stay for pretrial detainees by reason for release or discharge, type of crime, bail amount, risk assessed, gender, race, and age;
- (19) The number of pretrial detainees held on cash bail by type of crime, bail amount, risk assessed, gender, race, and age;
- (20) The average amount of time for completing and verifying pretrial risk assessment by type of crime, bail amount, risk assessed, gender, race, and age; and
- (21) The number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age. [L 2018, c 212, pt of §2; am L 2022, c 278, §29]

**§353H-7 Return of out-of-state inmates.** (a) The director of corrections and rehabilitation 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 corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

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**[§353H-9] Annual reporting requirements.** (a) For each program established pursuant to this chapter, the department shall submit a report to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018. Each report shall reference key performance indicators that track rehabilitation and reentry efforts for individuals being prepared to exit the correctional system. The report shall also include:

- (1) A complete list of programs offered;
- (2) The length of each program;
- (3) Each program's success rate, including the percentage of participant completion in the previous two years;
- (4) A description of participant criteria assessed by the program for admittance;
- (5) The number of available positions with each program;
- (6) The number of potential participants on waiting lists;
- (7) The number of participants who do not complete the program;
- (8) A summary of reasons why participants do not complete a program; and
- (9) A complete list of programs that are no longer offered and explanations for termination of the programs.

(b) The department shall also submit a report, including all of the key performance indicators provided under this chapter, to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018.

(c) The department shall also post the reports electronically on the department's website in a timely manner. [L 2018, c 212, pt of §2]

**PART II. OFFENDER REENTRY LEGISLATIVE OVERSIGHT  
COMMITTEE--REPEALED**

**§353H-21 REPEALED. L 2010, c 4, §11.**



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

#### **§353H-31 Adult offender reentry programs and services. (a)**

The director of corrections and rehabilitation 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 corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

**§353H-32 Offender reentry; identification documents.** (a) The department, in collaboration with the department of transportation and the examiner of drivers of each county, shall inform inmates that departmental assistance is available to obtain civil identification cards, in accordance with part XVI of chapter 286, and upon request shall assist inmates who have one year or less prior to the inmate's parole or release date remaining on their prison sentence in obtaining a civil identification card.

(b) The department, in collaboration with appropriate federal, state, and county agencies, shall also inform inmates of the availability of departmental assistance to obtain the inmate's birth certificate, social security card, and any other relevant identification documents necessary for the inmate to transition into the workforce, access social services, secure or verify applicable medicaid eligibility, and secure housing, and upon request shall assist the inmates who have one year or less prior to the inmate's parole or release date.

(c) For an inmate released to work furlough, extended furlough, or community placement programs, the department of corrections and rehabilitation shall initiate the process of assisting the inmate pursuant to subsections (a) and (b) at least ninety days prior to the inmate being released by providing the forms necessary for the inmate to obtain civil identification cards to the inmate.

(d) Any form the department provides pursuant to this section shall be in the inmate's primary language. [L 2017, c 56, §1; am L 2018, c 78, §1; am L 2022, c 103, §1 and c 278, §29]

### **Note**

Inmates released with and without identification documents; annual report to legislature (starting with the 2019 session). L 2017, c 56, §2.

**[CHAPTER 353L]**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

Section

353L-1 Hawaii correctional system oversight  
commission;

membership; appointment; chairperson;  
reimbursement  
of expenses

353L-2 Oversight coordinator; appointment; term

353L-3 Hawaii correctional system oversight  
commission;

powers and duties

353L-4 Powers and duties of the oversight  
coordinator

353L-5 Access to records by oversight coordinator  
and

commission

353L-6 Monthly reports; annual reports

353L-7 Studies and investigations; procedures

**§353L-3 Hawaii correctional system oversight commission; powers and duties.** (a) The commission shall meet with the oversight coordinator not less than once each quarter to make recommendations and set policy, receive reports from the oversight coordinator, and transact other business properly brought before the commission.

(b) The commission shall:

- (1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;
- (2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
- (3) Work with the department of corrections and rehabilitation in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees. The commission may make recommendations to the department of corrections and rehabilitation, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
- (4) Ensure that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the minimum terms have been served instead of delaying the release for lack of programs and services.

To achieve these ends, the commission shall authorize the oversight coordinator to adopt rules in accordance with chapter 91. [L 2019, c 179, pt of §2; am L 2022, c 16, §1 and c 278, §29]

## ACT 278

H.B. NO. 2171

A Bill for an Act Relating to Public Safety.

*Be It Enacted by the Legislature of the State of Hawaii:*

## PART I

SECTION 1. The purpose of this Act is to:

- (1) Establish a new department of law enforcement to consolidate and administer the criminal law enforcement and investigations functions of the department of transportation, certain investigations functions of the department of the attorney general, functions of the office of homeland security, and current law enforcement and investigations functions of the department of public safety;
- (2) Rename the department of public safety as the department of corrections and rehabilitation, which will administer the corrections, rehabilitation, reentry, and related functions currently assigned to the department of public safety;
- (3) Establish a training center within the department of law enforcement;
- (4) Transfer employees, appropriations, records, equipment, leases, contracts, other documents, rules, policies, procedures, guidelines, and other material, as appropriate, to the respective departments; and
- (5) Establish positions for the department of law enforcement and the department of corrections and rehabilitation, and appropriate funds for the department of law enforcement.

Currently, corrections and certain law enforcement functions and activities are placed within the department of public safety. The legislature finds that the goals and functions of corrections and law enforcement are different and distinct and separating the functions of corrections and law enforcement from the department of public safety into two departments would best accomplish the discrete goals and objectives of both functions.



The legislature further finds that state law enforcement personnel and functions are currently spread across various departments. The department of public safety, department of transportation, and department of the attorney general all have independent law enforcement officers and different law enforcement duties. Because each department administers its own law enforcement duties, goals, and functions, training and operational standards differ between each department. Accordingly, the reorganization of certain state law enforcement functions into a single entity would provide the highest level of law enforcement service for the public, state employees, and state properties. Consolidation of state law enforcement responsibilities into a single state department will centralize state law enforcement functions to increase public safety, improve decision making, promote accountability, streamline communication, decrease costs, reduce duplication of efforts, and provide uniform training and standards.

The goals of the department of law enforcement would include:

- (1) Establishing a partnership with the federal Joint Terrorism Task Force to protect the State from domestic and foreign threats;
- (2) Eliminating the narcotics epidemic that plagues Hawaii's communities through its commitment of investigators in the federal High Intensity Drug Trafficking Area task forces;
- (3) Expanding the narcotics canine program; and
- (4) Reducing gun violence and other violent criminal acts in island communities through participation in the federal Project Safe Neighborhoods program.

This Act also establishes a training center within the department of law enforcement to provide its law enforcement entities the highest level of core and continuing education and training. The training center will also be made available to federal, state, and county law enforcement agencies upon their request. The development of a department of law enforcement training center, where all department of law enforcement officers who intend to work on any island of Hawaii must be certified, will ensure that all department of law enforcement officers meet the standards set by the law enforcement standards board established in chapter 139, Hawaii Revised Statutes. The center will also ensure that the individuals who earn its certification have learned the highest level of core and continuing education and training. The center's curriculum will be designed to ensure that the individuals trained here have the knowledge and skills to protect and serve the public and will be held accountable if they do not uphold the standards set by the law enforcement standards board.

The legislature also finds that consolidating adult corrections, reentry services, and other related functions into a separate department of corrections and rehabilitation will allow for the efficient use of resources in administering correctional programs and administering and maintaining public and private correctional services. The Hawaii correctional industries, Hawaii paroling authority, and crime victim compensation commission will be administered by the department of corrections and rehabilitation.

The legislature intends that patrol officers assigned to the department of law enforcement continue to retain the title of deputy sheriffs. During the Kingdom of Hawaii, sheriffs oversaw law enforcement activities on each island under the supervision of a kingdom-wide marshal. From 1905 to 1960, sheriffs protected the public as elected county officials, including Duke Kahanamoku, who was elected Honolulu sheriff from 1934 to 1960. Modern-day deputy sheriffs have protected the people of Hawaii for nearly fifty years, beginning in 1963 when the legislature created the office of the sheriff within the department of the attorney general.

The legislature does not intend to impair or diminish the longstanding authority and responsibility of county police departments to enforce the laws, along with state law enforcement, on state lands within their respective counties. County police departments will continue to have full law enforcement authority and responsibility, and in particular will continue to have concurrent jurisdiction with respect to state parks, state buildings, state highways, Hawaiian home lands, and other state lands and facilities.

Part II of this Act is to be effective upon approval of this Act. Part II establishes a department of law enforcement and its director and deputy directors. The department of law enforcement will initially be staffed by its director, deputy directors, and certain administrative staff. These personnel will prepare for the transfer of state law enforcement functions and personnel to the department on January 1, 2024.

Part III of this Act is to be effective on January 1, 2024. Part III transfers the law enforcement functions and personnel from the department of public safety to the department of law enforcement and makes conforming amendments.

Part IV of this Act is to be effective on January 1, 2024. Part IV renames the department of public safety as the department of corrections and rehabilitation and the director of public safety as the director of corrections and rehabilitation, establishes its deputy directors, and makes conforming amendments so that the authority and responsibilities of the department of corrections and rehabilitation are set forth in chapter 353, Hawaii Revised Statutes, while the authority and responsibilities of the department of law enforcement are set forth in chapter 353C, Hawaii Revised Statutes.

Part V of this Act is to be effective on January 1, 2024. Part V transfers the law enforcement and security functions and personnel of the harbors division of the department of transportation, the non-statutorily mandated functions and law enforcement personnel of the investigations division of the department of the attorney general, and the office of homeland security of the department of defense to the department of law enforcement.

Part VI of this Act provides for the retention of civil service status and related rights of transferred employees and transfers any appropriations, equipment, contracts, leases, policies, rules, guidelines, and other items to the respective departments as provided in this Act.

Part VII of this Act is to be effective on July 1, 2022. Part VII establishes new positions within the department of law enforcement that are required for the department's operations. These positions include the director of law enforcement, deputy directors, and certain administrative positions that will staff the department, as well as new positions that will be required when parts III and V take effect on January 1, 2024. Part VII also appropriates funds to the department of law enforcement to fill certain positions that will be required to prepare the department for the transfer of functions, personnel, and assets from other departments on January 1, 2024. Part VII further requires the department of law enforcement to report to the legislature, no later than twenty days prior to the convening of the regular session of 2023, the progress made in preparing for the transfer of law enforcement functions to the department on January 1, 2024.

Part VIII of this Act is to be effective on January 1, 2024. Part VIII establishes new positions within the department of corrections and rehabilitation that will be required for the operation of the department when parts III and IV take effect on January 1, 2024.

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# SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO SUBMIT A REPORT TO THE LEGISLATURE DETAILING THE DEPARTMENT'S PROCESS IN ASSISTING INMATES IN OBTAINING IDENTIFICATION CARDS.

1 WHEREAS, the Legislature has been working to facilitate the  
2 reentry of returning citizens back to their families and  
3 communities after exiting incarceration; and  
4

5 WHEREAS, past legislatures have appropriated funds to the  
6 Department of Public Safety to start the process of reentry by  
7 ensuring that everyone who is released from incarceration has a  
8 valid identification card; and  
9

10 WHEREAS, the Department of Public Safety is transitioning  
11 to a rehabilitative and therapeutic model; and  
12

13 WHEREAS, ensuring that persons exiting incarceration are  
14 released with a valid identification card will facilitate their  
15 reentry; and  
16

17 WHEREAS, the use of public funds allocated for ensuring  
18 that each person is released from incarceration with a valid  
19 identification card should be public information; and  
20

21 WHEREAS, in 2016, the Legislature appropriated \$25,000 to  
22 the Department of Public Safety for the purpose of creating  
23 identification cards for inmates; and  
24

25 WHEREAS, the Department of Public Safety encountered  
26 problems with the implementation of the 2016 program; and  
27

28 WHEREAS, in 2022 the Legislature appropriated \$100,000 to  
29 the Department of Public Safety to purchase machines for data  
30 input at each facility to implement the identification card  
31 program; now, therefore,  
32



1 BE IT RESOLVED by the Senate of the Thirty-second  
2 Legislature of the State of Hawaii, Regular Session of 2023,  
3 that the Department of Public Safety is requested to submit a  
4 report to the Legislature no later than twenty days prior to the  
5 convening of the Regular Session of 2024 detailing the  
6 Department's process in assisting inmates in obtaining  
7 identification cards; and

8  
9 BE IT FURTHER RESOLVED that the report is requested to  
10 include:

- 11  
12 (1) The number of persons released since identification  
13 cards became available in 2022, or since the  
14 Department of Public Safety began assisting inmates in  
15 obtaining civil identification cards;  
16  
17 (2) The number of people released with an identification  
18 card that was obtained with the Department of Public  
19 Safety's assistance;  
20  
21 (3) The number of people who received a free  
22 identification card;  
23  
24 (4) The number of people who were charged for a valid  
25 identification card and the reasons for the charge;  
26  
27 (5) Any charges assessed for a valid identification card;  
28  
29 (6) The criteria necessary to obtain a valid  
30 identification card; and  
31  
32 (7) An accounting of the funding used to provide  
33 assistance in obtaining valid identification cards;  
34 and

35  
36 BE IT FURTHER RESOLVED that the Department of Public Safety  
37 is requested to:

- 38  
39 (1) Post the report on the Department's publicly available  
40 website; and  
41



1           (2) Provide a copy of the report to the Hawaii  
2           Correctional System Oversight Commission so that the  
3           Commission may post the report on its publicly  
4           available website; and  
5

6           BE IT FURTHER RESOLVED that certified copies of this  
7           Resolution be transmitted to the Governor; Director of Public  
8           Safety; Chairperson of the Hawaii Correctional System Oversight  
9           Commission; Chair of the Senate Committee on Public Safety,  
10          Intergovernmental, and Military Affairs; and Chair of the House  
11          of Representatives Committee on Corrections, Military, and  
12          Veterans.



MAR 12 2021

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## SENATE RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO CORRECT ISSUES AND  
DISMANTLE BARRIERS RELATING TO THE PROVISION OF CIVIL  
IDENTIFICATION DOCUMENTS TO AND SUCCESSFUL COMMUNITY  
REENTRY OF INMATES EXITING INCARCERATION.

1           WHEREAS, millions of people in the United States are living  
2 with a record of an arrest or criminal conviction; and

3  
4           WHEREAS, people with histories of arrests and criminal  
5 convictions are routinely prevented from entering into  
6 employment, housing, and educational opportunities due to state  
7 and local restrictions, as well as social stigma; and

8  
9           WHEREAS, according to the Bureau of Justice Statistics,  
10 ninety-five percent of people incarcerated in state prisons will  
11 eventually be released into society; and

12  
13           WHEREAS, all individuals, including those who have been  
14 convicted of and incarcerated for criminal offense, have  
15 inherent worth, and those persons deserve the chance to learn  
16 from their mistakes, grow, and start again; and

17  
18           WHEREAS, reentry programs assist people who are released  
19 from jails and prisons to obtain post-secondary education,  
20 housing, employment, and treatment; and

21  
22           WHEREAS, these reentry programs help formerly incarcerated  
23 people undergo a smooth and successful transition back into  
24 their communities, which results in reduced recidivism and  
25 improved public safety; and

26  
27           WHEREAS, the coronavirus disease 2019 (COVID-19) pandemic  
28 and the resulting economic downturn have exacerbated existing  
29 barriers to successful reintegration, due in part to high  
30 unemployment and increased demand for housing assistance; and

31  
32           WHEREAS, pursuant to section 353H-3(a), Hawaii Revised  
33 Statutes, the Department of Public Safety is required to develop



1 a comprehensive and effective offender reentry system plan for  
2 adult offenders exiting the prison system; and

3  
4 WHEREAS, pursuant to section 353H-32, Hawaii Revised  
5 Statutes, the Department of Public Safety is required, upon  
6 request, to:

7  
8 (1) Issue civil identification cards to inmates exiting  
9 correctional facilities; and

10  
11 (2) Assist those inmates in obtaining the inmates' own  
12 birth certificates, social security cards, and any  
13 other relevant identification documents necessary for  
14 the inmates' transition from incarceration; and

15  
16 WHEREAS, despite section 353H-32, Hawaii Revised Statutes,  
17 many inmates are exiting incarceration without identification  
18 documentation; and

19  
20 WHEREAS, according to the Department of Public Safety's  
21 December 2019 report to the Legislature, between November 2018  
22 and October 2019, fifty-six percent of all people exiting jails  
23 and forty-six percent of all people exiting prisons statewide  
24 left without an identification card; and

25  
26 WHEREAS, without civil identification documents, it is  
27 nearly impossible for an individual to obtain housing and legal  
28 employment, both of which are essential for successful reentry  
29 into the community; and

30  
31 WHEREAS, although state agencies face significant budget  
32 cuts as a result of the economic downturn caused by COVID-19,  
33 the lack of civil identification among individuals exiting  
34 correctional facilities predates this downturn and should be  
35 treated as priority issue; and

36  
37 WHEREAS, if the rate of individuals exiting correctional  
38 facilities without civil identification is not reduced, those  
39 released individuals without identification will be without  
40 legal means to support themselves as they reenter the community,  
41 which will eventually drain state resources as the individuals



1 seek public assistance, or in some cases, backslide into  
2 recidivism; and

3  
4 WHEREAS, the increased investment in comprehensive reentry  
5 programs for former inmates reintegrating back into their  
6 communities is more important now than ever and is critical to  
7 improving public safety; and

8  
9 WHEREAS, this body is committed to ensure that, at a  
10 minimum, there shall be no reductions to existing reentry  
11 services or funding for contracts for reentry services; and

12  
13 WHEREAS, this body is committed to identifying meaningful  
14 opportunities to divest from retributive approaches to  
15 corrections and reinvest in reentry support; now, therefore,

16  
17 BE IT RESOLVED by the Senate of the Thirty-first  
18 Legislature of the State of Hawaii, Regular Session of 2021,  
19 that the Department of Public Safety is requested to  
20 expeditiously identify and correct issues that prevent the  
21 Department from complying with section 353H-32, Hawaii Revised  
22 Statutes, with respect to providing requested civil  
23 identification cards and assistance with other identification  
24 documents to individuals exiting correctional facilities; and

25  
26 BE IT FURTHER RESOLVED that the Department of Public Safety  
27 is requested to actively seek out information regarding existing  
28 barriers to the successful reentry of formerly incarcerated  
29 individuals into the community; and

30  
31 BE IT FURTHER RESOLVED that the Department of Public Safety  
32 is requested to work with community stakeholders to develop,  
33 support, and implement policy changes that dismantle barriers  
34 identified by the Department; and





# S.R. NO. 84

1 BE IT FURTHER RESOLVED that certified copies of this  
2 Resolution be transmitted to the Director of Public Safety and  
3 Chairperson of the Hawaii Paroling Authority.  
4  
5  
6

OFFERED BY: Clarence K. Iwihiku



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# SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF PUBLIC SAFETY TO ALLOW FAITH PODS  
BASED ON KAPU ALOHA TO BE ESTABLISHED WITHIN EACH  
CORRECTIONAL CENTER.

1           WHEREAS, native Hawaiians are severely overrepresented in  
2 the State's prison population and have a much higher recidivism  
3 rate than non-Hawaiians; and  
4

5           WHEREAS, Pu'uhonua is defined as "a place of refuge,  
6 sanctuary, asylum, place of peace and safety" and is based on  
7 Hawaiian cultural practices that can help the native Hawaiian  
8 community and the community at-large; and  
9

10           WHEREAS, Pu'uhonua is a decentralized wellness center that  
11 can act as an alternative to building more prisons in the State  
12 and is based on healing inhabitants and eventually returning  
13 them back to the community; and  
14

15           WHEREAS, there is a resurgence of Hawaiian cultural  
16 practices and an increased focus on the importance of  
17 maintaining Hawaiian cultural practices; and  
18

19           WHEREAS, non-violence has always been key to Hawaiians, as  
20 represented in the Hawaiian cultural practice of kapu aloha; and  
21

22           WHEREAS, incarcerated individuals, or pa'ahao, have  
23 initiated Hawaiian cultural programs within different  
24 correctional systems known as "faith pods" throughout the nation  
25 to help promote safe spaces to heal and regain their identity as  
26 Hawaiians; and  
27

28           WHEREAS, Act 117, Session Laws of Hawaii 2012, sought to  
29 "[r]educ[e] recidivism, prevent crime, and ensure long-term  
30 positive change by developing a plan to create a wellness center  
31 that reestablishes highly recognized native Hawaiian cultural



1 practices to restore the overall well-being of persons,  
2 families, and the native Hawaiian community"; and  
3

4 WHEREAS, there have been many attempts to improve the  
5 correctional system in the State but none has provided Hawaiians  
6 with the opportunity to practice native Hawaiian cultural  
7 practices; now, therefore,  
8

9 BE IT RESOLVED by the Senate of the Thirty-first  
10 Legislature of the State of Hawaii, Regular Session of 2021, the  
11 House of Representatives concurring, that the Department of  
12 Public Safety is requested to allow "faith pods" based upon kapu  
13 aloha to be established within each correctional center in the  
14 State to allow incarcerated individuals a choice to reestablish  
15 recognized native Hawaiian cultural practices to restore the  
16 overall well-being of the Hawaiian community; and  
17

18 BE IT FURTHER RESOLVED that certified copies of this  
19 Concurrent Resolution be transmitted to the Director of Public  
20 Safety and Chairperson of the Board of Trustees of the Office of  
21 Hawaiian Affairs.



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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF PUBLIC SAFETY TO RECOGNIZE THE VALUE OF  
CULTURE-BASED REHABILITATION ACTIVITIES IN THE STATE'S  
CORRECTIONAL SYSTEM.

1           WHEREAS, one finding from the 2012 report of the Native  
2 Hawaiian Justice Task Force was that "Native Hawaiians have  
3 suffered from severe intergenerational, historical, and  
4 political trauma from the loss of land, language, and culture.  
5 This collective trauma has negative economic, health, cultural,  
6 and educational impacts on individuals, and often manifests  
7 itself in criminal activity. Any effort to reduce the number of  
8 Native Hawaiians who come in contact with the criminal justice  
9 system must include a multi-pronged approach to addressing this  
10 trauma"; and

11  
12           WHEREAS, studies have shown that the criminal justice  
13 system disproportionately impacts Native Hawaiians, that this  
14 disproportionate impact accumulates at each stage of the system,  
15 and that Native Hawaiians are more likely to receive a prison  
16 sentence than any other ethnic group; and

17  
18           WHEREAS, another finding from the Native Hawaiian Justice  
19 Task Force report was that "[w]ithout proactive policy and  
20 oversight, there is no indication that the disproportionate  
21 representation of Native Hawaiians in the criminal justice  
22 system will abate"; and

23  
24           WHEREAS, in *Davis v. Abercrombie*, Civil No. 11-00144  
25 LEK-BMK, the Native Hawaiian Legal Corporation sought to  
26 establish the rights of Hawaii's pa'ahao, or prisoners, to engage  
27 in traditional and customary practices while serving their  
28 sentences in Arizona, having seen first-hand the positive  
29 impacts of culture-based rehabilitation in its representation of  
30 the pa'ahao; and



1 WHEREAS, since 1977, the number of people incarcerated in  
2 the State has increased more than nine hundred percent, creating  
3 an unprecedented level of overcrowding at the State's jails and  
4 prisons; and

5  
6 WHEREAS, to address this overcrowding, Hawaii has relied on  
7 contracted private, for-profit prisons to house a significant  
8 portion of the State's inmate population for more than two  
9 decades; and

10  
11 WHEREAS, inmates who serve their sentences in these out-of-  
12 state facilities are effectively exiled thousands of miles away  
13 from their families, friends, and crucial support networks, and  
14 experience negative impacts associated with dislocation from  
15 home, culture, and post-prison job prospects; and

16  
17 WHEREAS, Native Hawaiians, who are more likely to be  
18 transferred to out-of-state prisons than inmates of other  
19 ethnicities, feel these impacts disproportionately in part  
20 because they are forced to serve their sentences thousands of  
21 miles away from their ancestral homelands; and

22  
23 WHEREAS, despite this physical isolation from their home, a  
24 number of distinguished and respected Native Hawaiian cultural  
25 practitioners have dedicated time and energy to travel to  
26 correctional facilities, both on the mainland United States and  
27 within Hawaii, to teach inmates traditional native practices  
28 such as hula and oli, the Hawaiian language, and Hawaiian  
29 religious ceremonies; and

30  
31 WHEREAS, the revered kumu who take on this important task  
32 do so at no cost to the State, including those who perform this  
33 valuable service at private prisons in Arizona, three thousand  
34 miles away from Hawaii; and

35  
36 WHEREAS, the inmates who have participated in these  
37 programs have found it to be a valuable and transformative  
38 experience, including many participants who had not previously  
39 been in touch with their cultural roots and were truly  
40 connecting with their culture for the first time; and



1 WHEREAS, the opportunity to participate in these programs  
2 helps inmates to reclaim their dignity, acquire a connection to  
3 their culture, attain a strong sense of identity, gain mental  
4 strength, and rehabilitate, both as they serve their sentences  
5 and when they return home to reenter society and reconnect with  
6 families and others whom the inmates had been separated from  
7 during their sentences; and

8  
9 WHEREAS, as inmates invest the time to learn their culture,  
10 some have become so proficient in the practices that they became  
11 kumu themselves, sharing their knowledge with other prisoners  
12 and becoming leaders within their communities; and

13  
14 WHEREAS, the impact that these programs have on inmates was  
15 highlighted in Ciara Lacy's documentary "Out of State," which  
16 illustrated how the use of culture-based rehabilitation  
17 activities impacted Hawaii-born inmates serving sentences in an  
18 Arizona prison during their stay in the prison and after they  
19 returned to Hawaii; and

20  
21 WHEREAS, "Out of State" has been shown at more than thirty  
22 festivals around the world, from the Hawaii International Film  
23 Festival in Hawaii to the Cayman International Film Festival in  
24 the Cayman Islands to Berlinale in Berlin, Germany; and

25  
26 WHEREAS, at these screenings, "Out of State" received  
27 overwhelmingly positive reviews from critics and audiences and  
28 won a number of awards, including Best Feature Film and Audience  
29 Choice Award Best Feature Film at the Hawaii International Film  
30 Festival, and Best Feature Film at the Made in Hawaii Film  
31 Festival; and

32  
33 WHEREAS, the Native Hawaiian Justice Task Force,  
34 recognizing that culture-based programs are effective and should  
35 be expanded upon, recommended in its report that "[t]he State  
36 should recognize and support community and grassroots efforts  
37 that promote indigenous cultural practice models demonstrated to  
38 be successful in Hawai'i or elsewhere"; and

39  
40 WHEREAS, the success of culture-based rehabilitation  
41 activities shows that these programs may be helpful in other  
42 contexts, including as a means to end the school-to-prison



1 pipeline, which also disproportionately impacts Native  
2 Hawaiians; and

3  
4 WHEREAS, the use of culture-based rehabilitation activities  
5 should be encouraged and the individuals who dedicate their time  
6 and energy to make these programs possible should be recognized;  
7 now, therefore,

8  
9 BE IT RESOLVED by the House of Representatives of the  
10 Thirty-first Legislature of the State of Hawaii, Regular Session  
11 of 2021, the Senate concurring, that the Department of Public  
12 Safety is urged to recognize the value of culture-based  
13 rehabilitation activities in the State's correctional system;  
14 and

15  
16 BE IT FURTHER RESOLVED that the use of and access to  
17 culture-based rehabilitation activities in the State should be  
18 increased; and

19  
20 BE IT FURTHER RESOLVED that the Hawaii Paroling Authority  
21 is requested to promote participation in culture-based  
22 rehabilitation activities and to provide appropriate credit to  
23 inmates participating in those activities for purposes of parole  
24 decisions; and

25  
26 BE IT FURTHER RESOLVED that any new correctional facility  
27 built in the State be designed to include specific space and  
28 facilities for culture-based rehabilitation activities; and

29  
30 BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the Governor, Director  
32 of Public Safety, Chairperson of the Hawaii Paroling Authority,  
33 and director and producers of the "Out of State" film.



MAR 12 2021

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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF PUBLIC SAFETY TO INCREASE ITS  
INVESTMENT IN COMPREHENSIVE OFFENDER REENTRY TRAINING  
PROGRAMS FOR INDIVIDUALS EXITING CORRECTIONAL FACILITIES.

1           WHEREAS, individuals with histories of arrests and criminal  
2 convictions are routinely blocked from employment, housing, and  
3 educational opportunities due to state and local restrictions,  
4 as well as social stigma; and

5  
6           WHEREAS, according to the U.S. Department of Justice Bureau  
7 of Justice Statistics, ninety-five percent of people  
8 incarcerated in state prisons will eventually be released back  
9 into the community; and

10  
11           WHEREAS, reentry programs focused on helping persons  
12 exiting jails and prisons obtain post-secondary education,  
13 housing, employment, and treatment foster a smoother and more  
14 successful transition from incarceration back into their  
15 communities, resulting in reduced recidivism and improved public  
16 safety; and

17  
18           WHEREAS, the coronavirus 2019 pandemic and the continuing  
19 economic fallout have exacerbated existing barriers to  
20 successful prisoner reintegration due, in part, to high  
21 unemployment and increased demand for housing assistance; and

22  
23           WHEREAS, the Department of Public Safety is statutorily  
24 required to provide comprehensive and effective reentry planning  
25 for adults exiting correctional facilities; and

26  
27           WHEREAS, not having civil identification documents makes it  
28 nearly impossible to obtain housing and legal employment, both  
29 of which are foundational pieces to successful reentry into  
30 communities; and





## S.C.R. NO. 108

1           WHEREAS, despite the Department of Public Safety's  
2 statutory mandate to provide civil identification documents to  
3 persons exiting correctional facilities, pursuant to section  
4 353H-32, Hawaii Revised Statutes, roughly half are exiting jails  
5 and prisons without such documentation; and  
6

7           WHEREAS, persons exiting correctional facilities without  
8 proper identification will have fewer legal means to support  
9 themselves and will require additional state support and  
10 resources; now, therefore,  
11

12           BE IT RESOLVED by the Senate of the Thirty-first  
13 Legislature of the State of Hawaii, Regular Session of 2021, the  
14 House of Representatives concurring, that the Department of  
15 Public Safety is urged to increase investment in comprehensive  
16 offender reentry programs for individuals exiting correctional  
17 facilities; and  
18

19           BE IT FURTHER RESOLVED that the Department of Public Safety  
20 is encouraged to, at the very least, maintain its existing  
21 reentry services and its funding for those contracts during the  
22 current economic crisis; and  
23

24           BE IT FURTHER RESOLVED that the Department of Public Safety  
25 is encouraged to identify meaningful opportunities to divest  
26 from its retributive approach to corrections and to reinvest in  
27 reentry support programs; and  
28

29           BE IT FURTHER RESOLVED that the Department of Public Safety  
30 is urged to actively seek information regarding existing  
31 barriers to successful offender reentry and is encouraged to  
32 work with community stakeholders to develop, support, and  
33 implement policy changes that dismantle these barriers; and  
34

35           BE IT FURTHER RESOLVED that the Department of Public Safety  
36 is requested to fully comply with its statutory obligation to  
37 provide exiting offenders with civil identification documents,  
38 and to expeditiously identify and correct issues that result in  
39 noncompliance; and  
40



# S.C.R. NO. 108

1 BE IT FURTHER RESOLVED that a certified copy of this  
2 Concurrent Resolution be transmitted to the Director of Public  
3 Safety.  
4  
5  
6

OFFERED BY: Clarence K. Kishikawa



JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
*Ka 'Oihana Ho'omalua Kalaima  
a Ho'oponopono Ola*  
1177 Alakea Street  
Honolulu, Hawaii 96813  
808-587-1288

**TOMMY JOHNSON**  
DIRECTOR

**Melanie Martin**  
Deputy Director  
Administration

**Pamela J. Sturz**  
Deputy Director  
Correctional Institutions

**Sanna Muñoz**  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

February 22, 2024

The Honorable Ronald D. Kouchi  
President and Members of the Senate  
Thirty-second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki  
Speaker and Members of the  
House of Representatives  
Thirty-second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

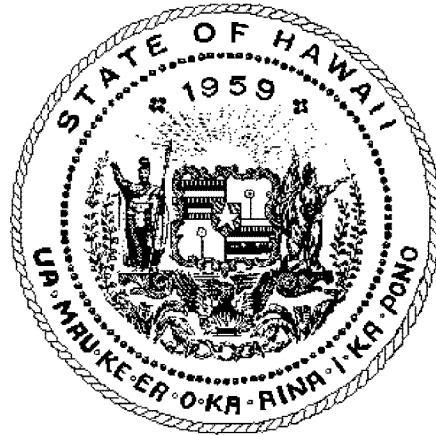
For your information and consideration, I am transmitting a copy of the **Senate Resolution 82, House Draft 1 Report, 2023 Legislative Session, "Requesting the Department of Public Safety to Submit to the Legislature Detailing the Department's Process in Assisting Inmates in Obtaining Identification Cards."** In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at [Department of Public Safety | 2023 Reports to Legislature \(hawaii.gov\)](https://www.hawaii.gov/dps/reports-to-legislature/)

Sincerely,



Tommy Johnson  
Director

Enclosure



**DEPARTMENT OF PUBLIC SAFETY  
REPORT TO THE 2024 STATE LEGISLATURE**

**IN RESPONSE TO SENATE RESOLUTION 82, SENATE DRAFT 1 (2023)**

**Requesting the Department of Public Safety to Submit a Report to the  
Legislature Detailing the Department's Process in Assisting  
Inmates in Obtaining Identification Cards**

**December 2023**



# **Creating Better Outcomes, Safer Communities**

*Final Report of the  
House Concurrent Resolution 85 Task Force on Prison Reform  
to the Hawai'i Legislature  
2019 Regular Session*

**Prepared by the  
HCR 85 TASK FORCE  
with editorial assistance by the Legislative Reference Bureau  
STATE OF HAWAI'I  
December 2018**



## FOREWORD

House Concurrent Resolution No. 85, H.D. 2, S.D. 1 (2016) requested the Chief Justice of the Hawai‘i Supreme Court to establish a task force to make recommendations to the Legislature on ways to improve Hawai‘i’s correctional system, including recommendations on costs, best practices, and the design of future correctional facilities. I am honored that Chief Justice Mark Recktenwald asked me to chair the HCR 85 Task Force, and I am pleased to present the Task Force’s Final Report to the Legislature and the public.

This report represents the views of a diverse group of stakeholders that includes legislators, the Judiciary, the Department of Public Safety, representatives of three Native Hawaiian organizations, the prosecutor for the City and County of Honolulu, the chair of the Hawai‘i Paroling Authority, a criminal justice scholar at the University of Hawai‘i at Mānoa, and several community advocates. With such a diverse group, there were many points of view on the complex issues of prison reform, but we all agreed on one thing, the importance of which cannot be overstated: **Hawai‘i’s correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change.** Despite spending hundreds of millions of dollars a year on corrections, Hawai‘i has an overall recidivism rate of over 50%, we incarcerate a disproportionate percentage of Native Hawaiians, we are one of only five states to house over 20% of our prisoners in private prisons, and the State is planning to spend hundreds of millions of dollars on a new jail on O‘ahu and larger prisons on the neighbor islands that will only compound and perpetuate the bad outcomes the system is currently producing.

Beginning in June 2016, the Task Force and its five subcommittees—Program, Native Hawaiian, Education, Jail and Prison Design, and Faith—researched best practices in other states and countries, analyzed data, conducted a hearing on Native Hawaiian issues, and solicited the views of correctional experts. At the end of that process, we arrived at a new vision for corrections in Hawai‘i. It is a vision that will make our correctional system more responsive to the needs of prisoners, reduce the prison population and recidivism rates, rein in long-term costs, and make our communities safer. It is a vision that corresponds to the values of Hawai‘i’s people, and it is a vision that will put an end to the violence and trauma that are endemic to a punitive correctional system.

Reforming our correctional system will not be quick or easy. It took us forty years to create the problems we document in this report, and it will take many years to fix them, but it can be done if we are committed to creating a better system and have the courage to engage (and when necessary confront) the punitive mentality that created and sustains the current failed system.

The Task Force has taken a comprehensive approach to prison reform and is making recommendations in many areas. **Our primary recommendation is that Hawai‘i immediately begin to transition from a punitive to a rehabilitative correctional system.** Evidence from other states and countries confirms that the rehabilitative approach is the only sustainable way to make our communities safe. Mass incarceration does not work.



Our recommendations regarding the State’s plan to build a new jail to replace the O‘ahu Community Correctional Center (OCCC) deserve special attention. Studies have shown that just a few days in jail can increase the likelihood of a prison sentence and promote future criminal behavior. Because jails produce bad outcomes and are extremely costly to build, maintain, and operate, communities across the nation are finding ways to reduce their jail populations through bail reform and innovative diversion programs. We strongly recommend that Hawai‘i join the national trend. We should immediately stop the costly planning for a huge new jail and form a collaborative working group of stakeholders and government officials to plan and design a jail that is smaller, smarter, and less expensive than the one now under consideration. It is essential that a broad range of community interests be engaged in the jail planning process so that the new jail reflects best practices and does not become another warehouse for the poor, homeless, and mentally ill.

Finally, we urge the Legislature to view this report as the first step in a long journey to implement realistic solutions to our correctional problems and reform our prison system. We have identified what we believe are the best ideas in prison reform, but those ideas will not amount to anything unless they are translated into legislation. That is why one of our most important recommendations is that the Legislature create and fund an **Implementation Commission** to ensure that the prison reform takes place in a timely, efficient, and effective manner.

Greg Berman, Director of the Center for Court Innovation, has said that criminal justice reform must be based on equal parts pragmatism and idealism. We believe our recommendations meet that criteria.

I wish to thank Chief Justice Mark E. Recktenwald for his continued support and counsel; Charlotte Carter-Yamauchi, Devin Choy, Lance Ching, and the staff of the Legislative Reference Bureau for their assistance in preparing this report; retired Judge Michael Town for his sound advice and hard work in organizing the faith subcommittee and working so hard to keep the Task Force on track; the many people who have regularly attended the Task Force and subcommittee meetings and shared their mana‘o with us; and of course, my most sincere thanks to the members of the HCR 85 Task Force for their dedication and hard work as we search for ways to improve Hawai‘i’s correctional system.

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## ACKNOWLEDGMENTS

The HCR 85 Task Force would like to thank the many people who attended our meetings and contributed their time, effort, and ideas to improving Hawai‘i’s correctional system. Mahalo nui loa.

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## ACKNOWLEDGMENTS (*continued*)

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Special thanks to OHA Chair Colette Machado, Lopaka Baptiste, and Kamile Maldonado for helping us better understand the problems of Native Hawaiians in the criminal justice system. We also wish to extend our most sincere thanks to the OHA policy, media, research, and art teams that are producing and publishing a summary of the Task Force's key findings and recommendations: Carla Hostetter, Charene Haliniak, Keith Gutierrez, Kaleena Patcho, Nelson Gaspar, Kai Markell, Jocelyn Doane, and Hinaleimoana Wong-Kalu and her haumana of the Ku Kanaka class at Halawa Correctional Facility. Mahalo a nui loa no ko'oukou kōkua ana mai.

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## EXECUTIVE SUMMARY AND KEY RECOMMENDATIONS

Hawai‘i has undergone many changes in the past forty years, but perhaps none have been as dramatic as the changes in its correctional system. In just four decades, Hawai‘i’s combined jail and prison population (i.e., the State’s total incarcerated population) increased 670%, and its incarceration rate (the number of prisoners per 100,000 population) increased 400%. Our combined jail and prison population as of July 31, 2018, was 5,570, which is down about 9% from 2005, but is still an extremely high number given Hawai‘i’s relatively small population. By way of comparison, Hawai‘i has about the same number of prisoners as Sweden, even though Sweden has six times the population of Hawai‘i. Although our incarceration rate is relatively low for the United States, if Hawai‘i was a country, it would rank in the top twenty incarcerators in the world.

By the mid-1990s, Hawai‘i’s prisons had become so overcrowded, and resistance to building new facilities in the islands so entrenched, that the State began sending prisoners to privately operated prisons on the United States mainland, a practice that continues to this day. As of July 31, 2018 Hawai‘i had 1,347 prisoners at the Saguaro Correctional Center in Eloy, Arizona, operated by CoreCivic (formerly Corrections Corporation of America). The State also houses about 150 prisoners at the Federal Detention Center in Honolulu. Hawai‘i is one of only five states that have 20% or more of their prisoners in private facilities, but even with all the outsourcing, Hawai‘i’s prisons and jails are severely overcrowded. They are also in very poor condition and, in some cases, probably do not meet minimum constitutional standards.

The high number of prisoners has led to ever-increasing costs. Hawai‘i’s corrections budget is over \$226 million per year, and the Department of Public Safety (PSD) has estimated that a new 1,380-bed jail to replace the O‘ahu Community Correctional Center (OCCC) would cost about \$525 million, or \$380,000 per bed. The State also plans to spend \$45 million to expand the Women’s Community Correctional Center (WCCC) to accommodate the women now held at OCCC. Further, the State plans to build new medium security housing units at the prisons on Maui, Kaua‘i, and Hawai‘i island. If Hawai‘i decided to build a prison in the islands to accommodate the 1,347 prisoners in Arizona, the cost would be about \$512 million (assuming the same per-bed cost as the jail), bringing the total for a new jail and prison to over \$1 billion.

Despite the hundreds of millions of dollars Hawai‘i spends on corrections each year, our correctional outcomes, while improving, are consistently poor. The recidivism rate for parolees is 53.3%. For prisoners who serve their maximum sentence (“max out”), the rate is 66.0%. Nearly two-thirds (63.2%) of recidivists reoffended within the first twelve months, and 88.9% reoffended within twenty-four months. The three-year recidivism rate for those who commit property crimes is 69.8%, and there are sometimes more than three hundred probation violators locked up at OCCC.

Hawaii’s correctional system disproportionately incarcerates citizens of Native Hawaiian ancestry. Native Hawaiians and part-Native Hawaiians make up approximately 21% of the general population, but 37% of the prison population. A landmark study by the Office of Hawaiian Affairs in 2010 reported that Native Hawaiians are overrepresented at every stage of the criminal justice system. Despite numerous studies and recommendations going back at least to the 1980s, the State has not taken effective steps to address the overrepresentation of Native Hawaiians in the criminal justice system.

Hawai‘i’s prisons have serious problems with suicides and sexual assaults, and the State lacks an independent oversight commission to investigate prison conditions and how inmates are treated.

Finally, Hawai‘i has more than six hundred elderly prisoners who will soon be developing age-related illnesses that will consume a large portion of the Department of Public Safety’s medical budget.

If we continue on the path we have been on for the past forty years, we can expect the same poor outcomes and high recidivism rates we have experienced in the past, correctional costs will consume an ever-increasing share of the state budget, we will probably face federal lawsuits over the poor condition of our prisons and jails, and our communities will not be any safer despite the hundreds of millions of dollars we spend on corrections.

**To improve outcomes and bring costs under control, Hawai‘i should transition from a punitive to a rehabilitative correctional system.** In a rehabilitative system, the conditions of confinement are humane, not punitive, and the prison staff are focused on helping prisoners deal with the issues that brought them to prison.

The new model should be based on the spirit of goodwill and generosity found in the Aloha Spirit. In addition, the State should adopt the proven best practices of the highly successful Norwegian/European correctional system.

A rehabilitative correctional model based on "smart justice" and the humane treatment of prisoners by correctional officers who are trained to prepare inmates for successful release into the community will best serve the interests of Hawai‘i. Hawai‘i should also follow the lead of other states that are focused on reducing prison populations, expanding community-based corrections, and supporting effective offender reentry strategies.

In addition to making a paradigm shift in philosophy and approach, **Hawai‘i should adopt a comprehensive strategy to address the overrepresentation of Native Hawaiian in the correctional system.** This problem has persisted at least since the 1980s, and it is time to end it once and for all. Our recommendations in this area focus on diverting Native Hawaiian youth away from the criminal justice system, implementing culturally relevant programs throughout the correctional system, and significantly improving support for Native Hawaiians as they leave prison and reenter the community.

The problem is not simply that there are too many Native Hawaiians in the prison system, it is that there are too many *people* in the system. **The State should set numerical goals and a timetable to significantly reduce our prison population.** Setting numerical goals and a timetable is the only way to measure progress and ensure accountability in reducing both our Hawaiian and non-Hawaiian prison populations.

One of the keys to reducing the prison population is to **downgrade offenses and shorten sentences.** Among the changes to the penal code that Hawai‘i should consider are: (1) making

certain offenses eligible for community-based sentences; (2) reducing the length and severity of custodial sentences by redefining or reclassifying crimes or repealing mandatory penalties; (3) shortening lengths of stay in prison by expanding opportunities to earn sentence credits, which reduce time in custody and advance parole eligibility; and (4) reducing the number of people entering prison for violations of community supervision by implementing evidence-based practices, such as graduated responses to violations and community-based sanctions.

**Oversight Commission.** Prisons are closed institutions and, in a closed environment, abuse is difficult to discover, prevent, and prosecute. That is why many jurisdictions have created independent prison oversight commissions with broad authority to investigate and report on prison conditions and prisoner abuse. We recommend the creation of an independent oversight commission with broad authority to investigate and report on prison conditions and abuse. The Commission should be adequately funded and staffed, and its chairperson should be appointed by an elected official to a fixed term, confirmed by the Legislature, and subject to removal only for cause.

We also strongly recommend that the State create and fund a transitional coordinator position and an **Implementation Commission** to ensure that the transition to a rehabilitative system takes place in an efficient, orderly, and timely manner and there are regular reports to the Legislature on the progress of the transition.

**Improved Programs.** Effective programs are essential for a successful rehabilitative system. Hawai‘i is in the process of evaluating its programs, but the evaluations have not been made public. The State should continue its evaluations, but the results should be made public. The Department of Public Safety should terminate programs that are not evidence-based or not producing positive results. Program funding should focus on education, literacy, substance abuse, and sex offender treatment. Programs should have adequate staffing so that inmates can complete all required programs by the time they are first eligible for parole.

**Corrections Academy.** Hawai‘i does not provide standardized education and training for correctional workers. An untrained or poorly trained staff contributes to poor outcomes, an unsafe workplace, poor morale, and an inefficient workforce. The Task Force recommends that the State establish a Corrections Academy to ensure that the education and training needed by correctional personnel in the executive and judicial branches of government are delivered in a standardized and effective manner. The Corrections Academy should also collect and analyze data and recommend changes to the correctional system based on data analysis and best practices.

**Reentry Plans.** Preparing prisoners to reenter the community should begin the day they enter prison. Every inmate should be provided with an individualized reentry plan tailored to his or her risk of recidivism and programmatic needs. Reentry plans should be updated and revised continuously until the time of release and, while in prison, inmates should be provided education, employment training, life skills, substance abuse and mental health treatment, and other programs that target their criminogenic needs and maximize their likelihood of success upon release. To remedy gaps in education and employment skills, prisons should ensure that their educational programs expand the quality, scope, and delivery of both the academic and job training curricula, particularly for those with literacy and special learning needs.

While incarcerated, every inmate should be provided with the resources and opportunity to build and maintain family relationships, thereby strengthening the support system available to them upon release. The State should also contract with non-profit corporations to increase the number and quality of halfway houses, and make those halfway houses therapeutic centers where gains made in prison can be sustained and strengthened. Before leaving prison, every inmate should be provided with comprehensive reentry-related information and access to resources necessary to succeed in the community.

PSD should create a unit dedicated to finding appropriate housing for difficult-to-place inmates, such as those who are elderly, disabled, mentally ill, or have chronic illnesses. The State should designate Leahi Hospital as the default placement for compassionate release prisoners who require intermediate or acute levels of care.

Hawai‘i should make a commitment that, upon release, all prisoners will have: (1) a decent place to live; (2) a state identification card, a social security card, and a birth certificate; (3) health insurance and, if necessary, financial assistance benefits; (4) employment if the individual is employable; (5) ongoing addiction and/or mental health treatment; and (6) access to wellness centers rooted in Native Hawaiian values.

Finally, the State should identify statutes that erect barriers to reentry and determine whether they should be continued, amended, or terminated.

**Treatment Courts.** Treatment courts are an effective and efficient way to reduce the prison population and recidivism rate. Hawai‘i currently has treatment courts for drug, mental health, and veterans’ issues, but there is a waiting list for admission to these courts. We recommend expanding the treatment courts to accommodate everyone who qualifies for admission to these highly successful programs.

**Bail Reform.** Last year, the Legislature created a task force to study pretrial procedures, including bail reform (HCR 134 (2017)). We do not know what that task force will recommend, but reducing the pretrial population by just 50% could save the State more than \$45,000 per day, or \$16 million per year. Reducing the number of pretrial detainees by 50% would also mean that the State would need about 250 fewer beds at the new jail, which would save hundreds of millions of dollars in construction costs, not to mention millions of dollars more in savings from reduced maintenance and operating costs over the life of the new jail.

**Women Prisoners.** Hawai‘i should recognize the behavioral and social differences between female and male offenders and adopt gender-responsive policies, programs, and practices, particularly with respect to trauma-informed care, developing healthy relationships, and providing holistic support for women. More women should have the benefit of work furlough programs such as the YWCA’s Fernhurst *Ka Hale Ho‘āla Hou No Nā Wāhine (Home of Reawakening for Women)* which is trauma-informed, gender responsive, and culturally coherent.

**Use of Private Prisons.** Hawai‘i has been using private prisons since 1995. There has periodically been talk of bringing the mainland prisoners back to Hawai‘i, but there are no concrete plans to do

so. We recommend that the State develop a plan to eliminate the use of private prisons and bring Hawai‘i’s prisoners home. The plan should have a reasonable time table and be developed collaboratively by government and community stakeholders. The public-private group that works on the plan should have funding for staff and qualified experts to assist in exploring alternatives and drafting the plan.

**Support for Federal Programs.** United States Senator Brian Schatz of Hawaii has introduced legislation to repeal the ban on Pell Grant eligibility for prisoners, allowing both state and federal prisons to once again provide prison education. He is also working to ensure that the Second Chance Pell Pilot Program receives adequate funding, and that the United States Department of Education continues to implement the program. His other initiatives include urging colleges to remove criminal history questions from their admissions processes, improving compassionate release at the federal level, and improving the reporting requirements of the *Prison Rape Elimination Act* (PREA). Senator Schatz’s efforts, particularly restoring Pell Grants to prisoners, will benefit Hawai‘i and the State should actively support his efforts.

**Stop the planning for a 1,380-bed jail on O‘ahu and expanding the prisons on the neighbor islands.** The State is moving ahead with plans to build a 1,380-bed jail to replace OCCC. On August 28, 2018, Governor Ige announced that the new jail would be located at the site of the Animal Quarantine Station in Halawa. The estimated cost of the new jail is \$525 million, plus an additional \$45 million to expand the Women’s Community Correctional Center to accommodate the women previously held at OCCC. The State is also planning a major expansion of the prisons on Maui, Kaua‘i, and Hawai‘i island.

Jail is often the beginning of a long journey through the criminal justice system. A study by the Vera Institute of Justice found that "just a few days in jail can increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of those who enter—making jail a gateway to deeper and more lasting involvement in the criminal justice system, at considerable costs to the people involved and to society at large."

Because jails can produce many undesirable outcomes and are extremely costly to build, maintain, and operate, communities across the nation are reducing their jail populations through innovative programs, such as diverting individuals with mental health and substance abuse issues to alternative facilities; finding alternatives to bail for individuals who can be safely supervised in the community while awaiting trial; having expedited hearings for prisoners who are jailed for technical probation and parole violations; expediting indigence screening and program referrals; issuing citations for low-level offenses instead of arrest and jail; and offering individuals charged with low-level, non-violent offenses the option of being adjudicated in community courts instead of in the criminal justice system.

The Department of Public Safety and its consultants have not engaged the community in the jail planning process in a meaningful way, and they have not explored ways to reduce the jail population and thereby reduce the size and cost of the new jail. The Task Force recommends that the State immediately **stop planning a large new jail to replace OCCC and establish a working**

**group of stakeholders and government officials to rethink the jail issue and create a jail that is smaller, smarter, and less expensive than the one now under consideration.**

Planning for the new jail should focus on diverting low-level, non-violent offenders away from the criminal justice system, reforming the bail system to significantly reduce the number of pretrial detainees who remain in jail pending trial, reducing the jail population by eliminating short jail sentences in favor of community-based alternatives, housing the mentally ill in a separate facility where they can be cared for by mental health professionals rather than correctional officers, and creating alternative housing for sanctioned HOPE Probation violators and low-risk parole violators.

This report provides a broad outline of the direction we think Hawai‘i’s correctional system should take in the coming weeks, months, and years. We are confident that, if implemented, our recommendations will result in a correctional system that represents the core values of Hawai‘i’s people, reduces our prison population and recidivism rate, and makes our communities safer. The Task Force also believes that this is the most cost-effective and sustainable path in the long run and is in line with the reforms taking place in other states, as more people come to realize that a punitive and retributive correctional system simply does not work.

Reforming our prison system is not a simple or inexpensive matter, but it must be done, and now is the time to start. The alternative is to maintain the status quo, which means that the State will spend over a quarter of a billion dollars a year to keep upwards of 27,000 of its citizens under some form of correctional supervision without making our communities safer. Maintaining the status quo also means that Hawai‘i will have to face the possibility of federal lawsuits over the condition of its jails and prisons, civil lawsuits over prison suicides and medical negligence, ever-increasing costs, and a continuing high recidivism rate. Hawai‘i would also become an outlier as other states reform their correctional systems, reduce their prison populations and recidivism rates, and improve community safety.

## KEY RECOMMENDATIONS OF THE HCR 85 TASK FORCE

### CREATE A NEW VISION FOR CORRECTIONS IN HAWAII

**Issue:** Hawai'i's correctional system is not producing acceptable, cost-effective, or sustainable outcomes, and it is not making our communities safe. The State spends over \$226 million a year on corrections, but we have a recidivism rate of over 50% and more than 27,000 citizens under some form of correctional supervision.

**Recommendations:**

1. Transition to a more effective and sustainable correctional system that focuses on rehabilitation rather than punishment.
2. Create an Implementation Commission and transitional coordinator position to ensure that the transition to a rehabilitative system takes place in a timely, efficient, and effective manner.
3. Create an Oversight Commission to immediately address prison suicides, sexual assaults, and other unacceptable and unlawful conditions in our prison system.
4. Create a Corrections Academy to train correctional workers at all levels in rehabilitative philosophy and practices.

### REDUCE THE NUMBER OF NATIVE HAWAIIANS IN THE PRISON SYSTEM

**Issue:** Native Hawaiians make up about 21% of the general population, but 37% of the prison population. This overrepresentation has existed for decades and has led to intergenerational incarceration for some Native Hawaiian families.

**Recommendations:**

1. Develop evidence-based early intervention strategies that are focused on diverting Native Hawaiian youth away from the criminal justice system and toward pathways for success.
2. Create cultural courts in the criminal justice system.
3. Expand in-prison Native Hawaiian educational and cultural programs.
4. Make culturally relevant reentry programs available to Native Hawaiians.
5. Implement the recommendations of the 2012 Native Hawaiian Justice Task Force.

### EVALUATE, IMPROVE, AND EXPAND EVIDENCE-BASED PROGRAMS

**Issue:** Evidence-based programs are an essential part of the rehabilitation process and are a cost-effective way to reduce recidivism.

**Recommendations:**

1. Ensure that every prisoner is functionally literate by the time of release
2. Expand opportunities for prisoners to take community college courses.
3. Create a prison-to-college pipeline.
4. Restore funding to the highly successful sex offender treatment program.
5. Require prisoners to participate in at least three programs that address criminogenic factors.
6. Expand restorative justice programs.



## KEY RECOMMENDATIONS OF THE HCR 85 TASK FORCE

### IMPROVE THE REENTRY PROCESS AND SUPPORT THE DEVELOPMENT OF NEW TRANSITIONAL HOUSING

**Issue:** Hawai‘i does not have an effective support system for prisoners reentering the community.

**Recommendations:**

1. At the time of release all prisoners should have a decent place to live, gainful employment, health insurance, identification, and access to addiction and mental health services.
2. Amend or eliminate statutes that erect barriers to reentry.
3. Create a unit within PSD to locate housing for difficult to place inmates who are eligible for compassionate release.
4. Designate Leahi Hospital as the default placement for compassionate release prisoners who require intermediate or acute levels of care.
5. Expand and improve transitional housing through partnerships with non-profit organizations.

### BUILD A NEW JAIL THAT IS SMALLER AND SMARTER THAN THE JAIL NOW UNDER CONSIDERATION

**Issue:** The State is planning to spend over \$525 million on a new jail on O‘ahu, but it has no plans or policies on how to make the pretrial process—from arrest to trial—more fair, just, and efficient, and no plans on how to reduce the jail population and ensure that the new jail does not become a warehouse for the poor, homeless, and mentally ill.

**Recommendations:**

1. Stop any further jail planning until there is a plan to reduce the jail population through diversion, bail reform, and other means, and ensure that the jail houses only those few individuals who are a danger to society or a flight risk.
2. Build the jail near the courts, not in Halawa Valley.
3. Build a jail that uses clustered housing and dynamic security.
4. Do not house the mentally ill, or probation or parole violators, in the new jail.

### OTHER RECOMMENDATIONS

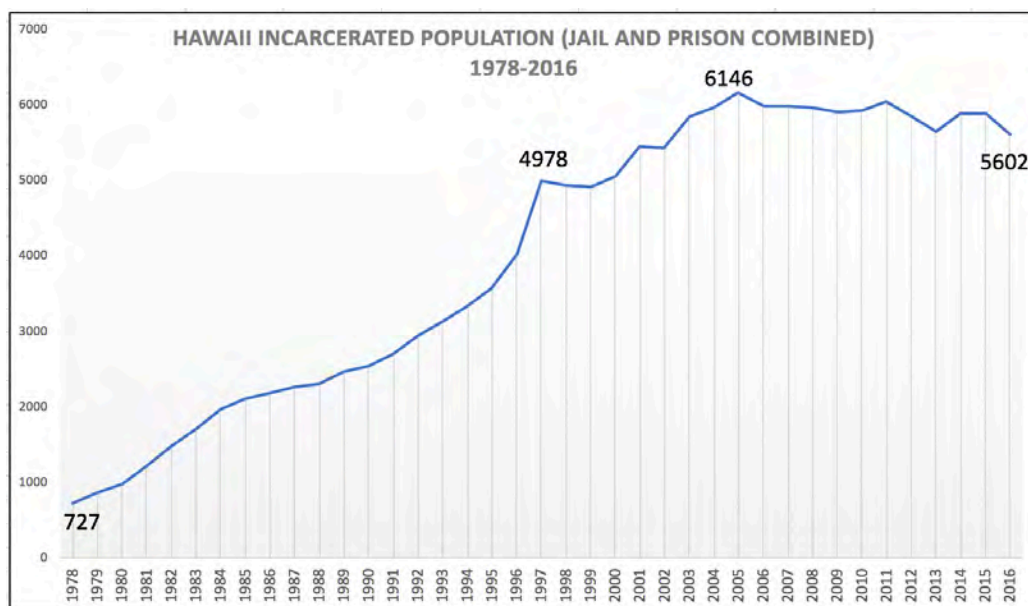
1. Adopt a rehabilitative vision and mission statement, and rehabilitative goals, objectives, and strategies for PSD.
2. Expand community-based treatment programs as an alternative to incarceration.
3. Expand the drug, mental health, and veterans’ courts.
4. Reform the cash bail system to reduce the jail population.
5. Create a Sentencing Reform Commission to review the penal code with the goal of downgrading offenses and shortening sentences.
6. Set numerical goals and a timetable for reducing Hawai‘i’s prison population.
7. Support federal legislation that would benefit Hawai‘i, such as restoration of Pell grants for prisoners.
8. Support the initiative to create a BA and MA program in Criminology/Criminal Justice at the University of Hawai‘i at Mānoa.
9. Support a second round of Justice Reinvestment for Hawai‘i.

# CHAPTER 1

## HAWAI‘I’S CORRECTIONAL POLICIES ARE NOT PRODUCING ACCEPTABLE, COST-EFFECTIVE, OR SUSTAINABLE OUTCOMES

### A. The Explosive Growth of Hawai‘i’s Prison Population

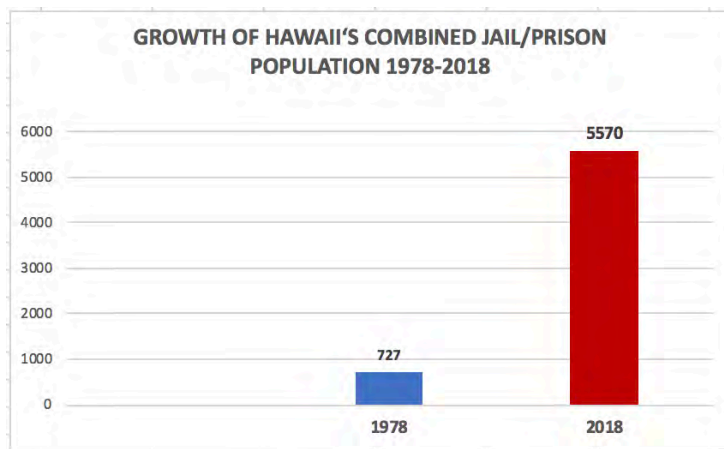
For the past four decades, Hawai‘i’s prison and jail populations\* have been increasing at an alarming rate. From 1978 to 2016, the state population increased 53%, while the combined jail and prison population (i.e., the state’s total incarcerated population) increased 670%, from just 727 total prisoners in 1978 to 5,602 prisoners in 2016.<sup>1</sup> In fact, during the 1980s, the average annual increase in Hawai‘i’s prison population was the second highest in the nation (17.7%).<sup>2</sup>



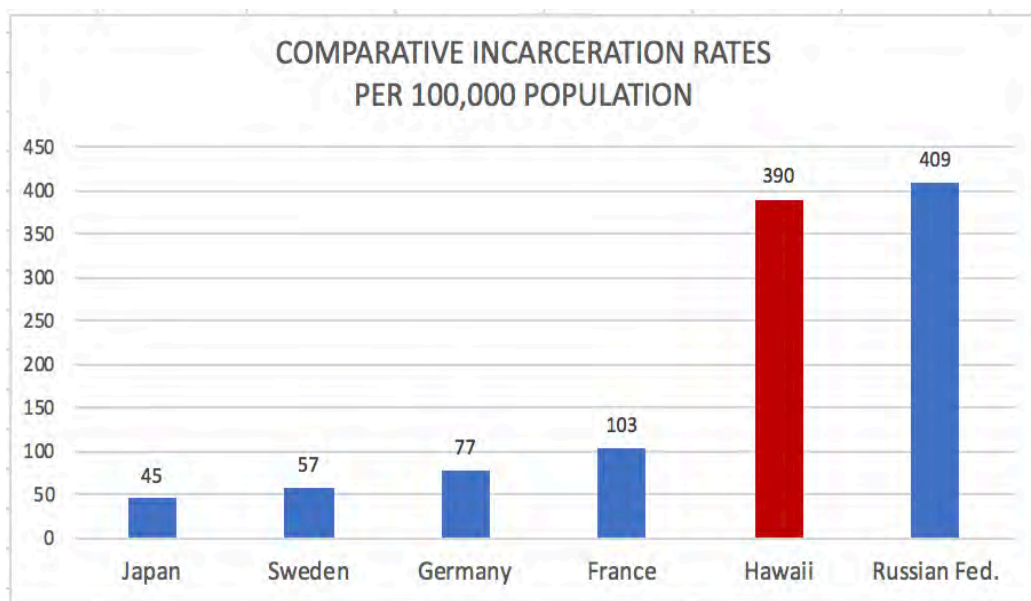
Source: E. Ann Carson and Joseph Mulako-Wangota, “Count of Year End Total Jurisdiction Population (Hawaii),” *Bureau of Justice Statistics*. Report generated using the Corrections Statistical Analysis Tool (CSAT) – Prisoners (August 13, 2018)

\* As used in this report, “prison” refers to a long-term facility that houses people who have been convicted of a felony and sentenced to incarceration for one year or more. “Jail” refers to short-term facilities that primarily house inmates awaiting trial, probation violators, and people sentenced to incarceration for less than one year, typically misdemeanants.

As of July 31, 2018, Hawai‘i had a combined jail and prison population of 5,570.<sup>3</sup> That is down approximately 9% from 2005 when the incarcerated population was at its highest level (6,146 prisoners), but it is still an extremely high number considering Hawai‘i’s relatively small population. By comparison, Hawai‘i has about the same number of prisoners as Sweden, even though Sweden has six times the population of Hawai‘i.<sup>4</sup> Hawai‘i’s incarceration rate (the number of prisoners per 100,000 population) currently stands at 390<sup>5</sup> which is among the lowest in the nation.<sup>6</sup> Nevertheless, if Hawai‘i was a country rather than a state, it would rank among the top twenty incarcerators in the world.<sup>7</sup>



Source: Count of Year End Total Jurisdiction Population (Hawaii), Bureau of Justice Statistics, Corrections Statistical Analysis Tool (CSAT) – Prisoners (August 13, 2018) and PSD End of Month Population Report, July 2018.



Source: World Population Brief, Institute for Criminal Policy Research (ICPR), Highest to Lowest-Prison Population Rate, Entire World, accessed December 12, 2018

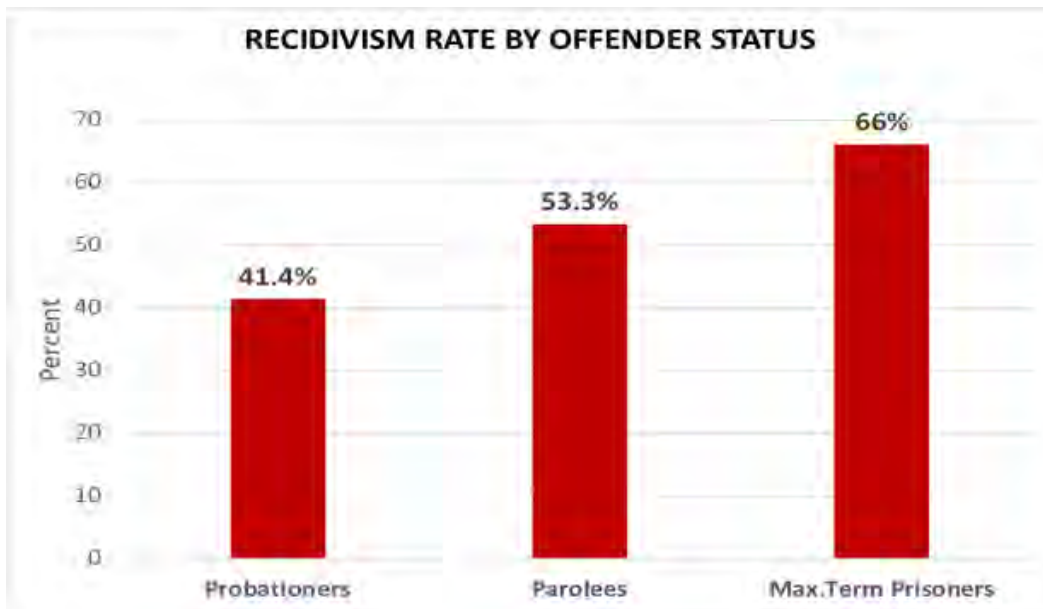
Hawai‘i’s correctional system includes not only those who are incarcerated, but also those on probation and parole. As of June 30, 2017, Hawai‘i had 1,517 people on parole<sup>8</sup> and 20,421 people on probation,<sup>9</sup> bringing the total number of people under some type of correctional supervision to 27,508.

Total Number of persons under correctional supervision in Hawai'i FY 2016-2017

Incarcerated (Jail and Prison)	On Probation	On Parole	Total
5,570	20,421	1,517	<b>27,508</b>

**B. Hawai'i's Recidivism Rate for Parolees and Prisoners Who "Max Out" is Over 50%**

Recidivism refers to a person's relapse into criminal behavior after receiving sanctions or undergoing interventions for a previous crime.<sup>10</sup> Recidivism is measured by criminal acts that result in a new arrest, or the revocation of probation or parole within three years of the start of supervision.<sup>11</sup>

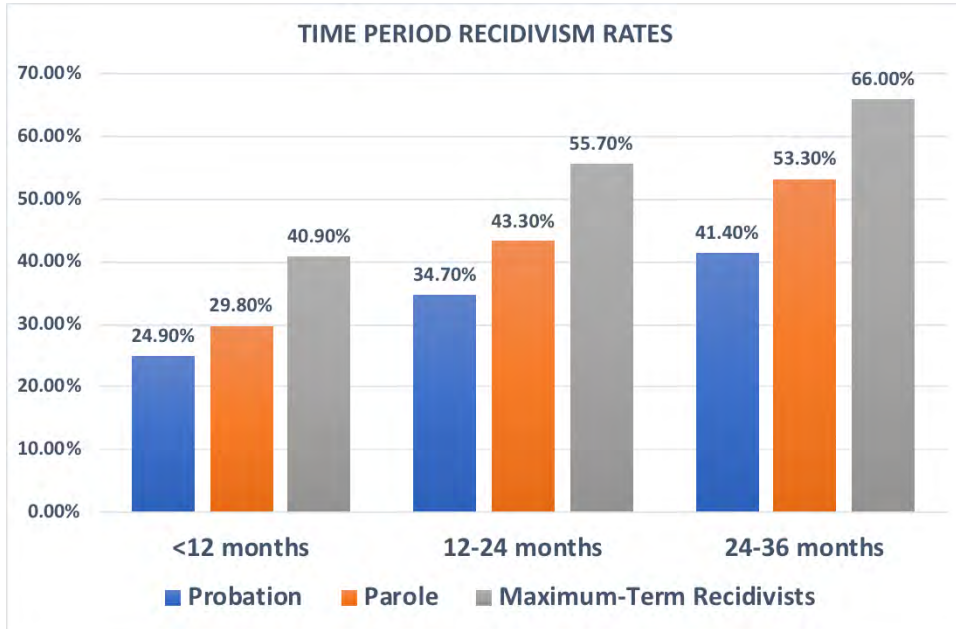


Source: 2017 Recidivism Update, State of Hawaii Interagency Council on Intermediate Sanctions (ICIS), July 2018

The Interagency Council on Intermediate Sanctions (ICIS) collects and analyzes Hawai'i recidivism data. ICIS's 2017 Update tracked the recidivism rates of 1,687 felony probationers, 775 parolees, and 291 maximum-term released prisoners for the period July 1, 2013, through June 30, 2014 (FY 2014).<sup>12</sup>

The recidivism rate for felony probationers was 41.4%, for parolees 53.3%, and for maximum term prisoners 66.0%.<sup>13</sup>

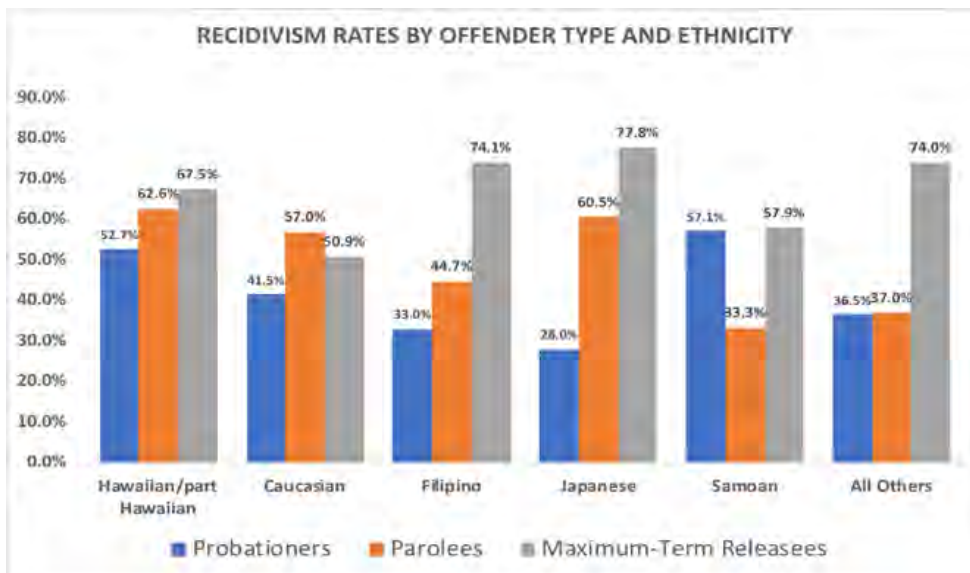
The overall recidivism rate for the entire FY 2014 study cohort was 47.3%.<sup>14</sup> From the supervision start date on July 1, 2013, 63.2% of the recidivists reoffended within the first 12 months, 88.9% reoffended within 24 months, and 11.1% reoffended within 24-36 months.<sup>15</sup>



Source: 2017 Recidivism Update, State of Hawaii Interagency Council on Intermediate Sanctions (ICIS), July 2018

The overall FY 2014 recidivism rate was 28.8% lower than the 1999 recidivism rate and was just short of the State’s goal of reducing recidivism in Hawai’i by 30%.<sup>16</sup> Property crime offenders had the highest total recidivism rate (69.8%), while sex offenders had the lowest rate (35.2%).<sup>17</sup>

The recidivism rate was significantly higher for males (50.6%) than females (38.0%).<sup>18</sup> Among ethnic groups, the recidivism rate for Native Hawaiians and part-Native Hawaiians was highest (58.6%) followed by 50.0% for Samoans, 47.3% for Japanese, 46.0% for Caucasians, 39.5% for Filipinos, and 39.3% for all others.<sup>19</sup>

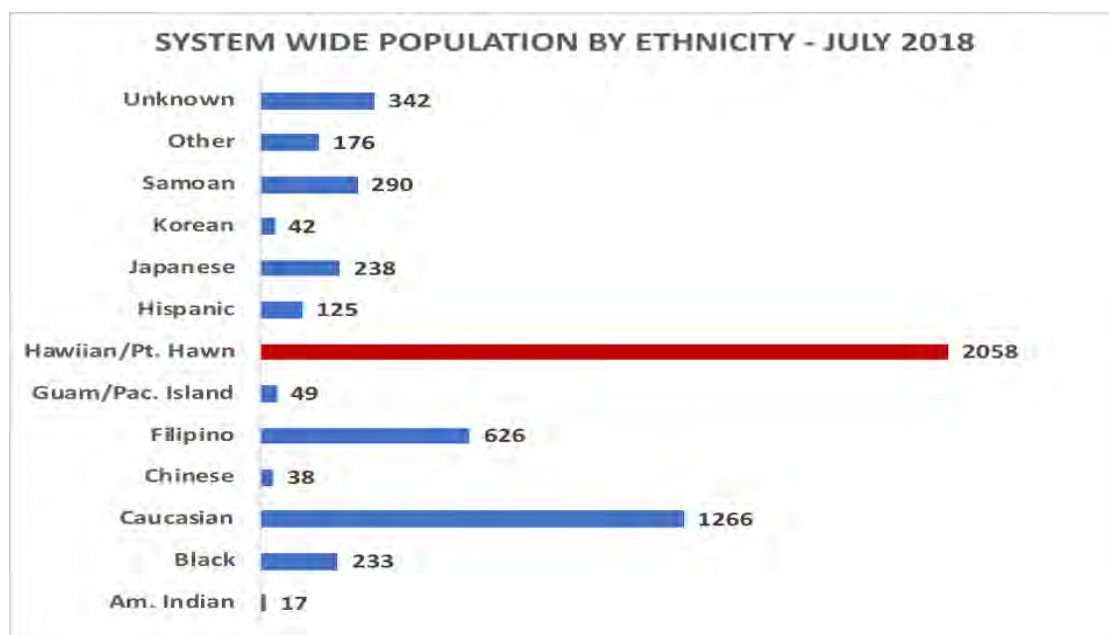


Source: 2017 Recidivism Update, State of Hawaii Interagency Council on Intermediate Sanctions (ICIS), July 2018



### C. Native Hawaiians are Overrepresented in the Criminal Justice System

Hawai‘i disproportionately incarcerates citizens of Native Hawaiian ancestry. Native Hawaiians and part-Native Hawaiians make up approximately 21% of the general population,<sup>20</sup> but 37% of the prison population.<sup>21</sup>



Source: Hawaii Department of Public Safety, System Wide End of Month Data, July 2018

A landmark study by the Office of Hawaiian Affairs in 2010 reported that Native Hawaiians are overrepresented at every stage of the criminal justice system.<sup>22</sup> Despite numerous studies and recommendations going back at least to the 1980s, the State has not taken effective steps to address the overrepresentation of Native Hawaiians in the criminal justice system.<sup>23</sup>

### D. Hawai‘i’s Prisons are Old, Dilapidated, and Overcrowded

Hawai‘i’s prisons are old, dilapidated, and severely overcrowded. Hawai‘i Community Correctional Center is currently operating at 185% of capacity, Maui Community Correctional Center is operating at 151% of capacity, Kaua‘i Community Correctional Center is operating at 196% of capacity, and OCCC is operating at 127% of capacity.<sup>24</sup>

FACILITY	DESIGN CAPACITY	OPERATIONAL CAPACITY	TOTAL POPULATION (HEAD CT.)	% OF DESIGN CAPACITY	% OF OPERATIONAL CAPACITY
HCCC	206	226	417	202	185
SNF	90	132	115	128	87
HMSF	496	992	753	152	76
KAUAI CCC	110	128	249	226	196
MAUI CCC	209	301	455	218	151
OAHU CCC	628	954	1211	193	127
WCCC	258	260	235	91	90
KULANI	200	200	156	78	78
WAIAWA	294	334	266	90	80

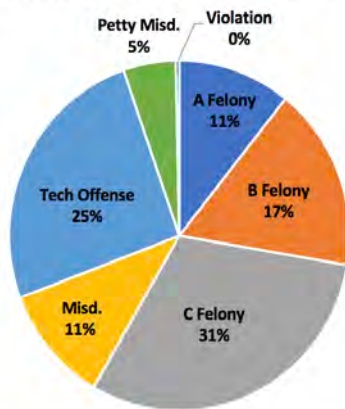
Hawaii Department of Public Safety End of Month Population Report, July 31, 2018

At OCCC, three prisoners are crowded into cells designed for two. As a result, one of the prisoners must sleep on the floor with his head next to the toilet. Faced with the lack of available cells, OCCC has so many prisoners crowded into one module that it is known as the “Thunderdome”.<sup>25</sup> Conditions are so bad throughout the State that most facilities probably do not meet minimum constitutional standards.<sup>26</sup>

### E. Most Hawai'i Prisoners are Incarcerated for Relatively Low-Level Offenses

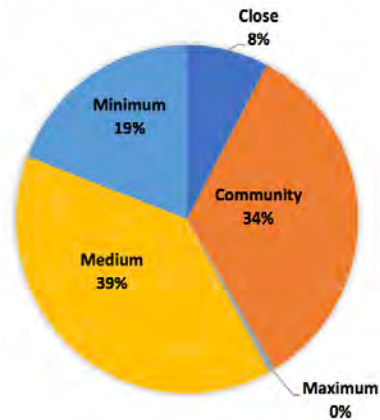
Many people believe that Hawai'i's prisons are filled with extremely dangerous and violent prisoners, but that is a misconception. The vast majority (72%) are incarcerated for relatively low-level offenses, i.e., class C felonies or below (misdemeanors, petty misdemeanors, technical offenses, or violations).<sup>27</sup> Only 28% are serving sentences for the more serious class A and B felonies,<sup>28</sup> and not all of the A and B felonies are for violent crimes, many are for drug offenses. Additionally, 53% of Hawai'i prisoners are classified as minimum or community custody inmates.<sup>29</sup>

HAWAII JAIL AND PRISON POPULATION BY SEVERITY OF OFFENCE



Source: Hawai'i Department of Public Safety HCR 85 Data Spreadsheet, July 31, 2018

CUSTODY STATUS OF HAWAII PRISONERS



Source: Hawai'i Department of Public Safety HCR 85 Data Spreadsheet, July 31, 2018

## **F. Hawai‘i Has an Aging Prison Population that Will Cost the State Millions of Dollars for Health Care in the Near Future**

Hawai‘i has over 650 prisoners 55 years of age or older.<sup>30</sup> There is a growing body of evidence that at around age 55, prisoners start to develop health problems associated with people much older than 55 and consume a disproportionate share of the cost of prison health care.<sup>31</sup> A 2011 article in the *Annals of Internal Medicine* reported that the average cost of health care for just 21 seriously ill prisoners in California (0.01% of the state's prison population) exceeded \$1.97 million per prisoner.<sup>32</sup>

The Task Force questions whether the State has the resources to provide adequate medical care to the large number of elderly prisoners, particularly in light of *Slingluff v. State of Hawai‘i*, which holds that the State has a legal duty to provide prisoners with the same level of medical care as is provided to patients who are not in prison.<sup>33</sup> Several recent settlements and damages awards to prisoners of \$1 million or more reinforce the Task Force’s concern about the State's ability to adequately care for an aging prison population.<sup>34</sup>

## **G. Suicides Are an All Too Common Occurrence in Hawai‘i Prisons**

Although the suicide rate for Hawai‘i prisons varies from year to year, in the eight-month period between June 15, 2017, and January 20, 2018, there were five suicides at correctional facilities in Hawai‘i.<sup>35</sup> Two of the deaths were at the Women’s Community Correctional Center,<sup>36</sup> which houses about 270 prisoners.<sup>37</sup> The deaths have been or are being investigated by the Department of Public Safety, but to our knowledge no outside experts have been consulted about the situation and the Department of Public Safety has consistently asserted that there is nothing wrong with its suicide prevention policies or staff training.<sup>38</sup>

## **H. The High Cost of Corrections is Not Sustainable**

The more than \$226 million Hawai‘i spends annually on corrections<sup>39</sup> is barely enough to maintain the system at its current level. The Departments of Public Safety and Budget and Finance estimate that a new 1,380-bed jail to replace OCCC will cost \$525 million<sup>40</sup>, or \$380,000 per bed. Because the new jail is for men only, the State plans to spend \$45 million to expand the Women’s Community Correctional Center in Kailua to house the women previously held at OCCC.<sup>41</sup> If the State were to build a new prison to house the 1,347 Hawai‘i inmates on the mainland at the same per bed cost as the jail, it would need an additional \$512 million, bringing the total cost of a new jail and prison to over \$1 billion. In addition, the State plans to build new medium security housing at the jails on Maui, Kaua‘i, and Hawai‘i island, at an as yet undetermined cost.<sup>42</sup>



Hawai‘i currently spends over \$93,000 *per day* to house pretrial detainees at OCCC and \$52,000 *per day* to house probation violators at OCCC.

**Daily and Annual Cost of Housing One Prisoner for One Day at OCCC**

PRISONERS STATUS	DAILY COST	ANNUAL COST
Pretrial Detainees	\$93,936 per day	\$34 million per year
Probation Violators	\$52,744 per day	\$19 million per year

Source: Hawai‘i Department of Public Safety, End of Month Population Report, July 31, 2018, and September 11, 2017 email from George King, PSD statistician.

**I. Hawai‘i is at a Crossroads**

Hawai‘i is at a crossroads. If we continue on the path we have been on for the past four decades, we can expect the same poor outcomes and high recidivism rates we have experienced in the past, and our communities will not be safer despite the hundreds of millions of dollars we will spend on corrections.

The Task Force believes that Hawai‘i must adopt a new and more sustainable correctional model that includes ways to significantly reduce the State’s prison population and recidivism rate. This can be done by making greater use of community-based alternatives to incarceration and focusing on the development of successful, evidence-based restorative and rehabilitative strategies for those who go to prison.

## CHAPTER 2

### HAWAI‘I SHOULD TRANSITION TO A MORE JUST, EFFECTIVE, AND SUSTAINABLE CORRECTIONAL MODEL THAT FOCUSES ON REHABILITATION RATHER THAN PUNISHMENT

*Every journey begins with a dream, a vision that can unite others. When people come together around a set of shared values, they can achieve extraordinary things.*

—Nainoa Thompson

**H**awai‘i’s approach to corrections must begin with recognition of the fact that all but a few of the men and women who go to prison will one day return to the community. They will live in our neighborhoods, stand next to us in the elevator, sit next to us on the bus, and wait in line with us at the supermarket. Some will have been in prison for a short time, others for many years. Some will have committed serious crimes, some only minor offenses, *but the time they have spent in prison will have shaped their lives for better or worse.* The question is: How do we shape their lives for the better? How do we change the behavior that landed them in prison and make them good citizens who we would want to live next door to us?

Prison reform is bringing liberals and conservatives together to an unprecedented consensus that helping prisoners overcome the thinking, habits, impulses, and poor decision-making that landed them in prison stands a far better chance of making a good citizen than a retributive and punitive approach. The transformation from a punitive to a rehabilitative culture based on proven models of combined sanctions and treatment will reduce recidivism and the prison population and significantly reduce the cost of administering Hawai‘i’s criminal justice system.

#### **A. Our Prison System Should be Based Upon and Reflect Hawai‘i’s Core Values**

Although Hawai‘i has a diverse, multi-cultural population, many of its core values have deep roots in the Native Hawaiian culture. The heart of Hawaiian culture is the spirit of generosity, inclusiveness, acceptance, and good will embodied in the word “aloha,” which means love, affection, compassion, mercy, sympathy, pity, kindness, sentiment, grace, and charity.<sup>43</sup> These are integral components of Hawai‘i’s core values, and over the years, they have found their way into proverbs that reflect aloha, such as:

*The degree of civilization in a society can be judged by entering its prisons.*

—Fyodor Dostoyevsky

- *E wehe i ka umauma i* - Be generous and kind to all (literally “open out the chest that it may be spacious”).
- *‘O ka pono ke hana ‘ia a iho mai nā lani* - Continue to do good until the heavens come down to you.
- *‘A ‘ohe lokomaika ‘i i nele i ke pāna ‘i* - No kind deed has ever lacked its reward.
- *E ‘ōpū Ali ‘i* - Have the kindness, generosity, and even temper of a chief.
- *Ua mau ke ea o ka ‘āina i ka pono* - The life of the land is preserved in righteousness.<sup>44</sup>

### 1. Pu‘uhonua

Pu‘uhonua is another important Hawaiian concept. It means a place of refuge, sanctuary, asylum; a place of peace, safety, and healing.<sup>45</sup> In 2015, a working group of Native Hawaiians led by Renwick “Uncle Joe” Tassill founded Holomua Pu‘uhonua to explore ways that the concept of pu‘uhonua could be used to build a stronger and more supportive community for prisoners. The group received grants from the Office of Hawaiian Affairs and the Administration for Native Americans and is developing plans to help *pa‘ahao* (prisoners) transition back to the community. Holomua Pu‘uhonua is represented on the Task Force, and we support their outstanding efforts to develop successful re-entry programs by adapting ancient Hawaiian concepts to help 21st century *pa‘ahao* (prisoners) and others.

### 2. Ho‘oponopono

Revered scholar and cultural practitioner Mary Kawena Pukui defines ho‘oponopono as a process to put something right, a mental cleansing, a family conference in which relationships are set right through prayer, discussion, confession, repentance, and mutual restitution and forgiveness.<sup>46</sup> Scholars Richard and Lynette Paglinawan describe ho‘oponopono as a healing process that teaches us to respect *mana* (an invisible connection that ties the living with the dead) and acknowledge that there are higher powers that hold jurisdiction over us.<sup>47</sup>

Native Hawaiians have been using ho‘oponopono to “set things right” for centuries, and as the Paglinawans have noted, since Native Hawaiians do not always respond well to Western approaches, ho‘oponopono is a practice that can be used “on the healing journey.”

### 3. The Aloha Spirit

Hawai‘i’s core values are found in the Aloha Spirit that for centuries has guided the lives of Native Hawaiians. The characteristics of the Aloha Spirit are *Akahai* (kindness expressed with tenderness), *Lōkahi* (unity expressed with harmony), *‘Olu‘olu* (agreeable expressed with

harmony), *Ha'aha'a* (humility expressed with modesty), and *Ahonui* (patience expressed with perseverance).<sup>48</sup> “Aloha means mutual regard and affection and extends warmth in caring with no obligation in return. Aloha is the essence of relationships in which each person is important to every other person for collective existence. Aloha” means to hear what is not said, to see what cannot be seen and to know the unknowable.”<sup>49</sup>

We should keep the concepts of aloha, pu'uhonua, and ho'oponopono at the forefront of our thinking as we seek ways to address the problems of 21st century *pa'ahao*. Our correctional system should be rooted in the values of Hawai'i and should reflect the Aloha Spirit in all of its manifestations.

## **B. Hawai'i's Correctional System Should Incorporate Key Elements of the Norwegian/European Correctional Model**

HCR 85 specifically calls on the Task Force to identify and analyze effective incarceration policies used in other states and countries. In 2015, several of the Task Force members, including the chair, traveled to Norway and spent a week visiting Norwegian correctional facilities and meeting with correctional experts from Norway, Sweden, Ireland, and England. Norway is often regarded as the world's most successful prison system because of its humane conditions and successful outcomes, such as a 20% recidivism rate<sup>50</sup> and a 63 per 100,000 population incarceration rate<sup>51</sup> (compared to Hawai'i's 390 per 100,000).

Although the Task Force does not believe that the Norwegian correctional model can be transplanted in its entirety to Hawai'i, we believe that Hawai'i can benefit from identifying those elements of the Norwegian system that can be imported with appropriate modifications to improve our correctional system.<sup>52</sup> Representatives of the Colorado and North Dakota correctional systems have also studied the Norwegian and European models and are adopting them to meet their needs. As Rick Raemisch, Executive Director of the Colorado Department of Corrections has said, “Punishment doesn't work . . . . Understanding that there may be cultural differences that would not allow some methods to be successful here, *we always need to explore and implement methods [from other countries] that are proven to work.*”<sup>53</sup>

Hawai'i's correctional system, like those in other states, is fundamentally punitive. Prisoners are confined to small cells and deprived of liberty, privacy, autonomy, possessions, relationships with family and friends, choices (about food, clothing, recreation, scheduling, and leisure activities), heterosexual relationships, and many of the comforts of everyday living, such as a reasonably peaceful, quiet, safe, and secure place to live.

Life in Hawai'i's prisons is highly structured, regulated, and regimented. It is fundamentally different from life on the outside, and as a result, prisoners who spend a significant amount of time in prison adjust to the structured environment and become “institutionalized”.<sup>54</sup> Inmates participate in rehabilitative programs, but the programs operate within a punitive rather than a rehabilitative environment. Although Hawai'i has many dedicated correctional officers, the relationship between the inmates and guards is all too often an “us” versus “them” relationship

characterized by suspicion, hostility, and mistrust. Violence within the prison system is common.

The Task Force members who visited Norway describe a fundamentally different system in which loss of freedom is viewed as the only punishment ordered by the court and is, therefore, the only punishment prisoners should experience.<sup>55</sup> They should not be further punished by isolation, deprivation, or harsh conditions of confinement. In fact, one of the basic tenants of the Norwegian system is that rehabilitation is most successful when conditions within the prison resemble life on the outside as closely as possible (the “normality principle”).<sup>56</sup>

In Norway, prisoners live in private rooms that have a comfortable bed, a desk, a television, and a private bathroom with a toilet, shower, and wash basin. Guards knock before entering a prisoner's room, and prisoners wear street clothes and live relatively normal lives—they go to work or school, shop for food, cook their meals, do house cleaning, socialize, watch television, read, and listen to music. Prisoners have frequent contact with family, and those who demonstrate trustworthiness are allowed increasingly greater privileges and are eventually allowed to spend weekends at home with their families. Prison staff are graduates of a two-year academy where they study law, psychology, human rights, and ethics, and they serve as social workers, guidance counselors, mentors, and role models for inmates. Security is maintained by having the staff closely interact with inmates on a daily basis. Because inmates have a close relationship with staff, fights among inmates and inmate attacks on guards are virtually unknown. Prisoners learn to trust and respect staff, and staff learn to trust and respect prisoners. Inmates earn privileges and, over time, move from high to medium to low security prisons and eventually to halfway houses. When they are finally released, Norwegian prisoners are guaranteed housing, a job that provides adequate income, education, health care, and, if needed, mental health or addiction treatment.<sup>57</sup>

The main elements of the Norwegian corrections system are:

### **1. The Normality Principle**

As noted above, the normality principle states that life in prison should, to the greatest extent possible, mirror conditions outside of prison. It also holds that: (1) loss of freedom should be the only punishment; (2) conditions of confinement should not be punitive; (3) prisoners should be placed in the lowest possible security regime; and (4) sentences should be as short as possible to reduce the possibility of prisoners becoming “institutionalized,” which makes reentry more difficult.<sup>58</sup>

### **2. Dynamic Security**

Dynamic security is a concept and working method by which prison staff interact closely with prisoners, and through the interaction seek to better understand the needs of the prisoners, assess the risk they may pose to staff and other prisoners, and improve safety and security while contributing to the prisoner’s rehabilitation and preparation for release.<sup>59</sup> With dynamic security, prison staff develop positive and trusting relationships with prisoners. They make sure that prisoners are kept

busy with constructive and purposeful activities and assist prisoners in completing the programs that are prerequisites to release. Dynamic security gives prison staff high quality intelligence about what is going on in the facility and reduces the chances of violence and escape. In Norwegian prisons, fights rarely break out because disputes between and among prisoners are detected and dealt with before they erupt into violence.

### **3. Import Model**

The import model states that the services the prisoners require should be provided by the government agencies that provide the services to citizens outside of the prison.<sup>60</sup> Prison staff should not provide medical, dental, educational, vocational, library, or other services; those should be imported from the community. The advantages of the import model are:

- Better continuity in the deliverance of services – the offender will already have established contact with the service provider during his time in prison;
- The community becomes involved with the prison system resulting in more and better cross-connections and better community understanding of prison and prisoners; and
- The required services are provided and financed by the agencies that have the knowledge, experience, and personnel to provide them effectively and efficiently.

### **4. Progression Toward Reintegration**

Progression through reintegration means that prisoners begin their sentence with a relatively high level of security and gradually progress to lower levels, eventually ending up in minimum security facilities, and then in halfway houses, unless security concerns dictate otherwise.<sup>61</sup>

The Task Force believes that a rehabilitative correctional system built around Native Hawaiian values and that uses the Norwegian/European correctional philosophy will best meet the needs of Hawai‘i. We recognize that such a system must be implemented gradually, with great care and intelligence, and if necessary, with pilot programs, but we are confident that it is the best path forward for our State.

## C. Prison Reform in Hawai'i Should be Guided by Successful Programs and Best Practices in Other States

### 1. The Main Areas of Reform Across the Nation

The Vera Institute of Justice reported that in 2014 and 2015, forty-six states made 201 changes to their sentencing and corrections laws based on research showing that: (1) longer sentences have little effect in reducing recidivism and shorter sentence lengths do not have a significant negative impact on public safety; (2) many offenders can be safely and effectively supervised in the community at lower cost; and (3) post-punishment penalties and restrictions (the collateral consequences of criminal conviction) make it more difficult for those released from prison to live law-abiding lives.<sup>62</sup>

The main areas of reform across the country were:

**Pre-Arrest Diversion.** To divert individuals with mental illness and addiction problems, and those who have committed low-level, non-violent offenses, away from the criminal justice system and to agencies and programs that will help them.

**Expanding Use of Treatment Courts.** To divert people from the correctional system through drug courts, mental health courts, domestic violence courts, and veterans' courts.

**Reducing the penalties for property crimes and drug offenses.** To make the penalties for low-level drug and property crimes more proportional and reduce jail and prison populations.

**Creating "safety valves" for mandatory sentences.** To allow judges to depart from statutory mandatory minimum sentences, if deemed appropriate, or if designated criteria are met.

**Creating evidenced-based re-entry programming and services.** To support former inmates and reduce the chances of reoffending.

**Increasing opportunities for early release.** To expand the ways prisoners can shorten their sentences through participation in programming or compliance with disciplinary rules.

**Facilitating access to public benefits.** To help previously incarcerated people obtain the documentation needed to receive public benefits (housing, health care, and employment).

**Easing the harmful impact of fees and fines.** To facilitate reintegration and get

a fresh start after life in prison.

**Limiting access to criminal history information.** To help former prisoners find employment that pays a living wage.

**Supporting family relationships.** To encourage family visitation and assist children of incarcerated parents.

**Bail Reform.** To reduce jail populations and jail costs, while maintaining public safety.

## 2. How Five States Significantly Reduced Their Prison Populations

In September 2018, the Sentencing Project published a report on how five states—Connecticut (CT), Michigan (MI), Mississippi (MS), Rhode Island (RI) and South Carolina (SC)—reduced their prison populations by 14% to 25% over an eight- to ten-year period.<sup>63</sup> Each of the five geographically and politically diverse states enacted a range of policy changes to achieve the reductions, and all five were involved in the Justice Reinvestment Initiative process. The report highlights some of the key factors in successful prison reform and some of the policy options that are available to legislators and stakeholders who seek to significantly reduce their state's prison populations.

**Leadership.** In all five states, justice reform had high profile leadership. In two states—Michigan and Connecticut—reform was led by the Governor. In Mississippi, reform was led by a Corrections and Criminal Justice Task Force. In Rhode Island, a Justice Reinvestment Working Group took the lead, and in South Carolina, three Commission Working Groups focused on reform by revising sentencing guidelines, the parole system, and alternatives to incarceration.

**Community Participation.** In all five states the reform effort included a diverse group of public and private stakeholders. Michigan organized community leaders into a prison reform advisory council and formed regional steering and planning teams across the state to build support for change and promote collaboration. Connecticut created a Sentencing and Parole Review Task Force that included, among others, public defenders, civil rights groups, and the ACLU of Connecticut. The Criminal Justice Task Force that spearheaded reform in Mississippi included legislators, judges, law enforcement personnel, prosecutors, public defenders, the department of corrections, local officials, and community justice and civil rights groups. Rhode Island's Justice Reinvestment Working Group included community advocates and treatment professionals and organizations, and South Carolina's sentencing and oversight committee included both legislators and members of the public.

**Resources and Expertise.** All five states reached out to public and private organizations for funding and expertise. Michigan received technical assistance from the National Institute of Corrections (NIC), the National Governors Association, and the Council of State Governments. Michigan obtained funding and research support from national, state,



and local foundations as well as the state’s major universities. Rhode Island partnered with Justice Reinvestment, and Mississippi received assistance from the Pew Charitable Trusts and the Crime & Justice Institute at Community Resources for Justice. South Carolina partnered with the Pew Center on the States, the Criminal Justice Institute, and Applied Research Services, Inc., for expertise in data gathering, analysis, development of potential reform approaches, and forecasts of reform impact on population and costs.

**Policies and Practices Used to Reduce Prison Populations.** The policies and practices that led to reduced prison populations generally fell into four broad categories.

**a. Reducing Prison Admissions**

- All five states reduced criminal penalties or adjusted penalties according to the seriousness of the offense.
- Four states eliminated mandatory minimum sentences, in some cases retroactively (CT, MI, RI, SC).
- Four states created or expanded specialty courts and/or other alternatives to incarceration (CT, MI, MS, SC).
- Two states modified their response to at-risk youth to disrupt the school-to-prison pipeline (CT, SC).

**b. Reducing Incarceration for Those Who Fail Community Supervision**

- Four states created graduated, intermediate sanctions for non-criminal violations of conditions of parole and/or probation (CT, MI, MS, SC).
- Three states improved collaboration between state and local governments on case management and supervision (CT, MI, RI).
- Three states put greater emphasis on intermediate outcomes (CT, MI, RI).
- Three states shortened the time of community supervision (MS, RI, SC).

**c. Facilitating Release**

- All five states incorporated dynamic risk and needs assessment into their justice processes.<sup>64</sup>
- Four states reduced barriers to release (CT, MI, RI, SC).

- Three states implemented conditional release approval before eligibility for release (CT, MI, RI, SC).
- Three states used feedback to releasing authorities regarding outcomes to build trust in reentry (CT, MI, RI).
- Three states used centralized reentry planning, trained specialists, and a goal of release at the earliest opportunity (CT, MI, MS).
- Three states simplified and/or expedited release processing especially when backlogged (CT, MI, RI).

**d. Requiring Less Time Served Before Eligibility for Release**

- Four states provided allowance or expansion of sentence credits through a variety of measures (CT, MS, RI, SC).
- Three states reduced criminal penalties even for those still in prison (CT, MI, SC).
- Two states modified their policy on aggravating factors for sentence enhancement (MS, SC).
- Two states reduced time served prior to eligibility for repeat paroles after revocation (MI, MS).

**Lessons Learned.** The report lists six lessons to be learned from the states that have been successful in achieving effective and sustainable prison population reduction reforms:

- **Adequate funding is critical to achieving reform.** The states reported that inadequate funding was an obstacle to achieving reforms. Enacting statutory mandates without adequate funding delayed reforms and resulted in some reforms failing to achieve full benefits or never being implemented.
- **Projected cost savings are difficult to achieve and actual savings are often overstated.** In particular, the states found that forecasts regarding expected cost savings were either faulty or overly optimistic, and that forecast savings were sometimes offset by missed or unanticipated expenses such as escalating prison health care costs.
- **The goals of reform must be explicit.** Conditions that are not specifically targeted by reform may remain unchanged. For example, several states found that reforms intended to reduce the prison population did not necessarily have a positive effect on the goal of reducing racial disparity.

- **The basic goal of Justice Reinvestment was not achieved.** The original concept of Justice Reinvestment was to put the savings generated by prison reform to work helping neighborhoods recover from overuse of incarceration and enhancing housing, health care, education, and employment. The five states in the report have been successful in transferring resources within the justice system from prisons to community supervision, but they did not achieve the goal of providing funds for housing, health, education, and other community programs and services.
- **Broad prison reform requires focusing on issues beyond population reduction.** To enable sustained or deeper prison population reductions there is a need for: (1) post-incarceration employment solutions; (2) reentry solutions for more serious or higher risk cases who are typically excluded from reforms; (3) adequate community funding solutions; and (4) rigorous monitoring and evaluation of justice reform implementation to propel change.
- **Enhancing penalties for violent offenses reduced the impact of sentencing reforms.** Policymakers in some states enacted harsher penalties for violent offenses as part of a reform “package” that included reduced penalties for non-violent offenses. This is a problematic strategy for two reasons: (1) it inherently reduces the potential decarceration impact of sentencing reform; and (2) research has documented that enhancing *already* harsh sentences adds little crime deterrent effect and produces diminishing returns for incapacitation effects.

#### D. Prison Reform in North Dakota

*My job is to rehabilitate people. You can't do that if you treat people inhumanely.*

—Leann Bertsch, Director of the North Dakota  
Department of Corrections and Rehabilitation

One state that has attracted national attention is North Dakota, which in the past four years has implemented an impressive array of system-wide changes to transition to the Norwegian/European correctional model and make its prison system more humane and effective.<sup>65</sup> Some of the relatively inexpensive (or no cost) reforms North Dakota has implemented include:

- Transitioning approximately 80% of the prisoners held in solitary confinement to general population housing and finding new uses for the cells previously used to isolate prisoners.
- Limiting the use of administrative segregation (solitary confinement).

- Expanding administratively segregated prisoners' access to treatment and socialization, including group therapy, increased motivational interviews with staff, increased out-of-cell time, enrichment activities, and social interaction.
- Revising the qualifications for correctional officer positions to emphasize a dual role focused on both security and positive prisoner engagement.
- Adopting new policies that eliminate many of the restrictions on community members who can tour their facilities and actively encouraging visitors.
- Re-examining food options to promote better health and increase prisoners' choice.
- Hiring a new Director of Recreation to identify opportunities for prisoners and staff to exercise and recreate together.
- Adopting formal mechanisms by which correctional staff at all levels can suggest and promote specific changes to policy and practice.
- Revising each correctional facility's mission statement—with input from correctional staff and some prisoners—to reflect a more professional and rehabilitation-oriented approach to correctional practice.
- Encouraging staff to think of creative ways to increase positive prisoner-staff interaction.
- Changing the policy governing staff-prisoner interactions from historical “don't touch the inmates” to encouraging staff to shake hands with prisoners.
- Changing the prisoner disciplinary system with the goal of shifting from roughly 300 potential behavioral violations to a “Ten Commandments” approach that emphasizes treating others with dignity and respect, as one would in the community.
- Changing procedures at their minimum security facility to allow residents to ride bicycles throughout the property; walk an extensive network of trails unaccompanied by staff; shop online for groceries; prepare their own food; take escorted trips into the community to obtain job counseling services; take escorted trips into the community for social interaction (get a cup of coffee, see a movie); and earn passes to leave the facility unescorted, including for overnight home visits.
- Opening a new transitional housing unit for those who have progressed to work release. Residents in the transitional housing unit get their own keys, have single- occupancy rooms at the facility, have access to a propane grill, and can request permission to leave unescorted for family activities, such as attending a child's high school graduation, attending a mother's birthday party, or having dinner with family.

- Normalizing life in their medium and maximum security prisons by, among other things, starting a prison band that will give monthly concerts for staff and other prisoners, placing potted plants throughout the facility, launching a recurring “family night” where children under 10 years of age are invited into the facility’s auditorium to watch a movie and eat popcorn with their dads, and piloting seasonal “family days” in which prisoners’ children, significant others, and parents are invited into the facility for an activity (e.g. pumpkin painting day, May Day).

## CHAPTER 3

### A NEW CORRECTIONAL SYSTEM REQUIRES A NEW VISION AND NEW GOALS AND OBJECTIVES

#### A. A New Vision Statement

*Mālama kō aloha (Keep your Aloha no matter what the obstacles).*

—Chiefess Manono<sup>66</sup>

Task Force members and community stakeholders, led by the Native Hawaiian subcommittee, spent many hours looking at correctional models and best practices from other states and countries, reflecting on our island heritage and values, and bringing together their varied experience to create a shared vision of the future. The vision statement for Hawai‘i’s justice system that emerged from this collective effort encompasses goals for both the civil and criminal justice systems:

*A justice system that is rooted in our cultural values, protects our rights and liberties, promotes safety, peace, understanding, and reconciliation, and through its policies, procedures, decisions and personnel restores communities and affirms the value of every person who comes into contact with the system.*

#### *Commentary on the Vision Statement*

- A. The justice system should not just administer laws and maintain order, it should focus on building, strengthening, and repairing communities and making them safer.
- B. Every aspect of the justice system—courts, corrections, the Judiciary, probation, parole, the Office of the Attorney General—should grow out of and reflect the values of the people of Hawai‘i.
- C. The justice system should be a framework for promoting social progress. Social progress is achieved by recognizing and promoting the value of every member of society, including those who have committed crimes.

## **B. Guiding Principles, Goals, and Objectives for the New Correctional System**

### **GUIDING PRINCIPLE 1**

*Our justice system should focus on the root causes of crime, not just the symptoms. Among the many causes of crime in our community are poverty, unemployment, underemployment, racism, lack of affordable housing, substandard housing, lack of education, mental illness, broken families, childhood trauma, abuse and neglect that lead to drug and alcohol abuse.*

Goals and Objectives:

1. Reduce overreliance on incarceration as a response to social, economic, and public health issues.
  - Objective 1: Create and expand programs that divert low-level offenders to community-based treatment programs.
  - Objective 2: Reduce prison admissions by using incarceration as a last resort, and only when necessary to protect public safety.
  - Objective 3: Reduce the prison population at every possible opportunity by reevaluating, restructuring, and expanding early release and compassionate release programs.
2. Eliminate the overrepresentation of Native Hawaiians in the criminal justice and correctional systems.
3. Break the cycle of intergenerational incarceration by providing support for children of incarcerated parents and intervention programs that target at-risk youth.

#### *Commentary on Guiding Principle 1*

- A. As we focus on prison reform, we should not lose sight of the fact that the best way to make our communities safer is to prevent crime from happening in the first place. To do that, we need to address the root causes of crime in our communities. This applies with particular force to Hawai'i's children. Providing children with the foundation they need from their earliest years to avoid delinquency and ultimately crime is the surest way to consistently reduce our prison population and incarceration rate. Social scientists have identified many of the risk factors that lead to delinquency, and cost-effective, evidence-based interventions that minimize or moderate

those risks. For example, a study that followed children who participated in high-quality preschool and parent coaching programs found they were 20% less likely to be arrested for a felony or to be incarcerated as young adults than those who did not attend.<sup>67</sup> Hawai‘i should launch a coordinated and consistent effort by the Departments of Education, Health, and Human Services to provide interventions to children who need it at each critical stage of development, starting with prenatal care and continuing to young adulthood. Investing in children will go a long way toward preventing the onset of adult criminal careers and thus reduce the burden of crime on victims and society.<sup>68</sup>

- B. Jails and prisons tend to produce poor outcomes. They may be necessary, but they should be used only as a last resort and sentences should be for the shortest time possible. Reducing the prison population should be a top priority with clearly stated and achievable goals.
- C. Despite numerous studies and reports on the overrepresentation and disparate treatment of Native Hawaiians in the criminal justice and correctional systems, few, if any, steps have been taken to address this problem.<sup>69</sup> A concerted strategy should be developed, funded, and implemented without further delay.
- D. Children of incarcerated parents are an extremely vulnerable group. Having a parent in prison or jail has been linked to a greater incidence of poor health, attention deficit disorder (ADD), attention deficit hyperactivity disorder (ADHD), behavioral problems, learning disabilities, anxiety, and developmental delays.<sup>70</sup> To protect our children, it is imperative that we break the cycle of intergenerational incarceration.

## **GUIDING PRINCIPLE 2**

*Our justice system must reaffirm each inmate’s inherent humanity and continuity of citizenship despite his or her loss of freedom.*

Goals and Objectives:

1. Create a system of rehabilitation grounded in the culture and values of Hawai‘i.

Objective 1: Provide corrections officers with comprehensive training that reinforces their purpose to positively motivate change and promote inmate well-being, healing, and rehabilitation.



The training should include frequent refresher courses on the latest correctional research and best practices.

Objective 2: Support continuity in relationships between inmates and their families by providing services and spaces to heal and improve relationships with primary support networks.

Objective 3: Provide culture-based and culturally competent programming.

*Commentary on Guiding Principle 2*

- A. Loss of freedom should be the only punishment for those who go to prison. Prisoners should retain all other rights of citizenship, including the right to vote. Conditions in prison should not be punitive; they should resemble life on the outside to the greatest extent possible, and the focus of the correctional system should be on rehabilitation.
- B. Correctional staff should receive extensive training on rehabilitative philosophy, programs, and practices and serve as role models, mentors, and counselors for inmates.
- C. Contact with family and friends is important for social reintegration of prisoners.<sup>71</sup> Prison administrators should encourage communication with the outside world. Prisoners' contacts should be an entitlement, not a privilege, and should not be used as a reward or punishment.

**GUIDING PRINCIPLE 3**

*Hawai'i's justice system should focus on accountability and rehabilitation instead of retribution.*

Goals and Objectives:

- 1. Promote community safety by reducing recidivism.

Objective 1: Adopt the "Normality Principle," which states that life inside prison should resemble life in the community to the greatest extent possible. The loss of freedom should be the only punishment, and no prisoner should serve a sentence under a higher security regime than is necessary.

- Objective 2: Adopt the “Import Model.” Partner with community service providers and medical, educational, and faith-based resources to support prison operations, programs, rehabilitation, and reentry.
- Objective 3: Ensure stable community reintegration by providing comprehensive post-release services.
- Objective 4: Adopt the “Dynamic Security Model.” The best security is based on frequent, friendly and supportive interaction between staff and inmates.
- Objective 5: Establish strong, thorough, and independent oversight to ensure effective implementation of Task Force initiatives and continued progress in perpetuity.

*Commentary on Guiding Principle 3*

- A. The logic of the normality principle is that the smaller the difference between life inside and outside of prison, the easier the transition from prison to freedom.<sup>72</sup> Normality is also consistent with the principle that loss of freedom is the only punishment. The normality principle recognizes obvious exceptions for security and control that are necessary in institutions like prisons.
- B. The import model supports normality in that the agencies that provide services to people outside of prison also provide them to those on the inside. Importing medical, educational, social, and other services from the community is an efficient model and ensures that prisoners receive the same quality of services as those who are not in prison.
- C. Comprehensive post-release services should include decent housing, employment, education, medical care, and mental health and addiction services, if needed.
- D. Dynamic security means that correctional staff interact closely with inmates and serve as counselors, mentors, role models, and life coaches.<sup>73</sup>

### **C. The Task Force’s Vision, Principles, Goals, and Objectives are Consistent with the European Prison Rules**

Although the Task Force’s vision, principles, goals, and objectives were developed independently and without consulting international standards, the Task Force’s recommendations are similar to the Basic Principles of the European Prison Rules:<sup>74</sup>

1. All persons deprived of their liberty shall be treated with respect for their human rights.
2. Persons deprived of their liberty retain all rights that are not lawfully taken away by the decision sentencing them or remanding them in custody.
3. Restrictions placed on persons deprived of their liberty shall be the minimum necessary and proportionate to the legitimate objective for which they are imposed.
4. Prison conditions that infringe upon prisoners’ human rights are not justified by lack of resources.
5. Life in prison shall approximate as closely as possible the positive aspects of life in the community.
6. All detention shall be managed so as to facilitate the reintegration into free society of persons who have been deprived of their liberty.
7. Cooperation with outside social services and as far as possible the involvement of civil society in prison life shall be encouraged.
8. Prison staff carry out an important public service and their recruitment, training, and conditions of work shall enable them to maintain high standards in their care of prisoners.
9. All prisons shall be subject to regular government inspection and independent monitoring.

The Task Force’s vision statement, guiding principles, goals, and objectives provide a sound foundation for a more just, humane, effective, and sustainable correctional system. Adopting these core principles is the first step in reforming our correctional system, reducing recidivism, and making our communities safer.

## CHAPTER 4

### THE STATE MUST ADDRESS THE OVERREPRESENTATION OF NATIVE HAWAIIANS IN THE CORRECTIONAL SYSTEM

#### A. Background

Scholars in various disciplines have documented the historical and cultural trauma to Native Hawaiians following contact with the West in the later part of the 18<sup>th</sup> century. Disease decimated the population,<sup>75</sup> the social and economic structures that had supported a vital and vibrant Hawaiian culture for centuries broke apart,<sup>76</sup> the Hawaiian language was displaced by English,<sup>77</sup> the Hawaiian religion was displaced by Christianity,<sup>78</sup> foreign laws were introduced,<sup>79</sup> and constitutional provisions that limited the political power of Native Hawaiians and the Hawaiian monarchy were forced on the government by an armed militia.<sup>80</sup> At the same time, land tenure underwent radical changes with the Great Māhele and passage of the Alien Land Ownership Act of 1850, the Kuleana Act of 1850, and the Adverse Possession law of 1870, all of which, in one way or another, facilitated the transfer of land from Native Hawaiians to foreigners.<sup>81</sup>

By 1893, Native Hawaiians had lost much of their land, culture, laws, religion, political power, and language. About all that remained was their sovereignty, and that was taken away on January 17, 1893, when a small group of wealthy businessmen and sugar plantation owners, aided by the United States Navy, overthrew the government of Queen Lili‘uokalani.<sup>82</sup>



Celebrating Makahiki at the Halawa Community Correctional Center. Photo courtesy of Kai Markell

Colonialism, oppression, and the loss of sovereignty have had a continuing impact on the Native Hawaiian community. In 2010, the Office of Hawaiian Affairs (OHA) published a three-year collaborative study that showed that Native Hawaiians are overrepresented at every stage of Hawai‘i’s criminal justice system.<sup>83</sup> The disproportionality begins with arrest and accumulates at each stage in the system. According to the report, Native Hawaiians make up 24% of the State’s population but account for 33% of pretrial detainees, 39% of the prison population, and 41% of parole revocations.<sup>84</sup> Native Hawaiians receive longer prison sentences than most other racial or ethnic groups, they are more likely to go to prison if they are found guilty of a crime, and they are

disproportionately represented in the out-of-state prison population.<sup>85</sup> They serve more time on probation than any other ethnic group except Hispanics, and they make up the largest percentage of people who return to prison for parole violations.<sup>86</sup>

The OHA study cites several probable causes for the overrepresentation of Native Hawaiians in the criminal justice system, beginning with their marginalization through colonialism and racism and continuing to the present where Native Hawaiians have disproportionately high levels of childhood trauma and abuse, high unemployment, high underemployment, low educational attainment levels, low income status, and significant involvement in the juvenile justice system.<sup>87</sup>

In 2011 the Legislature created the Native Hawaiian Justice Task Force (NHJTF) to make recommendations on how to address the overrepresentation of Native Hawaiians in the criminal justice system.<sup>88</sup> The NHJTF held hearings throughout the State, and in 2012 issued a report that contained 48 findings and 38 recommendations, ranging from state support for early intervention programs to assist Native Hawaiians to dozens of changes to the criminal justice and correctional systems.<sup>89</sup>



Celebrating Makahiki at the Halawa Community Correctional Center. Photo courtesy of Kai Markell

The NHJTF recommendations have not been implemented, and the State has resisted efforts by the Native Hawaiian Legal Corporation to expand religious and culturally based programs and activities for Native Hawaiians incarcerated at private prisons in Arizona. Incredible as it may seem, until very recently, Native Hawaiians at the Saguaro Correctional Center in Eloy, Arizona were not allowed to correspond with their families in the Hawaiian language,<sup>90</sup> even though Hawaiian is one of the State's two official languages.<sup>91</sup>

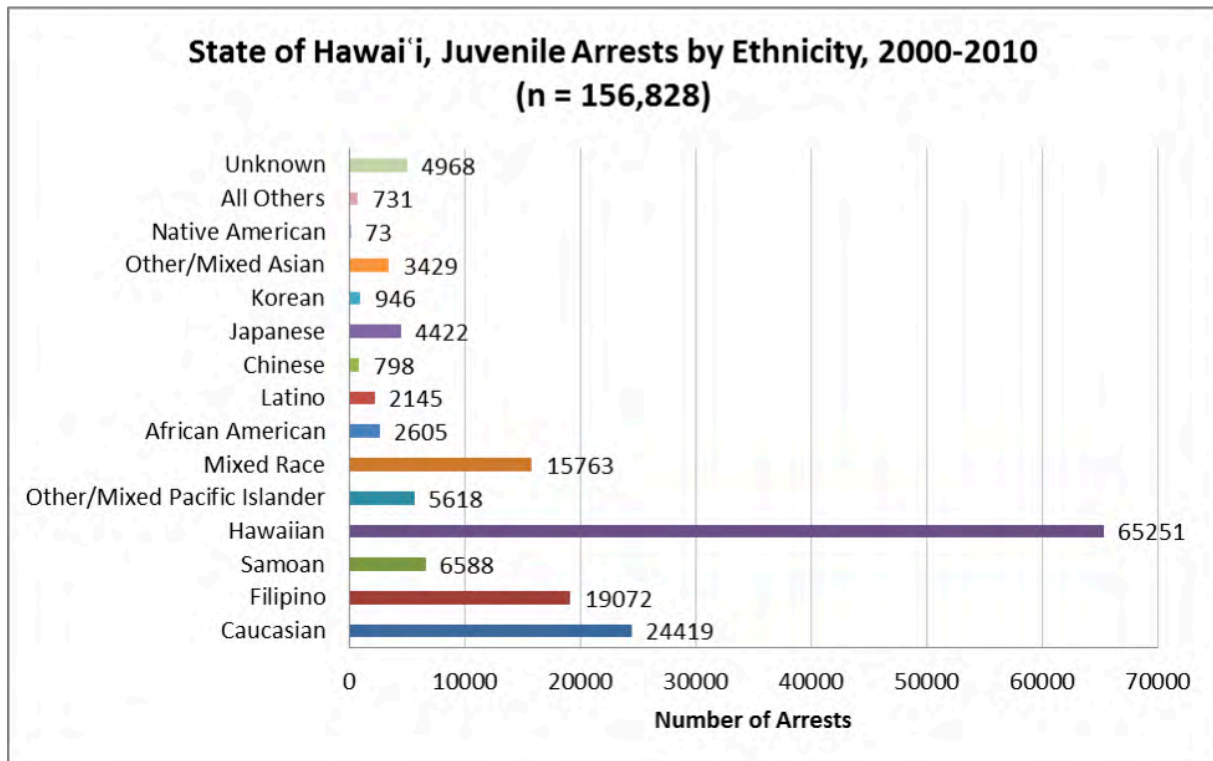
The 2010 OHA study found that:

To reduce the harmful effects of the criminal justice system on Native Hawaiians and all people, Hawai'i must take action, and seek alternative solutions to prison. Assistance and training is needed in law enforcement, holistic interventions need to be implemented and evaluated, **and a cultural shift in the way we imprison a person must change.** If not, we will exacerbate prison over-crowding, and continue to foster the incarceration of generations to come.<sup>92</sup>

The HCR 85 Task Force fully supports the above recommendation and strongly recommends that Hawai'i adopt a new vision for corrections and repatriate traditional Hawaiian cultural practices that can restore harmony with 'ohana (family), community, akua (spirit), and 'āina (land). Only by supporting intrapersonal healing can we successfully reintegrate pa'ahao (prisoners) and break the intergenerational cycle of incarceration.

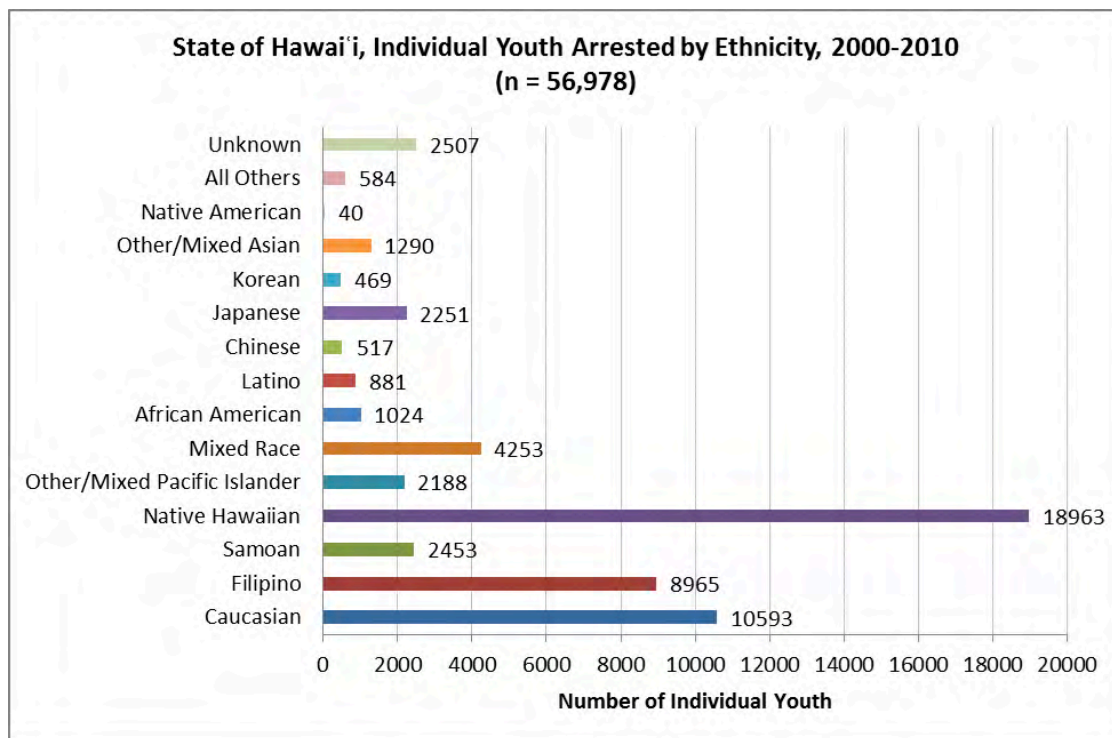
## B. The Need for Community-Based Interventions for At-Risk Native Hawaiian Children

A major study by Dr. Karen Umemoto and her colleagues at the University of Hawai'i at Mānoa found that arrests of Native Hawaiian youth “far outdistance the frequency of arrest for all other ethnic groups, comprising 65,251 or 41.6% of all juvenile arrests” over an eleven-year period.<sup>93</sup> In fact, the number of arrests of Native Hawaiian youth was higher than the volume of the next three ethnic groups combined.<sup>94</sup>



Source: Disproportionate Minority Contact in the Hawai'i Juvenile Justice System 2000-2010, Final Report, June 2012

Considering the frequency of juvenile arrests by individuals, rather than by ethnicity, Native Hawaiians again held the highest ranking of all ethnic groups:



Source: Disproportionate Minority Contact in the Hawai'i Juvenile Justice System 2000-2010, Final Report, June, 2012

The study also found that Native Hawaiian youth disproportionately experienced negative outcomes at critical decision points in the juvenile justice process:

At the statewide level, Native Hawaiian juveniles experienced disproportionately negative outcomes at every decision point for status offense arrests and at seven of eight decision points for law violations. The greatest degree of disproportionality can be seen at the point of arrest, with a rate of arrest 1.68 times higher than that of whites for law violations and 1.98 times that of whites for status offenses. For status offense arrests, Hawaiian cases were petitioned at a rate 1.68 times higher than for whites. For law violation arrests, Hawaiians were diverted at a lower rate than Whites (0.78). . . . *In sum, there was no decision point at which Native Hawaiians clearly fared better than the comparison group and almost every decision point resulted in disproportionate overrepresentation.*<sup>95</sup>

The study identified some of the factors that contribute to the disproportionate minority contact and the number of youth in the juvenile justice system including a lack of alternatives for diversion at the point of arrest, gaps in the continuum of care for youth, inadequate support for families of arrested youth, a lack of programs for chronic offenders and youths in need of specialized services, and policies and procedures that are outdated, ineffective, or need to be revisited.



The report reached two major conclusions:

First, it is clear from this profile that the majority of adjudicated youth have experienced some type of hurt or trauma that contributes to behavior that is disruptive or harmful to themselves or others, and without help in healing these wounds and recovering a stable and healthy home life, it will be difficult for them to reach their full potential in life and, for some, to live free and clear of the justice system . . . *[U]nless these impacts are addressed and healing and recovery is achieved, harmful and hurtful (to self as well as others) behaviors will likely persist regardless of continued involvement in the justice system.*

Second, there are important implications of these data for reducing disproportionate minority contact, particularly among Native Hawaiians who comprise the largest single ethnic group in the juvenile justice system. In light of the unique challenges and assets among Native Hawaiian youth . . . addressing family issues is critical to the successful outcomes of youth. These data also show that building on Hawaiian cultural values that would support the healing, reconciliation, recovery, restitution, forgiveness, and rebuilding processes could provide a firm foundation to accomplish that. Bringing in caring role models, especially male role models for boys, can also begin to address the lack of positive relationships with paternal guardians. And finally, the high frequency of depression and other emotional and psychological conditions suggests that culturally appropriate approaches that are more holistically focused on healing may be necessary to address the more deeply embedded problems that manifest in delinquent activity.<sup>96</sup>

The report ends with a series of recommendations on ways to reduce minority contact with the juvenile justice system, noting that programs designed to bring about behavioral changes by facilitating personal health, growth, and development were effective, while programs oriented towards instilling discipline through regimen or fear are not. The most effective programs are restorative (restitution, victim-offender mediation), skill building (cognitive-behavioral techniques, and social, academic, vocational skill building), counseling (group family and individual counseling and mentoring), and multiple coordinated services (case management, wrap around services).<sup>97</sup>

Some progress has been made in addressing disproportionate minority contact with the juvenile justice system since Dr. Umemoto's study was published in 2012, most notably the passage of Act 208, Session Laws of Hawai'i 2018 which authorizes the Hawai'i Youth Correctional Center to create, operate, and maintain the Kawaihoa Youth and Family Wellness Center on its 600-acre site in Kailua, O'ahu. The new center will provide mental health services and programs, substance abuse treatment crisis shelters for homeless youth, crisis shelters for victims of human and sex trafficking, vocational training, family counseling, and other programs to meet the needs of youth and young adults. This is a good beginning, but more needs to be done, and the Task Force recommends that the State implement more of the recommendations in Dr. Umemoto's report. This is critically important to prevent the at-risk and delinquent youth, and particularly Native Hawaiian youth, from ending up in the adult criminal justice system.



### **C. Create Cultural Courts to Divert Native Hawaiians Away from the Criminal Justice System**

Treatment courts are a sensible, proven, and cost-effective alternative to incarceration.<sup>98</sup> Studies have shown, for example, that drug courts reduce crime, make communities safer, save money, ensure compliance, combat addiction, and reunite families.

Hawai‘i currently has treatment courts that deal with mental health issues, addiction, and the problems faced by veterans. The Office of Hawaiian Affairs has been working with the Judiciary on the creation of a cultural treatment court that would focus on diverting individuals to programs with a rich Native Hawaiian cultural component. The Task Force strongly supports the creation of cultural courts in all judicial circuits.

### **D. Expand In-Prison Cultural and Educational Programs for Native Hawaiians**

There is a limited amount of research on cultural programming for indigenous prisoners, and the studies that do exist generally do not include control groups. That said, the data that is available is generally positive and there is “emerging evidence that culture-focused programs are useful in bringing about positive change in offenders.”<sup>99</sup> For example, a proposed New Zealand model for the rehabilitation of Aboriginal offenders focuses on identifying culturally appropriate ways of promoting positive behavior through indigenous art, music, song, poetry, storytelling, drama, dance, traditional rituals and ceremonies, meditation, prayer, and other spiritual practices, and the use of native language.<sup>100</sup>

Hawai‘i has relatively little cultural programming in its prisons, and much of what does exist was approved by the Department of Public Safety and CoreCivic only after protracted litigation, some of which is still ongoing. Advocates for Native Hawaiians point to what they perceive as a general resistance to cultural programs and contend that PSD exaggerates security concerns as a pretext to prohibit or limit cultural programs. To improve and expand the quality of Native Hawaiian cultural practices throughout the prison system, the Task Force recommends that the State create and fund at least one full-time position to coordinate Native Hawaiian cultural, educational, and religious programming in all facilities.<sup>101</sup> Cultural practices should not be inhibited by exaggerated security concerns.

### **E. Make Culturally Relevant Reentry Programs Available to Native Hawaiians**

Make culturally relevant reentry programs available to Native Hawaiians through:

1. Moku (district) specific drop-in and/or residential wellness centers rooted in Native Hawaiian values, practices, and principles.
2. Utilizing case navigators for ongoing support.
3. Drop-in and residential drug treatment programs.
4. Places that allow Native Hawaiians to engage in land and ocean-based activities, including growing their own food.

#### **F. Implement the Recommendations of the 2012 Native Hawaiian Justice Task Force**

The Office of Hawaiian Affairs' report on the disparate treatment of Native Hawaiians in the criminal justice system was the catalyst for Act 170, Session Laws of Hawai'i 2011, which created the Native Hawaiian Justice Task Force (NHJTF). The mandate of the NHJTF was to formulate policies and procedures to eliminate the disproportionate representation of Native Hawaiians in Hawai'i's criminal justice system by looking at new strategies and recommending legislation and policies to reduce or prevent Native Hawaiians' involvement with the criminal justice system.

The NHJTF issued its report in 2012, noting that the issue of overrepresentation of Native Hawaiians in the criminal justice system had been studied many times before, and that studies in 1981, 1994, and 2010 "independently concluded that Native Hawaiians are overrepresented in the criminal justice system."<sup>102</sup>

The NHJTF's recommendations should be implemented as soon as practicable.

## CHAPTER 5

### THE LEGISLATURE SHOULD CREATE AN INDEPENDENT OVERSIGHT AND IMPLEMENTATION COMMISSION

*The door is locked against the prisoner and he goes to live in a hidden world. If you were to enter that world you should be startled by what you see.*

—Justice Anthony Kennedy

#### **A. Independent Oversight is Essential Because Jails and Prisons are Closed Institutions and are Not Subject to the Public Scrutiny That Applies to Most Other Institutions**

Jails and prisons are closed institutions.<sup>103</sup> They are separated from the rest of society by massive walls, or fences topped with concertina wire. Entry is limited to those who have been sent there by the courts, and visitors who have been vetted and approved by prison administrators. Visitors have little contact with prisoners, and prisoners have little contact with visitors or the outside world. Visiting hours are limited. Telephone calls are limited. Reading material is limited. Mail is opened and read by prison officials. Cameras are not allowed. Society knows little about what happens behind prison walls. In a speech to the American Bar Association Supreme Court Justice Anthony Kennedy said that prisoners live “in a hidden world”.<sup>104</sup> Justice William Brennan called it “a shadow world . . . that few of us can imagine.”<sup>105</sup>

The closed nature of jails and prisons is precisely what makes oversight so important. Michelle Deitch, one of the nation’s leading experts in prison oversight, explains it this way:

Prisons and jails are closed institutions, both literally and symbolically, and they operate far away from public view. In such closed environments, abuse is more likely to occur and less likely to be discovered. Staff members and inmates with malicious intent often find they can act with impunity, while those with more benign objectives may find their plans thwarted by a lack of resources or an institutional culture that is unsupportive of their efforts or content with the status quo. Insular environments tend to put prisoners at risk of abuse, neglect, and poor conditions, and the lack of outside scrutiny provides no challenge to this treatment.<sup>106</sup>

For most of the country’s history, courts took a “hands off” approach to prison conditions and refused to hear the claims of prisoners, even when they were alleging serious violations of their constitutional rights. That changed in 1974 with *Wolff v. McDonnell*, in which the United States

Supreme Court held that “a prisoner is not wholly stripped of constitutional protections when he is imprisoned for crime. There is no iron curtain drawn between the Constitution and the prisons of this country.”<sup>107</sup> *Wolff* held sway for a time, but its influence gradually diminished as the United States Supreme Court and Congress limited the role of the Judiciary in addressing prison conditions. One of the biggest setbacks to judicial oversight was the Prison Litigation Reform Act of 1995 (PLRA).<sup>108</sup> The PLRA limits the use of injunctive relief in prison cases, requires prisoners to exhaust administrative remedies and grievance appeals before filing suit, and limits the award of attorneys’ fees against the government when prisoners prevail in litigation.

Despite the PLRA, federal courts still play an important role in protecting prisoners’ rights, but experts caution that reliance on courts for oversight would be a serious mistake because judges can only remedy problems once a constitutional or statutory violation is found; they are not in a position to prevent problems in the first place.<sup>109</sup>

## **B. The Basic Elements of Effective Oversight**

The idea behind oversight is that if prisons are to function as decent, safe, and humane institutions, they must be transparent in their operation and accountable for the protection of prisoners.<sup>110</sup> The goal of effective oversight is, therefore, to ensure transparency and accountability.

One of the landmark documents in prison oversight is the American Bar Association’s (ABA’s) 2006 resolution calling on federal, state, and local governments to establish “public entities, independent of any correctional agency, to regularly monitor and publicly report on conditions in prisons, jails, and other correctional and detention facilities . . . in their jurisdictions.”<sup>111</sup> The resolution sets out the “key requirements” for effective oversight:

1. The monitoring entity must be adequately funded and staffed.
2. The head of the monitoring entity must be appointed for a fixed term by an elected official, confirmed by a legislative body, and be subject to removal only for cause.
3. Correctional and other governmental officials must be required to cooperate fully and promptly with the monitoring entity.
4. The monitoring entity must have broad and unhindered access to correctional facilities, personnel, inmates, and records bearing on the facility’s operations and conditions.
5. Procedures must be in place to enable facility administrators, line staff, inmates, and others to communicate confidentially with the monitoring entity about the facility, and adequate safeguards must be established to protect those who communicate with the monitoring entity from retaliation or threats of retaliation for those comments.

6. The reports disseminated by a monitoring entity should review and assess a facility's policies, processes, programs, and practices objectively and accurately.
7. The monitoring entity's reports must be readily available to the public, including accessibility through the Internet, and must also be disseminated to the media, the Legislature, and the jurisdiction's top elected officials.
8. To guard against the risk that monitoring reports become meaningless pieces of paper, largely ignored by correctional officials, the following steps should be taken:
  - A. Facility administrators should be required to respond publicly to the reports and to develop and implement in a timely way action plans to correct identified problems;
  - B. Facility administrators should report to the public twice a year, recounting the progress that has been made in implementing the action plan;
  - C. There must be an administrative entity with the authority to enforce the above requirements so that problems identified in a monitoring report are addressed and resolved with dispatch; and
  - D. Until a problem highlighted in a monitoring entity's report is resolved, the monitoring entity should continue to assess and report on the problem and the progress made in solving it.

In 2010 the ABA House of Delegates approved the *ABA Standards on the Treatment of Prisoners*.<sup>112</sup> Standard 23-11.3 calls for an independent monitoring agency in each jurisdiction to “anticipate and detect systemic problems affecting prisoners, monitor issues of continuing concern, identify best practices within facilities, and make recommendations for improvement.”<sup>113</sup> The agencies should have authority to:

1. Examine every part of every correctional facility;
2. Visit every correctional facility without prior notice;
3. Conduct confidential interviews with prisoners and staff; and
4. Review all records, except that special procedures may be implemented for highly confidential information.

Standard 23-11.3 also states that correctional agencies should be required to respond in a public document to the findings of the monitoring agency, develop an action plan to address identified problems, and periodically document compliance with recommendations or explain

noncompliance. The monitoring agency should continue to assess and report on previously identified problems and the progress made in resolving them until the problems are resolved.

As the ABA standards indicate, there are many elements to effective oversight, including inspection, regulation, investigation, reporting, and monitoring. The goal in all cases is transparency and accountability, both of which are important in all governmental endeavors, but particularly important, even critical, where an all-powerful institution has total control over the lives and well-being of citizens.<sup>114</sup> And while effective oversight is important for all prisoners, its importance is even greater when it comes to protecting the most vulnerable individuals in the prison system: those in administrative segregation, those who are subject to sexual assault, those with physical and mental disabilities, elderly prisoners, and prisoners with special medical needs.<sup>115</sup>

### C. The Need for Independent Oversight in Hawai'i

In Hawai'i, the Office of the Ombudsman is authorized to investigate inmate complaints and recommend steps to resolve them. In FY 2015-2016, the Ombudsman received 2,706 complaints, of which 1,706, or 63%, were against the Department of Public Safety.<sup>116</sup> The Ombudsman declined 933 of the complaints, 96 were discontinued, 69 were assisted, 73 were substantiated, 457 were not substantiated, and 78 were pending at the end of the report period.<sup>117</sup>

Despite its many good works, the Office of the Ombudsman is not a substitute for an independent correctional oversight commission. It is not specifically focused on correctional matters, it generally responds to complaints rather than exercising oversight and initiating investigations, and it is required to “maintain secrecy in respect to all matters and the identities of the complainants or witnesses” coming before it.<sup>118</sup>

While independent oversight is a correctional “best practice” and as such should be an integral part of any correctional system, there have been public reports in the past two years that highlight and support our recommendation for strong, independent oversight, including the following:

- **September 2017.** Three correctional officers were attacked by OCCC inmates who were angry and frustrated over long periods of lockdown due to staffing shortages. A veteran OCCC sergeant who asked to remain anonymous for fear of retaliation told Hawaii News Now “I’ve been involved now with the department for a while and I feel like it’s really gone down and the safety is being more and more jeopardized.” The article also noted that OCCC, which was designed for 629 inmates, housed upward of 1,100 inmates.<sup>119</sup>
- **January 2017.** The American Civil Liberties Union of Hawai'i (ACLU) filed a 28-page complaint with the United States Department of Justice alleging unconstitutional conditions at Hawai'i's prisons. The complaint documented unsafe and unsanitary living conditions, overcrowding, “woefully inadequate” medical and psychiatric care, understaffing, and other clearly unconstitutional conditions.<sup>120</sup>

- **February 2017.** The Honolulu Star-Advertiser reported that for two years in a row, guards at Hawai‘i correctional facilities committed more sexual assaults on inmates than inmates committed on each other.<sup>121</sup>
- **March 2017.** The Honolulu Star-Advertiser reported that ten women at WCCC filed a federal lawsuit alleging that they were sexually assaulted by both male and female guards. According to the lawsuit, the inmates were given food, makeup, crystal methamphetamine and special privileges for complying with sexual demands.<sup>122</sup>
- **July 2017.** On July 16, 2017, a jury on Maui found a guard at the Maui Community Correctional Center guilty of second-degree sexual assault and two counts of third-degree sexual assault on an inmate. According to the victim, the guard threatened to take her work furlough privileges away from her if she did not agree to have sex with him.<sup>123</sup>
- **June 2017 to January 2018.** In the eight-month period from June 2017 to January 2018, there were five suicides at Hawai‘i correctional facilities.<sup>124</sup>

**D. Hawai‘i Should Establish an Implementation Commission and Fund a Transitional Coordinator Position to Ensure That Prison Reform Takes Place in an Orderly, Efficient, and Effective Manner**

The need for a strong implementation component to the oversight commission is clearly evident from the way the Department of Public Safety (PSD) responded to Act 149, Session Laws of Hawai‘i 2014. Act 149 required PSD to establish “within the department” a reentry pilot project for non-violent, low-risk drug offenders. The program was to have up to 100 participants and its effectiveness was to be evaluated with respect to participants’ arrest records, substance abuse problems, employment status, compliance with terms and conditions of release, housing status, and the availability of positive support groups. The program was to follow “evidence-based principles,” and data was to be collected by service providers and submitted to PSD every six months for evaluation purposes. PSD was required to submit an annual report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Sessions of 2015 and 2016.

PSD’s report to the 2015 Legislature had no findings and no recommendations. It simply said: “PSD is unable to provide findings and recommendations as the appropriated funds have not been released by the Department of Budget and Finance.”<sup>125</sup>

The report to the 2016 Legislature was not much better. It said:

Since the last report to the Legislature, PSD has established the Reentry Office within the Corrections Division, and the recruitment of five civil service staff is currently underway. These include three program specialists, one supervisor, and one support position.

PSD has already implemented certain functions envisioned by Act 149 by assigning tasks to existing staff, for example, the liaison with the Crime Victims Compensation Commission and the Interagency Council on Intermediate Sanctions. The Department is firmly committed to developing, coordinating, and monitoring the necessary functions to carry out the purposes of the Act.<sup>126</sup>

Once again, there were no findings, no data, and no recommendations for proposed legislation.

There was no report to the 2017 Legislature.

Reentry is a complex and often difficult transition for offenders, their families, and the community. It is well known that former offenders are “likely to struggle with substance abuse, lack of adequate education and job skills, limited housing options, and mental health issues.”<sup>127</sup> Congress recognized this by passing the Second Chance Act of 2007, which provides federal grants for programs that support research and evaluation of reentry programs.<sup>128</sup>

The Hawai‘i Legislature is to be commended for passing Act 149 and seeking evidence-based programs to assist offenders and reduce recidivism. Unfortunately, PSD and DAGS did not follow through on the Legislature’s good intentions, and the community has suffered by not having data on which to base new programs or improve existing ones. PSD’s response to Act 149 highlights why the State needs an independent commission to ensure that any prison reform measures that the Task Force recommends, and the Legislature enacts, are faithfully and competently executed. This is particularly important because the HCR 85 Task Force is recommending a fundamental shift in the culture of the Hawai‘i correctional system that will require exceptionally strong leadership and extensive retraining of correctional staff. To ensure that the transition to a rehabilitative system occurs in an orderly, timely, effective, and sustainable manner, the oversight commission and transitional coordinator should monitor and oversee implementation of the new correctional model and report to the Legislature on the progress that is being made by the Department of Public Safety so that we do not have a repeat of the Act 149 situation.



## CHAPTER 6

### EVIDENCE BASED PROGRAMS ARE ESSENTIAL TO PREPARE PRISONERS FOR REENTRY INTO THE COMMUNITY

#### A. Introduction

Best practices in correctional programming require that: (1) programs must target the right people who are identified through assessment; (2) programs be evidence-based; and (3) programs be implemented with quality and fidelity to the successful model.<sup>129</sup> Additionally, programs must address multiple needs simultaneously, including both behavioral health needs and criminogenic needs. Studies have shown that programs that address one to two criminogenic needs reduce recidivism by 14% to 19%, while programs that address three or more criminogenic needs result in a 22% to 51% reduction in recidivism.<sup>130</sup>

#### B. Educational Programs

The Task Force's Education subcommittee focused on supporting and expanding the role of educational programming in all correctional facilities, and greatly expanding the interface between the University of Hawai'i at Mānoa and the Department of Public Safety.

A 2014 Rand Report found that while more than 700,000 incarcerated individuals leave federal and state prisons each year, 40% will have committed new crimes or violated the terms of their release and be reincarcerated within three years of release.<sup>131</sup> Although a number of factors affect the ability of ex-offenders to successfully reintegrate into communities, a key factor is that many do not have the knowledge, training, and skills to support successful reentry.<sup>132</sup>

In Hawai'i, for example, prisoners typically read at the 4th through 6th grade level.<sup>133</sup> Research at the national level shows that just 16.5% of state prisoners have a high school diploma, compared with 26% of the general population, and only 14.4% have some postsecondary education, compared with 51% of the general adult population.<sup>134</sup>

The low level of educational attainment, coupled with a lack of vocational skills, represents a significant challenge for ex-offenders returning to their communities and impedes their ability to find employment.

The Rand study found that although there is a general consensus that education is an important component of rehabilitation, the question remains: "How effective is it in helping to reduce

recidivism and improve post release employment outcomes?” To answer this question, the researchers conducted a meta-analysis and systematic review to measure the effectiveness of correctional education for incarcerated adults and juveniles and a survey of states’ correctional education directors to understand concerns and emerging trends.

The results of the meta-analysis showed that correctional education for incarcerated adults reduces the risk of post-release reincarceration by 13 percentage points *and does so cost-effectively*, with a savings of five dollars on reincarceration costs for every dollar spent on correctional education.<sup>135</sup> Researchers also found that correctional education may increase post-release employment, another key to successful reentry. Overall, the study showed that “*the direct costs of reincarceration were far greater than the direct costs of providing correctional education.*”<sup>136</sup>

In addition to working to strengthen in-facility educational programming, the Task Force supports the University of Hawai‘i’s efforts to bring best practices to all aspects of public safety in Hawai‘i. In particular, the Task Force supports the work of the Research and Evaluation in Public Safety (REPS) project within the Social Science Research Institute. The REPS project provides hands-on evaluation services and is also assisting the Department of Public Safety with training efforts, both within the facilities and in programs that assist prisoner re-entry.

Lastly, the Task Force supports the expansion of college-level offerings at all correctional facilities, building on the current efforts that the community colleges have launched.

### **C. Effective Substance Abuse Treatment**

The corrections professionals on the Task Force estimate that at least 90% of Hawai‘i’s prisoners have addiction problems. Unless *effective* substance abuse treatment programs are identified and implemented, most of those prisoners will continuously cycle through the criminal justice system, meaning that the prison population and recidivism rate will never be reduced, and correctional costs will never be brought under control.

The National Institute on Drug Abuse (a part of the National Institutes of Health) lists ten reasons why addiction is difficult to treat: (1) it is a complex disease that affects brain function as well as behavior; (2) no single treatment is appropriate for everyone; (3) to be effective, treatment needs to be readily available; (4) remaining in a treatment program for an adequate amount of time is critical; (5) medications are an important element of treatment, especially when combined with counseling and other behavioral therapies; (6) treatment plans and services must be assessed continuously and modified as necessary to ensure that they meet the patient’s changing needs; (7) many drug-addicted individuals have other mental disorders; (8) treatment needs to be voluntary to be effective; (9) drug use must be continuously monitored during treatment; and (10) medically assisted detoxification is only the first stage of addiction treatment and, by itself, does little to change long-term drug abuse.<sup>137</sup>

To this list might be added the fact that the goal of treatment is not just to stop drug use, but also to return the patient to productive functioning in the family, workplace, and community. Furthermore, we know that addiction is a chronic disease, and like other chronic diseases, relapsing

is likely, with symptom recurrence rates similar to those for other well-characterized chronic medical illnesses—such as diabetes, hypertension, and asthma.<sup>138</sup> Relapse does not mean that treatment failed, but that it needs to be reinstated or adjusted, or that alternate treatment is needed.

#### **D. Some Cost Considerations**

HCR 85 directs the Task Force to study best practices and their costs. The Task Force did not have the funds or expertise required to do an accurate and reliable cost-benefit analysis of its recommendations, but a few observations on costs are in order.

The state correctional budget of roughly \$226 million does not reflect all of the direct costs of imprisonment in Hawai‘i. For example, funds to pay settlements and judgments of prison lawsuits, sometimes amounting to millions of dollars, are paid from state general funds and not from the corrections budget. This year, part of the planning for a new jail was done by employees on the payroll of the Department of Accounting and General Services (DAGS) and the Department of Budget and Finance, not the Department of Public Safety. Also, because the state Employees’ Retirement System is not fully funded, the personnel budget of the Department of Public Safety does not reflect all of the costs that will ultimately have to be paid for operating the prison system.

A joint study of 40 states by the Pew Center on the States and the Vera Institute of Justice found that the actual direct cost of incarceration was 13.9% higher than was reflected in state corrections budgets.<sup>139</sup> Direct costs, however, are only part of the story. Incarceration also involves significant indirect costs to individuals, families, and communities. A 2010 study by Dr. Bruce Western of the Harvard Kennedy School and Dr. Beck Pettit of the University of Washington found that:

- Past incarceration reduced annual earnings by 40%;
- By age 48, the typical former inmate will have earned \$179,000 less than if he had never been incarcerated;
- Children with fathers who have been incarcerated are significantly more likely than other children to be expelled or suspended from school (23% compared with 4%);
- Family income averaged over the years a father was incarcerated is 22% lower than the year before the father was incarcerated; and
- The indirect costs of incarceration reverberate across generations because parental income is a strong indicator of a child's future economic mobility.<sup>140</sup>

A 2016 economic analysis by the White House reported other negative economic effects from incarceration, such as:

- If a father is incarcerated, the probability that his family will fall into poverty increases by 40%;

- Because incarceration secludes individuals from their families and communities, it decreases the likelihood of marriage and increases the likelihood of divorce; and
- Parental incarceration is a strong risk factor for a number of adverse outcomes for children, including antisocial and violent behavior, mental health problems, failure to graduate from school, and unemployment.<sup>141</sup>

Fixing Hawai‘i’s correctional system will cost money, but not fixing it will cost a lot more.

## CHAPTER 7

### THE LEGISLATURE SHOULD CREATE AN ACADEMY TO TRAIN CORRECTIONAL WORKERS AT ALL LEVELS

#### A. Training Correctional Staff

Hawai‘i does not provide standardized education and training for correctional workers. An untrained or poorly trained staff contributes to poor outcomes, an unsafe workplace, poor morale, and an inefficient workforce. The Task Force recommends that the State establish a Corrections Academy to ensure that the quality and type of education and training needed by correctional personnel is delivered in a standardized and effective manner.

The Corrections Academy should be structured to provide training to new correctional employees and ongoing training and education to the staff of all agencies and departments involved in correctional work. The training should focus on the principles of rehabilitation, the role of the correctional professional in promoting rehabilitation, conflict resolution, counseling, the use of risk assessment instruments, cognitive behavior intervention, motivational interviewing interventions, collaborative casework, the implementation of effective, evidence-based programs for offenders, and other relevant subjects.

Many states in the Western Region already have training offices, including Arizona, Colorado, Idaho, New Mexico, Oregon, Utah, and Wyoming.

Norway’s successful correctional system is due in part to its Correctional Service Academy that educates new correctional workers and provides continuing education to meet the Correctional Service's ongoing needs. The Academy also conducts research that contributes to professional development and education, good practice, and good decision making in the Correctional Service. The Norwegian Academy typically receives around 1,200 applications per year and admits about 200 students (16% of applicants) into its intensive, two-year program. Academy students receive full pay while attending the Academy, and graduation from the Academy is a prerequisite for working in the Norwegian Correctional Service.

Hawai‘i may not be able to create a Norwegian-style academy, but it should take the first steps in that direction by creating an academy committed to improving the knowledge and skills of those who work in the correctional system.

## B. Research and Evaluation

The Task Force also recommends that the Corrections Academy create and maintain a performance management system and assist in the transition to a rehabilitative correctional system.

Models for the Corrections Academy can be found in Washington State, which created an Institute for Public Policy,<sup>142</sup> and Pennsylvania, which developed a policy-driven Commission on Crime and Delinquency.<sup>143</sup> The support and implementation side of the Corrections Academy would, among other things:

- Develop data collection systems and collect relevant data;
- Conduct program evaluations;
- Measure program and policy outcomes;
- Recommend evidence-based programs and policies;
- Conduct cost-benefit analysis;
- Enhance accountability and transparency;
- Report on progress to the Legislature, funding sources, and community stakeholders;
- Provide guidance on best practices and promising practices;
- Develop staff manuals and training curricula;
- Report on studies, findings, and reports that appear in the correctional literature;
- Evaluate and improve risk assessment and classification instruments; and
- Assist in the transition from a punitive to a rehabilitative system.

The Task Force believes that developing details of the academy and its cost requires specialized skill beyond those we possess, and therefore we recommend the creation of a working group to do detailed planning for the academy and draft proposed legislation for its creation, staffing and funding. The working group should include, at a minimum: PSD, Adult Probation, the Hawai'i Paroling Authority, criminal court judges, the University of Hawai'i Research and Evaluation in Public Safety (REPS), and community organizations that advocate for prisoners and that provide services to those involved in the correctional system.

### **C. Encourage the University of Hawai'i to Offer Accredited Degrees in Criminal Justice**

The University of Hawai'i does not offer a degree in criminal justice. Offering such a degree would produce highly educated individuals to staff and administer Hawai'i's correctional system, and the faculty would constitute an important reservoir of expertise for consultation and research on criminal justice matters.

An initiative to create an accredited BA and MA program in criminology and criminal justice at the University of Hawai'i at Mānoa is currently underway. A steering committee chaired by Task Force Member Meda Chesney-Lind is leading this effort, and an "authorization to plan" has been submitted to the College of Social Sciences. The Task Force hopes that the Legislature and the public will support this important effort that will clearly benefit both the University and Hawai'i's criminal justice system.

## CHAPTER 8

### HAWAI‘I SHOULD IMPROVE THE REENTRY PROCESS AND SUPPORT THE DEVELOPMENT OF NEW TRANSITIONAL HOUSING

**R**eturning to the community after spending time in jail or prison is a difficult transition for most offenders, as well as for their families and communities. Drug and alcohol addiction, job and housing instability, mental illness, lack of money, and health problems are part of the day-to-day realities for a significant share of this population.<sup>144</sup> The challenges, as one group of experts has said, are “large in scale, complex in task.”<sup>145</sup>

In 2009, the Hawai‘i State Legislature established a Reentry Commission within the Department of Public Safety to monitor and review reentry programs, including facility educational and treatment programs, rehabilitative services, work furlough, and the Hawai‘i Paroling Authority’s oversight of parolees.<sup>146</sup> The Commission was also tasked with ensuring that the offender reentry program created by Chapter 352, Hawai‘i Revised Statutes, is implemented as soon as practicable to ensure that inmate release is not delayed due to lack of access to programs and services. The Reentry Commission was due to sunset on December 1, 2015, but the Legislature extended its expiration date to December 1, 2019.<sup>147</sup>

In 2018, the Reentry Commission released its *Strategic Plan 2017-2020* which establishes a general framework for improving reentry and a series of recommendations. The strategic plan represents progress in improving the reentry process. The HCR 85 Task Force recommends the following additional steps be taken to strengthen Hawai‘i’s reentry process:

1. Adopt the following principles developed for the Bureau of Prisons by President Barack Obama’s Justice Department:<sup>148</sup>

Principle I: Planning for reentry should begin at the time of admission. Every inmate should be provided with an individualized reentry plan tailored to his or her risk of recidivism and programmatic needs. Plans should be updated and revised continuously until the time of release.

Principle II: While incarcerated, each inmate should be provided education, employment training, life skills, substance abuse treatment, mental health treatment, and other programs that target their criminogenic needs and maximize their likelihood of success upon release.



- i. The curricula for these programs should be grounded in evidence that the program reduces recidivism.
- ii. There should be standardization of evidence-based programming across facilities so that an inmate can complete programs even if transferred from facility to facility.
- iii. To remedy gaps in education and employment skills, prisons must ensure their education programs will expand the quality, scope, and delivery of the agency's academic and job training curricula, particularly for those with literacy and special learning needs.

Principle III: While incarcerated, each inmate should be provided the resources and opportunity to build and maintain family relationships, strengthening the support system available to them upon release.

- i. Create comfortable, friendly space for contact visits with family. Use video services only when family members are unable to visit in person.
- ii. Expand the use of furloughs to visit family, children, and significant others.
- iii. Focus on developing best practices in helping children of incarcerated parents.

Principle IV: During the transition back to the community, halfway houses and supervised release programs should ensure individualized continuity of care

- i. Contract with non-profit corporations to increase the number of halfway houses.
- ii. Make the halfway houses therapeutic centers where gains made in prison can be sustained and strengthened.

Principle V: Before leaving prison, every inmate should be provided comprehensive reentry-related information and access to resources necessary to succeed in the community.

2. PSD should create a unit dedicated to finding appropriate housing for difficult-to-place inmates such as those who are elderly, disabled, mentally ill, or have chronic illnesses. This unit should work with state and federal agencies to establish protocols that will quickly and efficiently process applications for health insurance and other benefits, and quickly respond to requests for medical records and other information from hospitals, care homes, and hospice. When a bed in a care home become available, PSD and the Paroling Authority must be able to quickly release the prisoner because most facilities cannot afford to keep a bed open for more than a day or two.
3. The State should designate Leahi Hospital as the default placement for compassionate release prisoners whose condition requires a Skilled Nursing Facility (SNF) or an Intermediate Care Facility (ICF).
4. At the time of release, all prisoners should have:
  - A. A decent place to live;
  - B. A state identification card, a social security card, and a birth certificate;
  - C. Health insurance and, if necessary, public assistance benefits;
  - D. Employment if the individual is employable;
  - E. Ongoing addiction and/or mental health treatment; and
  - F. Access to wellness centers rooted in Native Hawaiian values.
5. Review statutes that erect barriers to reentry and determine whether they should be continued, amended, or terminated.
6. Expand and improve transitional housing capacity through partnerships with non-profit corporations.
7. Streamline the State's compassionate release procedures and make eligibility for compassionate release the same for both PSD and the Hawai'i Paroling Authority (which decides whether an individual should be granted compassionate release). The Task Force supports PSD's current eligibility criteria, which are:

- A. The inmate has a terminal illness with a predictably poor prognosis;
- B. The inmate has a debilitating and irreversible mental or physical condition that impairs the inmate's functional ability to the extent that they would be more appropriately managed in a community setting;
- C. The inmate is too ill or cognitively impaired to participate in rehabilitation and/or to be aware of punishment; and
- D. The inmate has a disease or condition that requires a complexity of treatment or a level of care that PSD is unable to provide on a long-term basis.

## CHAPTER 9

### HAWAI'I SHOULD EXPAND ITS TREATMENT COURTS TO ACCOMMODATE MORE OFFENDERS

One of the first questions the Task Force asked was: “Do we have the right people in prison?” The answer was “probably not.” As previously noted, 74% of Hawai‘i’s prisoners are incarcerated for relatively low-level offenses (class C felonies and below), including non-violent and drug offenses. Hawai‘i could significantly reduce its prison population by diverting low-level offenders to treatment programs. This is already being accomplished through three treatment courts—drug court, mental health court, and veterans court—but these courts have long waiting lists. To accommodate all of those who are eligible to participate in treatment courts, the drug court would need to be expanded from 200 to 500 participants, the mental health court from 40 to 80 participants, and the veterans court from 20 to 40 participants. The Task Force believes these expansions make sense because treatment courts are a sensible and proven alternative to incarceration. The National Association of Drug Court Professionals, for example, reports that drug courts return up to \$27 dollars for every \$1 invested. They also improve financial stability, promote family reunification, and increase the rate of mothers with substance abuse disorders delivering fully drug-free babies.<sup>149</sup>

Mental health courts are newer than drug courts and have also been shown to be effective. A report prepared by the Council of State Governments Justice Center concluded that mental health courts play a significant role in responding to the disproportionate number of people with mental illness in the criminal justice system and, like drug courts after which they are modeled, move beyond the traditional focus of case processing to address the root causes of the behavior that brings mentally ill people before the court: “They work to improve outcomes for all parties, including individuals charged with crimes, victims, and communities.”<sup>150</sup>

Expanding the treatment courts would not only improve correctional outcomes, it would save money in two ways: (1) by diverting several hundred individuals from jail and thereby allowing the State to build and maintain a significantly smaller and less expensive jail; and (2) community-based treatment costs a lot less than incarceration.

## Chapter 10

### HAWAI‘I SHOULD IMPROVE CONDITIONS FOR WOMEN PRISONERS AND ADOPT GENDER-RESPONSIVE POLICIES, PROGRAMS AND PRACTICES

*What is the greatest lesson a woman should learn? That since day one, she’s already had everything she needs within herself. It’s the world that convinced her she did not.*

—Rupi Kaur, *The Sun and Her Flowers*

#### A. Introduction<sup>151</sup>

Women make up about 12% of Hawai‘i’s combined jail/prison population (a total of 629 women as of June 30, 2018).<sup>152</sup> Unlike their male counterparts, female offenders tend to have a history of physical and/or sexual abuse, and they are the primary caretakers of young children at the time of arrest. Their involvement in criminal activity is often motivated by poverty and/or substance abuse, and they are less likely than men to have been convicted of a violent crime.<sup>153</sup>

Researchers have identified the following characteristics of women involved in the United States criminal justice system:

- Disproportionately women of color;
- In their early-to-mid-thirties;
- Most likely to have been convicted of a drug or drug-related offense;
- Fragmented family histories, with other family members also involved with the criminal justice system;
- Survivors of physical and/or sexual abuse as children and adults;
- Significant substance abuse problems;
- Multiple physical and mental health problems;

- Unmarried mothers of minor children; and
- High school degree/GED, but limited vocational training and sporadic work histories.<sup>154</sup>

In Hawai‘i, incarcerated women tend to be Native Hawaiian or Pacific Islanders, undereducated, and non-violent. Over 75% are mothers with children and they are, on the whole, resilient, resourceful, and motivated to succeed and return to their children and families.

There is now substantial evidence pointing to the need for policy makers and correctional officials to recognize the behavioral and social differences between female and male offenders and adopt gender-responsive policies, programs, and practices.

## **B. Trauma-Informed Facility and Staff**

Trauma is generally defined as an external threat that overwhelms a person’s coping resources. What constitutes a traumatic event is, of course, unique to each person, but in nearly every case it destroys trust and undermines a person’s core sense of safety. The Substance Abuse and Mental Health Services Administration (SAMHSA) identifies six key principles of a trauma-informed approach to rehabilitation:<sup>155</sup>

- Safety
- Trustworthiness and transparency
- Peer Support
- Collaboration and mutuality
- Empowerment, voice, and choice
- Culture, historical, and gender issues

Due to the high prevalence of trauma among incarcerated women, correctional staff need to be trained in and practice a high level of trauma-informed care. An environment that supports posttraumatic growth provides important opportunities for positive change.

## **C. Healthy Relationships**

Research on justice-involved women in Hawai‘i demonstrates that women feel “overwhelmed” by the roles they play within their families, their drug networks, the criminal justice system, and intimate partnerships.<sup>156</sup> Additionally, justice-involved women report that their introduction to drug use or criminal activity came via family members or intimate partners. Marriage and relationships can push women towards criminalized behaviors<sup>157</sup> rather than serve as a desistance factor, as seen with men.<sup>158</sup>

Support services for justice-involved women should focus on healthy relationships. Administrators and staff should model healthy relationship skills. Healthy relationships skill building should not focus solely on women’s roles in intimate relationships, but also their relationship to self, family, and community. Healthy family relationships should be nurtured and

supported throughout women’s incarceration, with special attention to relationships to their children and their children’s caretakers. Family reunification should occur as frequently as possible. In-person visits are the best forms of communication.<sup>159</sup> Other states have found nurseries in women’s prisons to be a highly successful modality for reducing recidivism for mothers, promoting secure attachments and long-term positive outcomes for their children, and saving the State money.<sup>160</sup> Hawai‘i should consider adopting a similar program. Numerous research studies show the negative impact of parental incarceration, from Social Determinants of Health<sup>161</sup> to the Adverse Childhood Experiences Survey.<sup>162</sup> For future generations in Hawai‘i, more is needed to support families impacted by incarceration.

#### **D. Support Services**

In addition to focusing on healthy relationships, programs for justice-involved women should be holistic and support the entire woman. Programs should address the areas that served as pathways to incarceration while offering opportunities for success in the community. A survey of justice-involved women identified the following areas as their primary and basic needs:<sup>163</sup>

- Drug treatment
- Employment
- Financial aid
- Money management/budgeting
- Cultural support
- Education/vocational skills
- Support groups/women's issues
- Housing
- Legal help

The needs identified above are similar to what research suggests are most critical for successful reentry.<sup>164</sup> However, research also indicates that the succession of program supports matters. Ideally, programs relating to the person, their history, trauma, and education would take place before beginning life skills. Additionally, there should be a continuum of services offered post-incarceration. Anecdotally, women have reported knowing they need assistance, but not knowing where to go for support; this ultimately resulted in their return to behaviors that led to their criminal involvement.

#### **E. Community-Based Programs and Facilities**

The current model of prisons in Hawai‘i reinforces institutionalized thinking and thought patterns and re-traumatizes women. Women should be placed in community-based programs as soon as possible after incarceration. Being part of a community and learning to navigate that community reinforces the reality that there is something beyond incarceration. It allows women to practice new skills in a supportive environment, navigate the challenges of daily life and learn that they can rely on themselves instead of engaging in unhealthy relationships, drugs, and alcohol. The facility should resemble a home setting rather than an institution, like many of the European correctional facilities, and should be safe, orderly, and clean.

## **F. YWCA Fernhurst Model *Ka Hale Ho'āla Hou No Nā Wāhine***

A local program that embodies much of what is described above and could serve as a model for other programs, is the YWCA Fernhurst *Ka Hale Ho'āla Hou No Nā Wāhine* (*the home of reawakening for women*; formally with TJ Mahoney & Associates). The community-based furlough program works with women who are between a year and 6 months of being released on parole or completion of their sentence.

Women spend approximately 6 months at the program. The program serves up to 26 women at a time. Although the stay is relatively short (6 months compared to years of incarceration), it works to build women's capacities so that they are the best versions of themselves prior to parole. The setting is trauma-informed, gender responsive, and culturally coherent. Additionally, the furlough program is connected to several career and personal development programs offered at YWCA O'ahu. The Fernhurst program also offers Homebase; a supportive transitional housing environment for women on parole or for those who have completed their sentence. Homebase is often their only available safe, affordable housing option. Both Fernhurst programs focus on compassionate accountability, enabling women to take ownership of their actions and be accountable, while supporting their belief in themselves and their ability to do better. The long-term goals of the program are:

- Positive coping skills
- Access to positive social networks
- Employability skills
- Financial independence
- Access to permanent affordable housing

The Fernhurst program is rooted in over twenty-five years of experience working with justice-involved women. The small size of the program allows the model to be flexible and adaptive as the needs of the women served change. Community partnerships are critical to the program's success and involve health care, mentoring, apprenticeships, and access to positive social networks.

At YWCA Fernhurst, trauma-informed practices look like compassionate accountability and building trusting relationships. It is highly structured with clearly defined expectations of staff and program participants. The Resident Manual (provided to residents on Day 1) outlines the program structure and provides consistency and stability. Through structure, the women practice the skills necessary for successful community reintegration, reinforcing skills such as patience, perseverance, delayed gratification, and tolerating uncertainty. Fernhurst staff see themselves as supportive partners in the women's journey. A key piece of trauma-informed practice for residents and staff alike is a clear understanding that change is a process and not an event.



As expected, the majority of women in the furlough program are mothers. Fernhurst offers family reunification activities often and works to incorporate the caregivers of children as well. One of the simplest and most impactful experiences we can give the children is the opportunity to create new and happy memories in a healthy, supportive environment. YWCA Fernhurst continues to evaluate its support services and service delivery methods. The community-based model allows women to transition back into the community gradually, rather than the abrupt and cliff-like effect created by current incarceration and parole policies. The key elements of the program, being trauma-informed, strengths-based, gender responsive and culturally coherent are the basis for the program's success and should be adopted by the State.

## CHAPTER 11

### HAWAI‘I SHOULD DEVELOP A PLAN TO BRING ALL OF ITS MAINLAND PRISONERS BACK TO HAWAI‘I AND TO STOP USING PRIVATE PRISONS

Hawai‘i began using private prisons in 1995 in response to overcrowded conditions at its prisons on O‘ahu and the neighbor islands.<sup>165</sup> The first prisoners were sent to private prisons in Texas, but within a short time, Hawai‘i was using private prisons in Kentucky and Arizona.<sup>166</sup> By October 2005, Hawai‘i had a higher percentage of its prisoners in out-of-state facilities than any other state.<sup>167</sup> Although Hawai‘i no longer leads the nation in the use of private prisons, it still has about one quarter of its prisoners housed at the Saguaro Correctional Center in Eloy, Arizona operated by CoreCivic, a publicly traded corporation.<sup>168</sup> As of year-end 2016, Hawai‘i was one of only five states to house at least 20% of its prisoners in private prisons.<sup>169</sup>

PSD reports that the cost of housing an inmate on the mainland is \$82.61 per day, compared to \$182 per day in Hawai‘i.<sup>170</sup> This cost difference has led some to support the continuing use of private prisons. Others, however, contend that “the costs of private imprisonment are more than merely financial, because relying on mainland prisons severs an inmate’s family ties, undermines rehabilitation, and decreases the odds of successful employment after release.”<sup>171</sup> And some experts, such as Ted Sakai, who was Director of the Department of Public Safety from 1998 to 2002, believes that the financial savings may be illusory because keeping prison jobs in the State would have a “multiplier effect” on the local economy.<sup>172</sup>

A comparison of recidivism rates for parolees who had been incarcerated on the mainland and parolees incarcerated in Hawai‘i, found, among other things, that:

- A little more than half of parolees in both cohorts failed on parole within three years;
- The average time to recidivism in both cohorts was about 15 months; and
- The recidivism rate for the mainland cohort (53%) was slightly lower than the recidivism rate from the Hawai‘i cohort (56%), *but the difference was not statistically significant.*<sup>173</sup>

In 2012, prisoners and former prisoners told the Native Hawaiian Justice Task Force that out-of-state prisons provided more consistent programs and less crowded living conditions than Hawai‘i prisons. Prisoners also reported that the guards at mainland prisons treated them with greater respect than the guards in Hawai‘i, but that being transferred to a mainland prison was a “drastic dislocation from their home, culture, family, job prospects, and community support.”<sup>174</sup>

One of the people who testified before the NHJTF was Delbert Wakinekona. In 1976, Mr. Wakinekona was transferred from the Hawai'i State Prison (now OCCC) to Folsom Prison in California under an interstate compact because he was allegedly dangerous and a security risk. Mr. Wakinekona challenged the transfer in federal court as a violation of his constitutional rights. His case, *Olim v. Wakinekona*,<sup>175</sup> was heard by the United States Supreme Court in 1983. In a 6 to 3 decision, the court held that transferring a prisoner from one state to another, even to one thousands of miles away from the prisoner's home, did not violate the constitution and that such transfers were not reviewable by federal courts.



*Delbert Wakinekona*

*Photography by Per Liljas, used with permission.*

In a dissenting opinion, Justice Thurgood Marshall wrote that transferring a prisoner to a location far from the prisoner's home and family amounts to double punishment:

There can be little doubt that the transfer of Wakinekona from a Hawaii prison to a prison in California represents a substantial qualitative change in the conditions of his confinement. In addition to being incarcerated, which is the ordinary consequence of a criminal conviction and sentence, Wakinekona has in effect been banished from his home, a punishment historically considered to be “among the severest.” For an indeterminate period of time, possibly the rest of his life, nearly 2,500 miles of ocean will separate him from his family and friends. As a practical matter, Wakinekona may be entirely cut off from his only contacts with the outside world, just as if he had been imprisoned in an institution which prohibited visits by outsiders. Surely the isolation imposed on him by the transfer is far more drastic than that which normally accompanies imprisonment.<sup>176</sup>

The NHJTF found the words of Justice Marshall “particularly relevant”<sup>177</sup> and recommended that returning prisoners to Hawai'i should be a top priority, and that they should be returned “as soon as practicable, consistent with public safety.”<sup>178</sup> It also recommended that “[o]nce the inmates are returned from private, out of state facilities, the State should consider passing legislation prohibiting future use of private for-profit correctional facilities.”<sup>179</sup>

Private prisons have been controversial ever since they were introduced almost 40 years ago. The Task Force is aware of the arguments for and against them. We believe, as did the NHJTF and Governor Neil Abercrombie, that private prisons do not serve the best interest of Hawai'i. We recommend the creation of a working group of public and private stakeholders to develop a plan to bring back all Hawai'i prisoners as soon as practicable consistent with public safety, and that the Legislature prohibit the future use of private, for-profit correctional facilities.

## CHAPTER 12

### THE STATE SHOULD SUPPORT FEDERAL JUSTICE REFORM LEGISLATION THAT WOULD BENEFIT HAWAI‘I

United States Senator Brian Schatz of Hawai‘i has sponsored or is supporting federal legislation to improve Hawai‘i’s correctional system. The State should support this legislation and work with Senator Schatz to further develop ideas that would benefit Hawai‘i.

#### A. Expanding Prison Education Opportunities

Since 1994, prisoners have not had access to federal Pell Grants to help pay for post-secondary education, and as a result, the number of education programs in prisons has fallen from over 350 in 1982 to only 12 by 2005.<sup>180</sup> The loss of post-secondary education programs for prisoners is short-sighted because these programs reduce costs and improve public safety more effectively and efficiently than incarceration. Studies have shown that each dollar spent on education programs reduces incarceration costs by \$4 to \$5 during the first 3 years after an individual is released.<sup>181</sup> And an investment of \$1 million in prison educational programs prevents about 600 crimes, while the same money invested in incarceration only prevents about 350 crimes.<sup>182</sup>

On February 3, 2018, Senator Schatz introduced the *Restoring Education and Learning (REAL) Act*<sup>183</sup> that would once again make prisoners eligible for Pell Grants to fund higher education. He is also supporting the Second Chance Pell Pilot Program, an initiative started under the Obama Administration to select colleges and universities that partnered with state and federal prisons to provide post-secondary prison education. Senator Schatz is working to ensure that the pilot program receives adequate funding and that the United States Department of Education continues to implement the program, including assistance addressing the specific financial aid needs of incarcerated students.<sup>184</sup>

On October 11, 2018, Senator Schatz introduced the *Promoting Reentry through Education in Prisons (PREP) Act*<sup>185</sup> that would reform the Federal Bureau of Prisons’ educational programs by creating a dedicated Office of Federal Correctional Education. The bill would build on reforms started by the Obama Administration in its Roadmap to Reentry initiative.<sup>186</sup>

Additionally, Senator Schatz has directed the Government Accountability Office, the National Institute of Corrections, and the United States Department of Education to conduct an evaluation of prison education programs, including the Second Chance Pell Pilot, to ensure that there will be robust research and data on the effectiveness of these programs.

## **B. Ending Collateral Consequences for Justice-Involved Individuals**

As we noted in the reentry section of this report (Chapter 8), individuals with criminal or juvenile justice involvement often experience barriers to educational opportunities, decreased earnings, increased unemployment, and increased poverty. To address this problem, Senator Schatz has asked the “Big Six” higher education associations and The Common Application to urge their members to remove criminal history questions from their admissions processes. The Association of American Colleges and Universities and the American Association of Community Colleges both answered Senator Schatz’s request and urged their members to remove those questions. The Common Application announced that it would remove its criminal history question starting on its 2019-20 application.

To assist colleges and universities in removing criminal history questions, Senator Schatz introduced the *Beyond the Box for Higher Education Act*.<sup>187</sup> The bill would encourage colleges and universities to remove criminal and juvenile justice questions from their admissions applications and give more Americans a chance to earn a higher education.

Through the appropriations process, Senator Schatz directed the United States Department of Education to proactively distribute the “Beyond the Box: Increasing Access to Higher Education for Justice-Involved Individuals” resource guide to colleges and universities. He also directed the Department to provide technical assistance to colleges and universities to help examine whether, when, and how to use criminal justice information in the higher education admissions and enrollment process.

## **C. Streamlining Federal Compassionate Release**

Although federal compassionate release does not directly impact state prisoners, it is an important issue for Hawai‘i citizens who are incarcerated in federal prisons. Senator Schatz introduced the *Granting Release and Compassion Effectively (GRACE) Act* to improve the United States Bureau of Prison’s approval process for compassionate release and create an expedited process for terminally ill patients.<sup>188</sup> The bill would make the compassionate release process fairer and more accountable and would, in the long term, reduce overall federal prison spending without compromising public safety. The bill was included in the bipartisan criminal justice reform bill, the *First Step Act*, which passed the House of Representatives in 2018 and is expected to pass the Senate.<sup>189</sup>

## **D. Supporting Prison Rape Elimination Act Programs**

The *Prison Rape Elimination Act* of 2003 (PREA)<sup>190</sup> was designed to end sexual violence in federal, state, and local detention facilities. Under PREA, DOJ created regulations to detect, prevent, and respond to sexual assault and abuse in confinement. PREA requires the governors of each state to report to DOJ on an annual basis about their progress in complying with its

regulations. Currently, 19 states have certified full compliance and an additional 29 states are working toward full implementation.

Even with PREA, sexual abuse in confinement remains a challenge. To improve PREA's outcomes, Senator Schatz has worked with United States Senator John Cornyn of Texas to get full funding for prison rape prevention and prosecution programs, and to improve PREA compliance audits.

## CHAPTER 13

### NEW JAILS AND PRISONS WON'T SOLVE HAWAI'I'S CORRECTIONAL PROBLEMS. THE STATE NEEDS NEW THINKING, BETTER IDEAS, AND A COMMITMENT TO REHABILITATION RATHER THAN PUNISHMENT

*We can't solve problems by using the same kind of thinking we used when we created them.*

*—Albert Einstein*

The State is moving ahead with plans to replace OCCC with a 1,380-bed jail for men in Halawa Valley. It is also planning to greatly expand the Women's Community Correctional Facility in Kailua,<sup>191</sup> and build new medium security housing units at the prisons on Maui, Kaua'i, and Hawai'i island.<sup>192</sup>

The new jail for men is estimated to cost \$525 million.<sup>193</sup> The estimated cost of the WCCC expansion is \$45 million, bringing the total cost of the new facilities on O'ahu to \$570 million. The State has not released a cost estimate for the new prison beds on Maui, Kaua'i, and Hawai'i island but they will certainly cost millions more.

**Building new jails and prisons without fundamentally changing our approach to corrections would be short-sighted and a waste of money.** The current system has been producing consistently poor outcomes for at least 40 years, and it will continue to do so *even with new facilities* because the problem is not the facilities—bad as they may be—but our belief that locking people up under harsh conditions for long periods of time will make them better citizens. Until we recognize that *our approach is wrong*, our correctional outcomes will not improve and our communities will not be safer. What Hawai'i needs at this critical juncture is to transition to a much more effective and sustainable correctional model that focuses on rehabilitation rather than punishment, and to adopt a strategic plan that addresses the many factors that are driving mass incarceration and keeping our recidivism rate above 50%.

Before committing to the size, design, or location of a new jail, or any expansion of our correctional system, the State—working in a truly collaborative manner with stakeholders and the public—should focus on expanding programs that divert low-level offenders away from the criminal justice system, enact bail reform to reduce the number of pretrial detainees in the jail, create forensic treatment facilities for offenders who are mentally ill, expand community-based programs as an alternative to jail for misdemeanants, house HOPE Probation violators in community-based

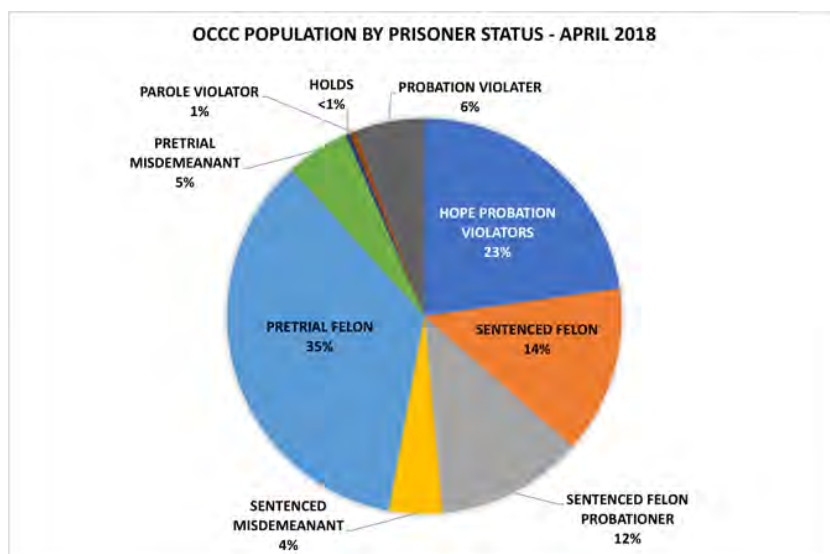
housing instead of jail, and reserve jail for the small number of individuals who are a flight risk and/or a danger to society.

By a substantial margin (76% vs. 19%) the public would rather see their tax dollars support programs that try to prevent crime by helping offenders find jobs and get treatment than be used to build more prisons.

- National Center for State Courts (2006)

### A. The Difference Between Jails and Prisons

It is important to understand the difference between jails and prisons. Prisons are secure facilities that typically house people who have been convicted of a felony and are serving a sentence of more than one year. Jails, in contrast, do not house long-term prisoners. They typically house: (1) pretrial detainees, i.e., people who are presumed innocent and awaiting trial; (2) probation violators; (3) persons serving sentences of one year or less; (4) a small number of



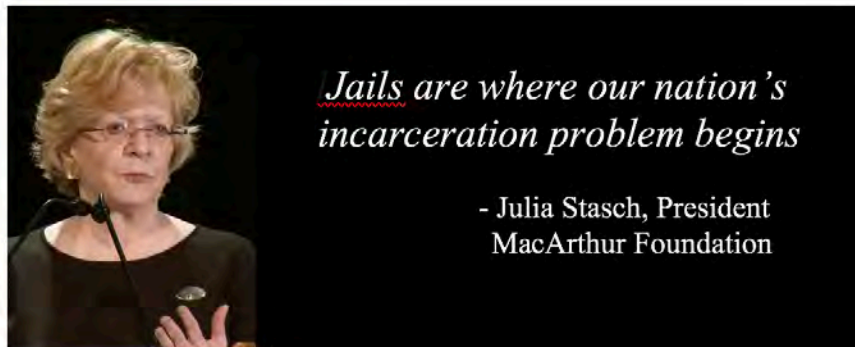
Source: PSD Prisoner Data for OCCC as of April 30, 2018

convicted felons who are serving very short sentences; and (5) felons who have served most of their sentences and are preparing to reenter society. In the 19-month period from January 2016 to July 2017, approximately 45% of the men at OCCC were pretrial detainees, i.e., individuals who are trying to arrange for bail, cannot afford bail, have been denied bail, or are waiting for paperwork or a determination on conditions of release.<sup>194</sup>



## B. Criminal Justice Policies Drive the Jail and Prison Population

Jail populations are largely determined by criminal justice policies. Policies that favor incarceration drive jail populations up; policies that favor alternatives to incarceration drive jail populations down. The policies that have the greatest effect on jail



population include: the presence or absence of diversion programs for non-violent, low-level offenders; bail policies and procedures that affect the release of pretrial detainees; the validity of the pretrial risk assessment instruments that are being used to make pretrial release decisions; how efficiently paperwork is processed; the use of drug, mental health, and veterans courts; prosecutorial policies; probation violation policies; the extent to which judges impose sentences of one year or less; and policing policies. A clear understanding of the policies that drive the jail population up or down is essential to good jail planning.

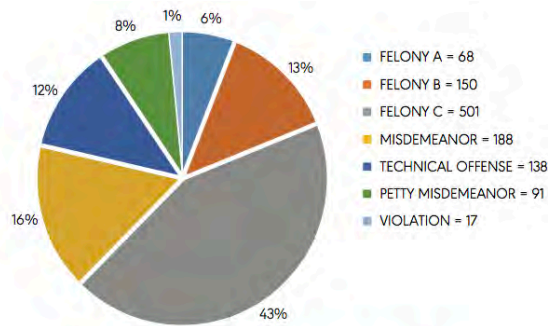
## C. Most of the OCCC Inmates are Relatively Low-Level Offenders and the Mentally Ill

OCCC is located on a 16-acre property along Kamehameha Highway in Kalihi.<sup>195</sup> It is the largest jail in Hawai‘i and serves the entire Honolulu/O‘ahu population. OCCC has been operated by the State of Hawai‘i since 1975 when it acquired the facility from the City and County of Honolulu, which previously operated it as O‘ahu Prison.<sup>196</sup> From 1978 to 1987, OCCC served as both a local jail and a prison since the largest percentage of the inmate population was geographically centered on O‘ahu. Since the opening of the Halawa Correctional Facility in 1987, OCCC has functioned as a traditional jail, primarily housing prisoners awaiting trial (i.e., male and female pretrial detainees), male inmates serving sentences of one year or less, sentenced male felons with less than one year left on their sentences and who are preparing to transition back into the community, and probation violators.<sup>197</sup>

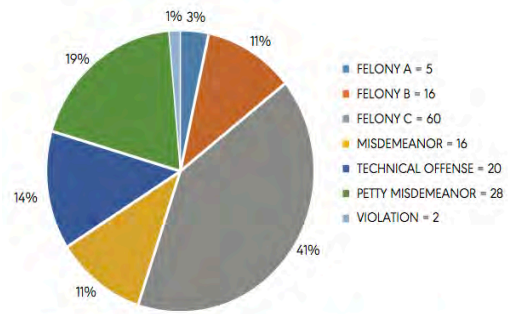
Over the years, OCCC has expanded in a patchwork fashion from 456 beds to its current design capacity of 628 beds and an operational capacity of 954 beds, but it has “consistently operated above these capacities.”<sup>198</sup> As of November 30, 2018, OCCC housed 1,212 prisoners: 1,050 males and 162 females.<sup>199</sup>

The Department of Public Safety has published demographic data on the OCCC population in connection with its plans for a new jail. Unless otherwise indicated, the data in the remainder of this section is taken directly from the Department of Public Safety’s April 2017 newsletter on the future of OCCC<sup>200</sup> or from the brochure entitled Frequently Asked Questions (May 19, 2017).<sup>201</sup>

**Severity of Offense.** The vast majority (81%) of the male OCCC population are associated with relatively low-level Class C felonies (43%) or lesser offenses—misdemeanors, petty misdemeanors, technical offenses, or violations. Among the women, 86% of the offenses are Class C felonies or below, and 45% of those are misdemeanors, petty misdemeanors, technical offenses, or violations.

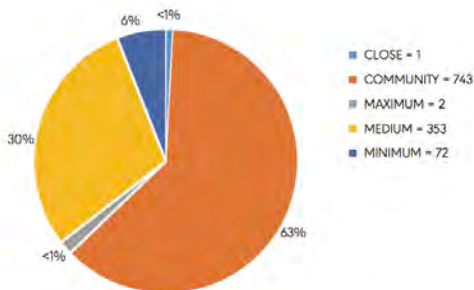


**Severity Classification by Gender (Men)**

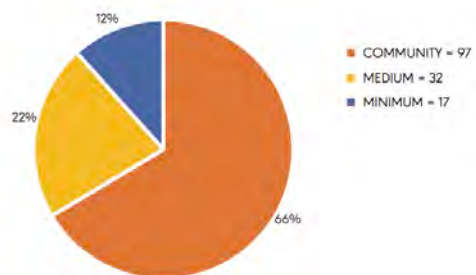


**Severity Classification by Gender (Women)**

**Security Classification.** Nearly 70% of the men at OCCC are in the two lowest security classifications—Community Custody (63%) and Minimum Security (6%). Less than 1% of the men have close or maximum security classifications. Over three quarters of the female inmates (78%) are community or minimum security, and none are close or maximum security.



**Security Classification by Gender (Men)**

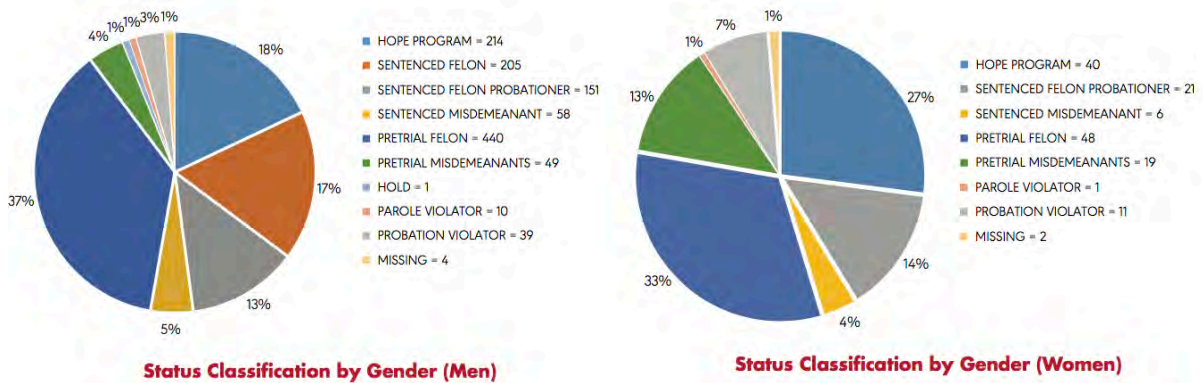


**Security Classification by Gender (Women)**

**Status Classification.** Status classification for men at OCCC is organized into 10 categories: Pretrial Felons, Pretrial Misdemeanants, Sentenced Felons with less than one year left on their sentence, Sentenced Misdemeanants, HOPE Probation Violators, Sentenced Probation Violators, Other Probation Violators, Parole Violators, Hold, and Missing (data unavailable) prisoners.

**Male Status.** Among the male population, Pretrial Felons comprise the largest group (37%). HOPE Probation Violators make up 18% of the male population, followed by Sentenced Felons (17%) and Sentenced Felon Probationers (13%). The remaining 15% of the male population comprise six categories: Sentenced Misdemeanants (5%), Pretrial Misdemeanants (4%), and Probation Violators (3%). Parole Violators, Hold, and Missing (data unavailable) comprise less than 1% each.

**Female Status.** The female population at OCCC is organized into eight categories with no inmates classified as Sentenced Felons or Hold. Pretrial Felons make up the largest portion of the female inmate population (33%). HOPE Probation violators comprise 27% of the female population followed by Sentenced Felon Probationers (14%) and Pretrial Misdemeanants (13%). The remaining 13% of the female population comprise four categories: Sentenced Misdemeanants (4%) and Probation Violators (7%), with Parole Violators and Missing (data unavailable) comprising less than 1% each.



**The Homeless and Mentally Ill at OCCC.** In 2016, the Honolulu Police Department made 16,000 arrests, of which 6,880 or 43% were homeless people.<sup>202</sup> The latest statistics indicate that 72% of the homeless detainees who came through the Honolulu police cellblock were mentally ill or under the influence of drugs.<sup>203</sup>

The Department of Public Safety estimates that approximately 9.5% to 12% of all OCCC inmates are deemed mentally ill.<sup>204</sup> That means that as of June 30, 2018, when the total population was 1,340, OCCC housed between 127 and 161 mentally ill individuals. On average these individuals cycle through OCCC three times per year, with some being incarcerated up to eight times per year.<sup>205</sup> PSD estimates that over the past year, approximately 696 Severe and Persistently Mentally Ill (SPMI) people were incarcerated at OCCC, and that 450 to 600 of those individuals were at one time or another on suicide watch.<sup>206</sup> Additionally, PSD estimates that there were 38 inmates who were considered mentally ill, but not Severe or Persistent.<sup>207</sup> In addition to those diagnosed as SPMI, “many among the OCCC population suffer from either Antisocial and/or Borderline Personality Disorders, combined with Substance Use and Abuse Disorders.”<sup>208</sup>

## Chapter 14

### COLLABORATION IS THE KEY TO PLANNING A JAIL THAT IS AFFORDABLE, SAFE, EFFECTIVE, AND MEETS THE NEEDS OF THE COMMUNITY

#### A. Collaboration and Community Input is a Best Practice

In 2015, the MacArthur Foundation announced a five-year \$75 million initiative to change the way America thinks about and uses jails. The initiative was designed to support states, cities, and counties that want to create smarter and more effective justice systems that improve public safety, save taxpayer money, and lead to better social outcomes. In announcing the initiative, MacArthur President Julia Stasch said:

Jails are where our nation’s incarceration problem begins; there are nearly 12 million jail admissions every year, and jails too often serve as warehouses for those too poor to post bail, non-violent offenders, or people with mental illness. With this substantial, long-term commitment and investment, MacArthur hopes to support and demonstrate alternatives to incarceration as usual, and to create demand and momentum for change across the country.<sup>209</sup>

The core of the MacArthur initiative was a competition called the Safety and Justice Challenge, through which the Foundation channeled millions of dollars to communities that have demonstrated a commitment to reducing their reliance on jails and creating improved justice systems through innovative, collaborative, and evidence-based solutions.

After a highly competitive selection process that drew applications from nearly 200 jurisdictions in 45 states and territories (Hawai‘i was not one of them), the Foundation chose 20 jurisdictions for initial grants to develop jail reform plans. Out of the 20 jurisdictions that received initial grants, the Foundation selected 11 jurisdictions for grants of between \$1.5 and \$3.5 million to reduce their jail populations and address racial and ethnic disparities in their justice systems.

The 11 jurisdictions that received grants were selected, in part, because they placed strong emphasis on “community engagement and collaboration with local law enforcement, corrections officials, prosecutors, defenders, judges, and other stakeholders” and developed an expansive array of alternatives to incarceration.<sup>210</sup> For example, Philadelphia, Pennsylvania, developed a range of strategies to reduce jail admissions by creating alternatives to cash bail, reducing case processing time, increasing pretrial releases, developing non-incarceration sanctions for parole violators, and improving access to defense counsel. It also initiated a program to divert first-time, low-level

offenders with treatment needs to a community-based site for clinical assessment and referral. Philadelphia also plans to develop and validate a new risk assessment tool for use in pretrial decision-making.

The plan in Milwaukee, Wisconsin, is somewhat different. It calls for expansion of the county's mental health diversion program and a new post-booking mental health stabilization program to remove people with mental health issues from jail and connect them with services within 48 hours. For those who continually cycle through the criminal justice system on public nuisance offenses, a new strategy was developed to foster improved information-sharing, prompt and effective interventions, and minimal use of jail. Milwaukee has also started work on a system-wide trauma-informed response to justice system involvement, including diversion and sentencing options initiated by the county prosecutor.

New Orleans, Louisiana, is reducing its jail population by expanding the use of summons in lieu of arrest; deploying a newly trained Crisis Intervention Team to increase pre-booking diversion of people with mental health or substance abuse problems; and instituting a variety of measures to increase pretrial release, such as new risk-based decision-making protocols, strengthening defense representation at first appearance hearings, initiating a new round of bond review hearings for any person detained after seven days, and implementing implicit bias training for criminal justice employees.

All of the proposals funded by the MacArthur Foundation have two things in common: (1) they focused on the conditions within the community that are driving up jail admissions; and (2) the jail reduction strategies were developed in a collaborative manner by a wide range of stakeholders. For example, the successful Milwaukee proposal was developed by a planning group that comprised nearly 50 stakeholders from the city; the county; the federal government; and private organizations, including the Urban League, the Legal Aid Society, the NAACP, and the Milwaukee Area Workforce Investment Board.

One of the lessons of the MacArthur Safety and Justice Challenge is that there are many ways for a community to reduce its jail population. The main thing is for communities to understand that reducing their jail populations is a smart strategy for improving public safety, saving taxpayers' money, and creating better social outcomes:

Potential solutions to the nation's over reliance on jails include policing and arrest practices, using citations in lieu of arrests, risk and needs assessments, improved case processing, problem solving courts, specialty dockets, pretrial diversion, jail programming and case management services, sentencing to alternatives to jail, deferred prosecution, violation response matrices, transitional housing programs, and reentry programming to decrease the odds that exiting inmates will reoffend and return to jail. *It is essential that these reforms are implemented in accordance with a strategic planning process for system-wide change.*<sup>211</sup>

## B. PSD Has Not Engaged the Community in the Jail Planning Process in a Meaningful Way

The first chapter of PSD and DAGS' Progress Report to the 2016 Legislature on the new jail states that the two departments have worked with their consulting team to determine the “vision for the future of OCCC, the nature, scale, capacity and key features of the proposed facility, and the topics of importance and issues of concern regarding the future of OCCC.”<sup>212</sup> That statement perfectly captures the problem with the planning process: every important element of the jail—vision, nature, scale, capacity, and key features—was decided by PSD, DAGS, and the consulting team—*the Community was not involved at all*. A project designed in this way has little chance of success because jails impact many parts of the community and must be developed in an open and collaborative manner that involves a wide range of stakeholders. The Task Force made this point in its 2016 Interim Report.<sup>213</sup> It is so important that the basic principles are worth repeating. Here is what the authorities say about the importance of having a truly collaborative jail planning process:

- Successful jurisdictions use a collaborative approach to planning that includes representation of all actors in the criminal justice system and the community, including advocates, judges, administrators, legislators, prosecutors, the defense bar, correctional officers, program operators, and community members. The “buy in” from key stakeholders is *absolutely essential*.<sup>214</sup>
- “Community participation in planning is important because the jail belongs to the community it serves; it is not solely the concern of the sheriff or director of corrections. The type of facility a community builds and the way it is used are as much a reflection of community values as they are of local, state, and federal laws. It is common for stakeholders such as victim advocates, business leaders, the clergy, educators, and elected officials to actively participate on the community advisory committee. Stakeholders who have overall responsibility for the jail, such as county [or state] commissioners and the sheriff, should also be represented on the community advisory committee.”<sup>215</sup>
- “Affected groups must be on board to advance the new way of doing business, and to move forward despite barriers and setbacks. Engaging the community, the workforce, and other interested groups doesn't happen on its own. As motivation for change starts to build, conversations can begin with affected parties. Transparency and genuine opportunities for input by constituents support engagement.”<sup>216</sup>

PSD has held informational meetings on the new jail that included an opportunity for the public to comment, but that is not collaboration:

Collaboration is working together toward a common purpose—sharing a vision, preparing a plan, and implementing the plan to achieve outcomes. It is standing behind that plan as a singular group when outcomes are not realized, regrouping and trying something anew. Collaboration means sharing the burden, the responsibility, and the consequences together as a system. One of the main defining characteristics that make the eight local criminal justice systems qualitatively different from many others throughout the country is their ability to collaborate at a systemic level—to put the greater good of the system and the principles of justice before all else with individual stakeholders adjusting policy and practice to support the overall vision.<sup>217</sup>



## CHAPTER 15

### THE FIRST QUESTION ANY COMMUNITY CONTEMPLATING A NEW JAIL SHOULD ASK IS NOT “HOW BIG IT SHOULD IT BE?” BUT “HOW SMALL CAN WE MAKE IT?”

#### A. Jail Planning Requires Community Engagement

The most important question a community can ask when planning a new jail, is not “how big does it have to be”, but “*how small can we make it?*”<sup>218</sup> Answering that question must engage the whole community, which is why virtually every jurisdiction that is considering a new jail is bringing together stakeholders in a collaborative process to address the conditions that are driving jail populations up. Community engagement in the planning process is not merely a national trend, it is a best practice that is almost universally followed. It is the first thing a community contemplating a new jail must do, and the experience of the MacArthur Safety and Justice Challenge illustrates how it is done.

#### B. Strategies to Reduce the Jail Population

##### 1. Bail Reform

House Concurrent Resolution 134, H.D. 1, Regular Session 2017, calls on the Judiciary to convene a task force to, among other things, recommend ways to maximize the release of pretrial detainees who are in jail awaiting trial. Chief Justice Recktenwald designated First Circuit Court Judge Rom A. Trader to chair the Task Force, which will present its final report to the Legislature at least twenty days prior to the 2019 legislative session.

The HCR 85 Task Force does not know what the HCR 134 Task Force will recommend, but we hope it will propose alternatives to cash bail, at least for indigent defendants who do not pose a danger to society and are not a flight risk. This is significant because if the State could reduce the number of pretrial detainees at OCCC by just 50%, it could save a substantial amount of money. For example, as of July 31, 2018, there were 1,400 inmates assigned to OCCC, of which 612 or 43.7% were pretrial detainees (525 felony detainees and 87 misdemeanor detainees).<sup>219</sup> It costs \$152 per day to incarcerate an inmate at OCCC, therefore the cost of housing the 612 pretrial detainees on July 31, 2018, was \$93,024. If half of the pretrial detainees were released through bail reform, the cost of housing the remaining half would be \$46,512 per day (\$16.9 million per year).



Reducing the number of pretrial detainees by 50% through bail reform would also mean that the State would need half as many pretrial beds at the new jail, and that would save hundreds of millions of dollars in construction costs, not to mention millions of dollars more in additional savings from reduced maintenance and operating costs over the life of the new jail.

## **2. The HOPE Probation Program**

HOPE Probation (Hawaii's Opportunity Probation with Enforcement) is a program that seeks to reduce recidivism by high-risk probationers through the use of swift, certain, consistent, and proportionate sanctions for any violation of the conditions of probation.

Probationers enrolled in HOPE Probation are subject to frequent, random drug testing. A violation of the terms of probation, such as a positive drug test or a missed meeting with a probation officer results in jail time, which could be as short as a two days, or longer depending on the nature of the violation and the circumstances.

The initial evaluation of Hawai'i's HOPE Probation program in 2009 showed positive results.<sup>220</sup> Participants had large reductions in positive drug tests and missed appointments and were significantly less likely to be arrested during follow-up at 3 months, 6 months, and 12 months.<sup>221</sup> They averaged approximately the same number of days in jail for probation violations, serving more but shorter terms. They spent about one-third as many days in jail on probation revocations or new convictions. In a follow-up study published in 2016, HOPE probationers again showed positive results in terms of reduced drug use, fewer probation revocations, being less likely to commit new crimes during the follow-up period, and being more likely to receive early termination of probation, but there was no statistical difference in terms of new charges for violent crimes.<sup>222</sup>

After its initial success in Hawai'i, HOPE Probation spread to many jurisdictions on the mainland. However, evaluations of the mainland programs, for the most part, were negative.<sup>223</sup> They showed little difference between those in "swift and certain" (SAC) programs, and those in probation-as-usual (PAS) programs.<sup>224</sup>

One of the most successful programs on the mainland was in Washington State where a large number of participants were tracked for one year. The SAC participants showed a consistent pattern of reduced crime, but the differences between the SAC group and the supervision-as-usual control group were small.<sup>225</sup> Additionally, the SAC group received cognitive behavior therapy, and it is possible that the differences in reconstructions could be attributable to the therapy rather than to the punitive-based deterrent effect of SAC.<sup>226</sup>

Evaluation of programs following the HOPE Probation model in Massachusetts, Oregon, and Texas reported no better recidivism outcomes for HOPE Probation than for probation-as-usual.<sup>227</sup>

The main criticisms of the HOPE Probation model are: (1) it has not been shown to produce long-term behavioral changes; (2) there is no persuasive body of evidence demonstrating that compliance with supervision conditions is associated with lower recidivism rates; and (3) HOPE

Probation punishes, but punishment does not address the main factors related to criminogenic behavior.

Several Task Force members have expressed concerns about the HOPE Probation program because those who fail to comply with the terms of probation are given an “open” prison term followed by probation, which, in some cases, can result in some offenders being under some form of correctional supervision for many years.

The bottom line is that the HOPE Probation program continues to have staunch supporters, and staunch critics. The Task Force’s concern is that as of April 30, 2018, there were 303 HOPE probationers at OCCC, comprising about 22 percent of the total jail population.<sup>228</sup> It costs \$46,000 *a day* to house 303 prisoners at OCCC, and building more than 300 beds for them at the proposed new jail and the women’s facility in Kailua, could easily exceed \$100 million.

The Task Force questions whether it is necessary or cost effective to house probation violators in jail. We recommend that the State consider using other types of housing for most HOPE probation violators, and at least some of the parole violators who are in prison. These probation and select parole violators could be housed in dormitories built as part of the OCCC replacement project, or assigned to community-based facilities where, in either case, the reasons they violated the conditions of probation or parole could be addressed by mental health and/or addiction treatment professionals, and hopefully remedied.

### **3. The LEAD Program**

Hawai‘i has started a jail diversion pilot program in O‘ahu’s Chinatown based on the highly successful LEAD (Law Enforcement Assisted Diversion) program that was started in the Seattle area in 2011. The pilot project is popular with residents and has received unanimous support from the Downtown/Chinatown Neighborhood Board.

LEAD gives law enforcement officers discretion to redirect low-level, non-violent offenders to community-based services instead of jail and prosecution. Evaluations of Seattle’s LEAD program show that participants were 58% less likely to be arrested after enrollment,<sup>229</sup> and were significantly more likely than the control group to obtain housing, employment, and legitimate income in any given month subsequent to their LEAD referral.<sup>230</sup> LEAD has been established or is under consideration in more than forty jurisdictions across the continental United States and has proven to be effective in offering individual case management services that are non-coercive and non-punitive.<sup>231</sup>

Nearly 40% of OCCC’s inmates are charged with misdemeanors or lower offenses, i.e., petty misdemeanors, technical offenses, or violations.<sup>232</sup> LEAD will divert some of these individuals to programs that will assist them, so that they will not enter the criminal justice system and be admitted to jail.

LEAD has strong leadership and broad community support. There is every reason to believe that it will be a success and will expand to many other neighborhoods on O‘ahu and significantly reduce the number of beds needed for any new jail. It is worth noting that after hearing a presentation on LEAD, police chiefs on neighbor islands expressed an interest in establishing LEAD on their islands.

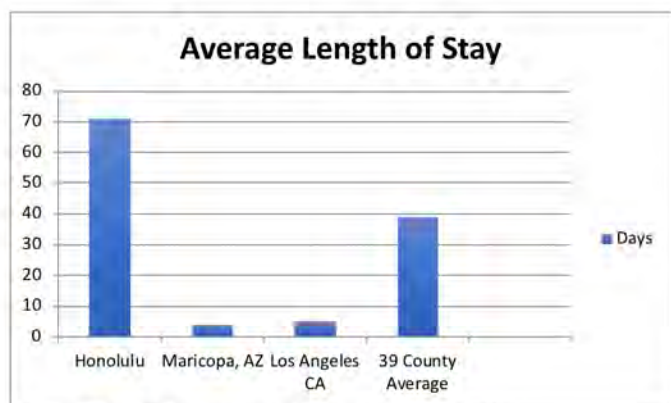
#### 4. Improved Pretrial Procedures and Case Processing

A critical factor in reducing jail populations is the length of stay (LOS) for those who are admitted to jail. The Justice Reinvestment-Hawai‘i Initiative (JRI) studied case processing in Hawai‘i and found that between 2006 and 2011, the average length of stay for felons released on their own recognizance increased from 31 days to 59 days, and the average length of stay for felons who received supervised release increased from 84 days to 102 days.<sup>233</sup>

FY 2006 Releases	Average LOS
Bail (33%)	31 days
Release on own recognizance (8%)	31 days
Supervised Release (34%)	84 days

FY 2011 Releases	Average LOS
Bail (42%)	32 days
Release on own recognizance (14%)	59 days
Supervised Release (29%)	102 days

JRI also reported that the length of stay for individuals in the City and County of Honolulu compared unfavorably with other counties. A 2008 study found that Honolulu had *the longest average length of stay in jail for those ultimately released during the pretrial stage*. Of the 39 counties, 32 were able to release defendants under non-financial conditions in 15 days or fewer, but Honolulu’s average length of stay for the same type of defendants was 71 days.<sup>234</sup>



Source: Justice Reinvestment in Hawaii, August 2014

JRI recommended, among other things, that Hawai‘i require the use of an objective risk assessment tool to inform pretrial detention and release decisions and that it conduct risk assessments within three days of admission to jail.<sup>235</sup> These recommendations were enacted into law in 2012<sup>236</sup> and were expected to reduce the length of stay at OCCC by identifying low-risk individuals who could be released quickly.

On May 16, 2017, the Task Force’s Program subcommittee met via Skype with Bree Derrick, Program Director of the Council of State Governments who worked on Hawai‘i’s Justice Reinvestment Initiative. In preparation for the meeting Ms. Derrick obtained data from PSD that shows that between December 2011 and December 2016, the pretrial population for Honolulu increased by 8%. The data also showed that the prisoners who were released on their own recognizance or on supervised release spent almost twice as many days in jail as those released on bail or bond:

Type of Release	Percent	Days to Release
Bail/Bond	48%	38 days
Release on Own Recognizance	16%	85 days
Supervised Release	37%	97 days

Ms. Derrick did not speculate on why the pretrial population was increasing, but she mentioned that JRI had some concern that Hawai‘i’s risk assessment instrument might be putting an unusually high number of inmates in the “high risk” category. She also noted that the instrument had a number of “overrides” that could be affecting risk levels. She recommended taking a hard look at the risk assessment instrument to find out whether it is contributing to the increase in pretrial detainees, and whether the “overrides” might also be contributing to the problem.

The Task Force concurs with those recommendations and also recommends that the State undertake a concerted effort to significantly reduce the length of stay at OCCC. Improving case processing and expediting releases will significantly contribute to reducing jail populations.

## **5. Eliminate Short Sentences in Favor of Community-Based Alternatives**

A growing body of research suggests that even short-term incarceration may increase the likelihood of future criminal justice involvement, especially for individuals who pose a low risk of re-arrest.<sup>237</sup> Currently, there are 176 male sentenced felony probationers and 39 male sentenced misdemeanants at OCCC.<sup>238</sup> Sentencing just half of those relatively low-level offenders to community-based programs instead of incarceration would reduce the jail population and save millions of dollars in new jail construction costs.

Reducing the use of short jail sentences can be an effective public safety strategy. The State should expand the availability of evidence-based alternatives to longer jail sentences and use risk and need assessment instruments to match defendants with appropriate programs.

## **6. The Mentally Ill Should Not Be Housed in Jails**

When Task Force members visited OCCC in November 2015, there were 97 prisoners in the mental health and combined mental health/medical modules. Hand written signs over two of the cells read “Jane Doe,” indicating that neither the police nor prison officials had been able to identify the occupants, one of whom was dancing about wildly while pulling on her hair. The other Jane Doe was lying on the floor of the cell in what appeared to be a catatonic state.

Anyone who has spent time with the mentally ill knows that they suffer from their disease as much as patients with physical illnesses:

Untreated or undertreated, mentally ill prisoners suffer painful symptoms. They rant and rave, babble incoherently or huddle silently in their cells. They talk to invisible companions and live in worlds constructed of hallucinations. They lash out without provocation and often refuse to obey orders. They beat their heads against cell walls, cover themselves with feces, and self-mutilate until their bodies are riddled with scars. Many attempt suicide; some succeed.<sup>239</sup>

When correctional officers are in charge of the mentally ill, things often go wrong. Nothing illustrates this better than the findings of the United States Department of Justice team that conducted an on-site inspection of OCCC in 2005.

They found, among other things, that OCCC staff:

- Subjected detainees with mental illness to harmful methods of isolation, seclusion, and restraint.
- Used psychotropic medications as punishment.
- Used a practice they called “therapeutic lockdown” to punish detainees by putting them in solitary confinement and denying them contact with mental health staff.
- Failed to assess and monitor suicide watch detainees in a timely manner. While in isolation and on suicide watch, detainees did not have sufficient contact with security and mental health staff to provide constitutionally-required care.
- Failed to provide detainees with constitutionally adequate mental health treatment or therapy programs and services.
- Failed to provide detainees adequate discharge services, increasing the likelihood of detainees being reincarcerated.

- Failed to adequately assess detainees’ mental health needs or to provide them with adequate or needed treatments, therapies, or services.
- Lacked adequate clinical leadership or organizational structures.<sup>240</sup>

The Vera Institute of Justice has noted that the prevalence of people with mental illness in jail is at odds with the design, operation, and resources of most jails.

Characterized by constant noise, bright lights, an ever-changing population, and an atmosphere of threat and violence, most jails are unlikely to offer any respite for people with mental illness. According to the latest available data, 83 percent of jail inmates with mental illness did not receive mental health care after admission. The lack of treatment in a chaotic environment contributes to a worsening state of illness and is a major reason why those with mental illness in jail are more likely to be placed in solitary confinement, either as punishment for breaking rules or for their own protection since they are also more likely to be victimized.<sup>241</sup>

While most people with serious mental illness in jails, both men and women, enter jail charged with minor, non-violent crimes, they end up staying in jail for longer periods of time. In Los Angeles, for example, Vera found that users of the Department of Mental Health's services on average spent more than twice as much time in custody than did the general custodial population—43 days and 18 days respectively.<sup>242</sup>

The Task Force believes that mentally ill detainees should be housed in a separate facility that follows best psychiatric practices and provides humane treatment.

We also note that the Department of Public Safety has recommended expanded residential service programs for individuals with co-occurring mental illness and substance abuse disorders, and a statutory requirement that fitness examinations be completed within 30 days. Currently, the examinations can take up to four months.<sup>243</sup>

## CHAPTER 16

### DESIGNING JUSTICE—CREATING MORE HUMANE AND REHABILITATIVE JAILS

*Jails as we know them are obsolete – they are based on outmoded ideas and are not suitable to current challenges.*

*—Ken Ricci, architect and national jail expert*

**A**lthough PSD’s 2016 Report to the Legislature says that it has already determined the vision, nature, scale, capacity, and key features of the new jail, they have not made that information public, except for capacity (1,380 beds). The following are some important design issues that should be considered for any new jail:

#### **Vision Statement**

A large percentage of the jail population consists of people who are awaiting trial. They have not been convicted of a crime, and they are presumed innocent. They should not be treated as criminal because they are not criminals, and the design and operation of the new jail should reflect that fact. The jail design should be non-punitive and should respect the dignity of every person admitted to the facility.

#### **Capacity**

As noted above, the State should establish and expand “off ramps” such as LEAD to reduce the number of beds needed for the new jail. The projected jail population should be reduced by bail reform, better risk assessment instruments, improved case management, faster paperwork processing, reducing the HOPE Probation population, shorter sentences for low level offenders, and moving the mentally ill to an appropriate non-carceral setting for treatment.

#### **Clustered Housing and Direct Security**

Clustered housing refers to a design in which single cells of similarly classified inmates are arranged around a central living area used for dining, case management, programs, and recreation.<sup>244</sup>

Direct security refers to a management/architectural design in which corrections officers are stationed in the inmate residential area.<sup>245</sup> Clustered housing combined with dynamic security provides improved opportunities for staff to interact with inmates in a friendly, helpful, and supportive way. By reducing the physical barriers between staff and inmates, dynamic security helps staff to strengthen communication with inmates and identify problems before they escalate.

## Smart Design

Architect and jail expert Ken Ricci has noted that a large percentage of those admitted to jail are diagnosed as having mental health issues, and therefore it is important to have judges and mental health workers on site at the jail to

Large-capacity, high-rise jails are “conceptually deficient and operationally obsolete”. Jails in the 21<sup>st</sup> century should be “smaller, smarter, greener, and kinder” – Ken Ricci, Architect

quickly assess detainees, and either send them to a secure facility if they are dangerous, release them if they are not a risk to public safety, or get them to a hospital or clinic for treatment if they are mentally ill. Such decisions should be made within 24 hours in most cases. New jails should not “replicate the discredited warehouse model”<sup>246</sup> now found in many cities (including Honolulu). Further, large-capacity, high-rise jails are “conceptually deficient and operationally obsolete” at the outset. Jails in the 21<sup>st</sup> century should be “smaller, smarter, greener, and kinder.”<sup>247</sup>

## Site Selection

How should the jail relate to the broader community? Should it be built in an isolated location to satisfy the not-in-my-backyard mentality? Or can a well-designed jail benefit the community of which it is a part?

The City of New York is exploring ways to reconnect jails to the urban environment and provide economic opportunities to nearby business such as markets, restaurants, and retail shops that can appeal to the many people who frequent the jail, including lawyers, doctors, teachers, clergy, volunteers, service providers, members of the parole board, administrators, guards, social workers, police, sheriffs, and the families of prisoners.<sup>248</sup>



## **Wrapping Old Ideas in A New Package Will Not Improve Public Safety**

PSD and DAGS have spent millions of dollars on the preliminary design and site selection for a new jail, but they have not focused on the most important elements of jail planning, which are: (1) engaging the community in a meaningful way; (2) finding ways to reduce the jail population; and (3) designing a jail that meets the needs of the community and reflects its core values. Unless PSD, DAGS, and their consultants change course quickly, we have no doubt that the new jail will have a slick modern look, but it will amount to nothing more than a repackaging of all the problems and bad ideas of the old jail, and like the old jail, it will create bad outcomes for the next half century or more.

The jail that the State is planning will be a relic of the past the moment it is completed, because no matter how modern it looks from the outside, it will be based on outmoded and obsolete ideas and a failed planning process. The Legislature should recognize this and **order** PSD and DAGS to start the jail planning process over again and focus on building a smart, small, and humane 21st century jail instead of the monolithic 19th century jail that is now on the drawing boards.

## CHAPTER 17

### CONCLUSION AND RECOMMENDATIONS

Adopting the recommendations in this report will result in a correctional system that represents the core values of Hawai‘i’s people, reduces the prison population and recidivism rate, and makes our communities safer. The Task Force also believes that this is the most cost-effective and sustainable path for the future, and it is in line with the reforms taking place in other states as more people come to realize that a punitive and retributive correctional system simply does not work. The opportunities for real and lasting change in our correctional are all within reach, and we hope Hawai‘i will join the many cities, states, and countries that are reducing their jail and prison populations and revitalizing their communities with the savings that accrue from smarter criminal justice policies. For example:

- In Oklahoma City, a Task Force created by the Chamber of Commerce and led by NBA team owner Clay Bennett is at the forefront of jail reform. Even though jails are “outside the chamber’s wheelhouse,” the city’s business leaders felt they had no choice but to get involved: “The jail is filled with mothers, poor people who are addicted or mentally ill. Until we fix this, I don’t care what else we’ve done. We’ve failed,” Bennett said.<sup>249</sup> The Task Force’s goal was to create a local justice system that reflected the community’s values of “fairness, compassion and good governance” and create a jail that is a safe and humane place for both staff and inmates.<sup>250</sup> With the assistance of the Vera Justice Institute, the Oklahoma City Task Force developed, and are starting to implement, strategies to reduce their jail population and create a more equitable, humane, and cost-effective justice system.<sup>251</sup>
- The City of New York is home to one of the country’s largest and most notorious jails—Rikers Island. In 2016, the Speaker of the City Council decided that something had to be done about the jail, and turned to Judge Jonathan Lippman, the retired Chief Judge of the New York Court of Appeals. Judge Lippman formed a commission that developed a brilliant and comprehensive plan to replace the Rikers Island jail with smaller, safer, and more humane community jails in each of the city’s five boroughs, and to completely rethink incarceration and jail design.<sup>252</sup> The commission now has full-time staff and is working with city and state officials to implement its recommendations.<sup>253</sup>

- West Virginia’s prison population increased 50% between 2002 and 2012, and was projected to grow an additional 24% by 2018. Recognizing that such increases were unacceptable, state leaders, working with the Council of State Governments Justice Center, developed a data-driven policy framework to reduce corrections spending and increase public safety. West Virginia focused on expanding drug courts and substance abuse counselling, and providing inmates with greater supervision after release.<sup>254</sup> As a result of these and other policies, the state brought its incarceration rate under control and avoided having to spend \$200 million on a new prison.<sup>255</sup>
- Texas is the prototypical “lock’em up, tough on crime” state, which is why, in 2007, it desperately needed 17,000 new prison beds at a cost of more than \$2 billion.<sup>256</sup> Instead of building new prisons and sticking taxpayers with the bill, state leaders studied the drivers of prison growth and researched effective approaches to reducing recidivism.<sup>257</sup> After completing a lengthy survey, legislators adopted a “justice reinvestment” package for treatment and diversion programs designed to stop prison expansion while protecting public safety. Texas expanded its specialty courts from nine to more than 160, reduced parole revocations by 39%,<sup>258</sup> built hundreds of new halfway house and substance abuse treatment beds, and capped parole caseloads at 75 to ensure closer supervision.<sup>259</sup> The result was that probation failures fell,<sup>260</sup> parolees committed fewer crimes,<sup>261</sup> the Texas crime rate fell faster than the national rate,<sup>262</sup> the Texas government saved \$2 billion, and for the first time in modern history, instead of building new prisons, Texas closed or shut down nine juvenile detention facilities.<sup>263</sup>

These are but a few of the dozens of success stories from across the country where communities have come together to address the forces driving up jail and prison populations and costs. Instead of building new jails and prisons, they have reformed their bail systems, reduced sentences for low-level offenses, increased the availability of mental health and substance abuse treatment, focused on diverting the poor and mentally ill from the criminal justice system, strengthened reentry programs, expanded drug and mental health courts, and adopted community-based alternatives to prison that help, heal, educate, and support rather than punish.

Mai nānā ‘ino‘ino  
*Behold not with malevolence*  
 Nā hewa o kānaka  
*The sins of man*  
 Akā e huekala  
*But forgive*  
 A ma‘ema‘e no  
*And cleanse\**

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\* *Ka Aloha O Ka Haku*, also known as “Lili‘uokalani’s Prayer” was composed by Queen Lili‘uokalani on March 22, 1895 while imprisoned in ‘Iolani Palace following the overthrow of her government by sugar planters and the United States Navy.

## RECOMMENDATIONS OF THE HCR 85 TASK FORCE

### 1. **Transition to a more effective and sustainable correctional model that focuses on rehabilitation rather than punishment.**

#### *Related Recommendations*

- A. Rehabilitation should be the primary mission of the Department of Public Safety (“PSD”). PSD’s vision statement, mission statement, and departmental goals and objectives should clearly and explicitly reflect that mission and endorse the principle that rehabilitation is the most effective means of reducing recidivism and making our communities safer.
- B. The Hawai‘i criminal justice system (courts, corrections, parole, probation, and attorney general) should be guided by the following principles:
  - i. The best way to make our communities safer is to prevent crime from happening in the first place. To do that, we must develop, fund, and support programs and institutions that address the root causes of crime in our communities.
  - ii. The criminal justice system should be grounded in Hawai‘i’s core values and recognize the inherent worth of every person. It should not just administer laws and maintain order, it should develop policies and programs that strengthen, restore, and repair our communities and make them safer.
  - iii. The criminal justice system should focus on accountability and rehabilitation instead of retribution and punishment.
- C. The basic elements of the rehabilitative correctional system should include:
  - i. Loss of freedom should be the only punishment of a prison sentence. Conditions within the prison should not be punitive. Prisoners should be treated with dignity and respect and be provided with the skills they need to make a successful transition back into the community.
  - ii. Prison staff should be retrained to support the rehabilitative process. The training should, at a minimum, include psychology, ethics, law, and the principles of dynamic security. Prison staff should be selected on the basis of their ability to help inmates overcome criminogenic behavior and staff should serve as role models, counselors, and mentors for inmates.

- iii. The correctional system should reflect Hawai'i's core values, particularly the Aloha Spirit as defined in §5-7.5, Haw. Rev. Stat.
- iv. The State should adopt the four key elements of the highly successful Norwegian/European correctional system, namely:
  - a. Normality Principle – Conditions inside of prisons should mirror conditions on the outside to the greatest extent possible. This avoids “institutionalizing” prisoners and better prepares them for release.
  - b. Dynamic Security – Guards should have close, supportive, and continuous interaction with prisoners.
  - c. Import Model – The government agencies that deliver services to the general public should also serve prisoners.
  - d. Progression Toward Reintegration – Prisoners should proceed towards release in a systematic way, going from high security to lower security, and finally to release, unless security reasons dictate otherwise.

**2. Adopt a comprehensive strategy to address the overrepresentation of Native Hawaiians in the criminal justice and correctional systems.**

*Related Recommendations*

- A. Break the cycle of intergenerational incarceration of Native Hawaiians starting with improvements to the juvenile justice system such as those recommended by Dr. Karen Umemoto and her colleagues at the University of Hawai'i in their report *Disproportionate Minority Contact in the Hawai'i Juvenile Justice System 2000-2010*.

The recommendations, broadly stated, fall into four categories:

- i. Build a more comprehensive, collaborative, and restorative juvenile justice system to divert youth away from the juvenile system and toward pathways of success.
- ii. Improve outcomes for Native Hawaiian youth at all critical decision points in the juvenile justice system: arrest, detention, prosecution, sentencing, probation and protective supervision placement, incarceration, and reentry.

- iii. Utilize anti-bias and youth development training.
  - iv. Improve data collection and conduct further research to improve outcomes for Native Hawaiian youth.
- B. To address the overrepresentation of Native Hawaiian adults in the criminal justice and correctional system, the State should:
- i. Create cultural courts in each judicial circuit to divert Native Hawaiians from prison and promote rehabilitation.
  - ii. Fund at least one full-time position to coordinate Native Hawaiian cultural, educational, and religious programming in all PSD facilities. Cultural practices should not be inhibited by exaggerated security concerns.
  - iii. Expand Native Hawaiian educational programs in the prison system. The curricula should include, at a minimum, Hawaiian history, culture, language, dance, and religion.
  - iv. Make culturally relevant reentry programs available to Native Hawaiians through:
    - a. Drop-in and/or residential wellness centers rooted in Native Hawaiian values, practices, and principles.
    - b. Case navigators that provide ongoing support to recently released prisoners.
    - c. Drop-in and residential drug treatment programs.
    - d. Places that allow Native Hawaiians to engage in land and ocean-based activities, including growing their own food.
- C. Implement the recommendations of the 2012 Native Hawaiian Justice Task Force.

3. **Set numerical goals and a timetable for reducing Hawai‘i’s prison population, and in particular, the number and percent of Native Hawaiians in the correctional system.**
4. **Create a Sentencing Reform Commission to review the penal code with the goal of downgrading offenses and shortening sentences.**

*Related Recommendations*

- A. Among the changes to the penal code that the Sentencing Reform Commission should consider are:
  - i. Making certain offenses eligible for community-based sentences.
  - ii. Reducing the length and severity of custodial sentences by redefining or reclassifying crimes or repealing mandatory penalties.
  - iii. Shortening lengths of stay in prison by expanding opportunities to earn sentence credits, which shave off time in custody and advance parole eligibility.
  - iv. Reducing the number of people entering jails and prison for violations of community supervision by implementing evidence-based practices such as graduated responses to violations.

5. **Create an Independent Prison Oversight and Implementation Commission**

*Related Recommendations*

- A. Independent prison oversight is a “best practice.” Hawai‘i should create an Independent Prison Oversight and Implementation Commission with authority to:
  - i. Examine every part of every correctional facility.
  - ii. Visit every correctional facility without prior notice.
  - iii. Conduct confidential interviews with prisoners and staff.
  - iv. Review all records, except that special procedures may be implemented for highly confidential information.

- B. The Commission should be adequately funded and staffed, and the Executive Director should be appointed by an elected official to a fixed term, confirmed by the Hawaii State Senate, and subject to removal only for cause.
- C. Procedures should be in place to enable inmates and staff to communicate confidentially, and adequate safeguards should be established to protect those who communicate with the Commission from retaliation.
- D. The Commission's reports should be readily available to the public, posted on the internet, and be disseminated to the media, the Legislature, and top elected officials.
- E. To guard against the risk that monitoring reports are ignored by correctional officials, facility administrators should be required to respond publicly to the reports and to develop and implement in a timely way action plans to correct identified problems.
- F. The Commission should oversee the transition from a punitive to a rehabilitative correctional system and ensure that prison reform laws and policies are promptly, faithfully, and effectively implemented.

**6. Create a Corrections Academy to educate and train correctional workers at all levels.**

*Related Recommendations*

- A. The Corrections Academy should train and educate correctional administrators, staff, guards, parole and probation officers, judges, and Judiciary staff.
- B. A primary mission of the Corrections Academy staff should be to stay abreast of the correctional literature and maintain a library of studies and reports on best practices. The Corrections Academy should independently collect and analyze correctional data and recommend changes to the correctional system based on data analysis and best practices.
- C. The University of Hawai'i at Mānoa should be encouraged to offer bachelor and master degrees in criminal justice. This would provide a reservoir of highly educated correctional professionals who can staff, support, and continuously improve the correctional system.



**7. Improve in-custody programs by focusing on evidence-based programs that will prepare prisoners for reentry into society.**

*Related Recommendations*

- A. Many of the programs offered in Hawai‘i’s prisons are being evaluated by the Research and Evaluation in Public Safety Project (REPS) at the University of Hawai‘I’s Social Science Research Institute. PSD should make the evaluations public, and eliminate programs that are not successful and replace them with programs that have a proven track record of success.
- B. Hawai‘i should improve in-custody programs by:
  - i. Expanding restorative justice programs.
  - ii. Expanding opportunities for prisoners to take community college courses.
  - iii. Creating a prison-to-college pipeline.
  - iv. Ensuring that every prisoner is functionally literate by the time they are released.
  - v. Adequately funding Hawai‘i’s sex offender treatment program.
  - vi. Expanding and strengthening visitation and family contacts.
  - vii. Evaluating programs on a continuous basis and making those evaluations public.

**8. Improve the reentry process and support the development of new transitional housing.**

*Related Recommendations*

- A. Adopt the following principles of reentry (based on principles developed by President Barack Obama’s Justice Department):
  - i. Planning for reentry should begin at the time of admission. Every inmate should be provided with an individualized reentry plan tailored to his or her risk of recidivism and programmatic needs. Plans should be updated and revised continuously until the time of release.

- ii. While incarcerated, each inmate should be provided with education, employment training, life skills training, substance abuse treatment, mental health treatment, and other programs that target their criminogenic needs and maximize the likelihood of success upon release.
  - a. The curricula for these programs should be grounded in evidence-based programs that reduce recidivism.
  - b. There should be a standardization of evidence-based programming across facilities so that an inmate can complete programs even if he or she is transferred from one facility to another.
  - c. To remedy gaps in education and employment skills, prisons should ensure that education programs expand the quality, scope, and delivery of the academic and job training curricula, particularly the curricula targeted to those with literacy and special learning needs.
- iii. While incarcerated, each inmate should be provided the resources and opportunity to build and maintain family relationships, strengthening the support system available upon release.
  - a. Create comfortable, friendly space for contact visits with family. Use video services only when family members are unable to visit in person. Telephone calls to family members should be encouraged and provided to inmates free of charge.
  - b. Expand the use of furloughs to visit family, children, and significant others.
- iv. Develop new programs to support and aid children of incarcerated parents.
- v. During the transition back to the community, halfway houses and supervised release programs should ensure individualized continuity of care.
  - a. Contract with non-profit corporations to increase the number of halfway houses.
  - b. Make the halfway houses therapeutic centers where gains made in prison can be sustained and strengthened.

- vi. Before leaving prison, every inmate should be provided with comprehensive reentry-related information and access to the resources necessary to succeed in the community.
- B. PSD should create a unit dedicated to finding appropriate housing for difficult-to-place inmates such as those who are elderly, disabled, mentally ill, or have chronic illnesses. This unit should work with state and federal agencies to establish protocols that will quickly and efficiently process applications for health insurance and other benefits, and quickly respond to requests for medical records and other information from hospitals, care homes, and hospices. When a bed in a care home becomes available, PSD and the Paroling Authority must be able to quickly to arrange for prisoners to be admitted because most facilities cannot afford to keep a bed open for more than a day or two.
  - C. The State should designate Leahi Hospital as the default placement for compassionate release prisoners whose condition requires a Skilled Nursing Facility (SNF) or an Intermediate Care Facility (ICF).
  - D. At the time of release, all prisoners should have:
    - i. A decent place to live.
    - ii. A state identification card, a social security card, and a birth certificate.
    - iii. Health insurance and, if necessary, public assistance benefits.
    - iv. Employment if the individual is employable.
    - v. Ongoing addiction and/or mental health treatment if necessary.
    - vi. Access to wellness centers rooted in Native Hawaiian values.
    - vii. Access to higher education or programs to complete a secondary education.
  - E. Review statutes that erect barriers to reentry and determine whether they should be continued, amended, or terminated.
  - F. Expand and improve transitional housing capacity through partnerships with non-profit corporations.
  - G. Streamline the State's compassionate release process.

- 9. Expand Hawai‘i’s treatment courts to accommodate more offenders.**
- 10. Improve conditions for incarcerated women.**
  - A. Develop and implement more gender-specific programs for women.
  - B. Develop and fund additional Fernhurst-style facilities to accommodate more women on work furlough and recently paroled women.
- 11. Support federal justice reform legislation that would benefit Hawai‘i.**
  - A. The Restoring Education and Learning Act (REAL).
  - B. The Second Chance Pell Pilot Program.
  - C. Funding for the Prison Rape Elimination Act.
  - D. Legislation to end collateral consequences for justice-involved individuals.
  - E. Legislation to streamline federal compassionate release.
- 12. Develop a realistic plan to stop using private prisons and bring our prisoners on the mainland home. The plan should be a collaborative effort by government officials and public stakeholders and should be part of a comprehensive strategic plan that includes the replacement of OCCC and the transition to a rehabilitative correctional model.**
- 13. Stop planning a large capacity jail to replace OCCC and establish a working group of stakeholders and government officials to rethink the jail issue and create a jail that is smaller and smarter than the one now under consideration.**

*Related Recommendations*

- A. Before committing to the size, design, or location of the new jail, the State—working collaboratively with stakeholders and the public—should determine the vision, goals, objectives, and philosophy of the new jail, how

it will operate, the types of people it will house, the programs it will operate, the services it will provide, and how it will provide them.

- B. Law Enforcement Assisted Diversion (LEAD) is a highly successful program to divert low-level, non-violent offenders away from the criminal justice system and provide them with individualized case management services. A LEAD pilot program is now underway in Honolulu's Chinatown. If, as we suspect, the program is successful, LEAD should be expanded to other neighborhoods and other communities throughout the state.

- C. The jail should be designed with clustered housing.

The clustered housing model is a best practice that calls for the use of single cells arranged around a central living area or "pod." Services are provided in the living area or "community centers" where individuals can move about freely.

- D. The jail should be designed for direct supervision.

A "direct supervision" jail places a correctional officer within the "pod" or central living area where he or she can see the inmates and relate to them on a personal level. This increases the officer's ability to closely monitor activity within the unit and detect problems before they escalate. If properly implemented, direct supervision can significantly reduce violence and create a safer environment for staff and inmates.

- E. Reduce the jail population by eliminating short jail sentences in favor of community-based alternatives.

A growing body of research suggests that short-term incarceration increases the likelihood of future criminal justice involvement, especially for individuals who pose a low risk of re-arrest. If half of OCCC's low level offenders were sentenced to community-based programs instead of jail, it would reduce the jail population and the likelihood of those individuals reoffending.

- F. Bail reform.

Reform Hawai'i's bail system to ensure that no pretrial detainees are detained in jail solely because they are unable to post bail or obtain a bail bond. This would significantly reduce the jail population.

- G. Improve pretrial procedures and case processing.

Hawai'i's pretrial procedures should be streamlined so that defendants spend no more than 72 hours in jail before being released on bail, bond, their own recognizance, or supervised release.

- H. The mentally ill should not be housed in jail.

In 2016, the Honolulu Police Department made 16,000 arrests, of which 6,880 or 43% were homeless people. The police department has also reported that 72% of the homeless detainees that came through the Honolulu cellblock were mentally ill or under the influence of drugs

PSD estimates that 9.5% to 12% of all OCCC inmates are mentally ill. That means that as of July 31, 2018, when the total OCCC population was 1,397, there were between 133 and 168 mentally ill individuals in the jail. On average, mentally ill individuals cycle through the jail three times per year, with some being incarcerated up to eight times per year. PSD estimates that over the past year, approximately 696 Severe and Persistently Mentally Ill (SPMI) people were incarcerated at OCCC, and that 450 to 600 of those individuals were at one time or another on suicide watch. Additionally, PSD estimates that there were 38 inmates who were considered mentally ill, but not Severe or Persistent. In addition to those diagnosed as SPMI, many among the OCCC population suffer from either Antisocial and/or Borderline Personality Disorders combined with Substance Use and Abuse Disorders.

The mentally ill should not be housed in jails; they should be housed in separate facilities staffed by mental health professionals.

- I. A judge and mental health workers should be on-site at the jail to facilitate release or referral to a mental health center.

- J. Create alternative (non-jail) housing for sanctioned HOPE Probation violators and low-risk parole violators.

HOPE Probation is a program that seeks to reduce the recidivism rate of high-risk probationers through the use of swift, certain, and proportional sanctions for violation of the conditions of probation. A short jail term is one of the sanctions available for HOPE Probation violations. As of July 31, 2018, there were 259 HOPE Probation violators at OCCC.

The Task Force questions whether it is necessary and cost effective to put probation violators in jail. We recommend that the State consider using minimum security, non-jail sanctions for most HOPE Probation violators and at least some of the 476 parole violators who are in prison. These

probation and select parole violators could be housed in dormitories built as part of the OCCC replacement project or, if circumstances warrant, assigned to community-based facilities where, in either case, the reasons they violated the conditions of probation or parole could be addressed and hopefully remedied.

## ENDNOTES

<sup>1</sup> E. Ann Carson and Joseph Mulako-Wangota, “Count of Year End Total Jurisdiction Population (Hawaii),” *Bureau of Justice Statistics*. Report generated using the Corrections Statistical Analysis Tool (CSAT) – Prisoners, (August 13, 2018), <https://www.bjs.gov/index.cfm?ty=nps>.

<sup>2</sup> Bureau of Justice Statistics, *Historical Statistics on Prisoners in State and Federal Institutions Yearend 1925-86*, by Patrick A. Langan, John V. Fundis, Lawrence A. Greenfeld, and Victoria W. Schneider, NCJ -111098 (Washington, D.C.: May 1988), 2, <https://www.ncjrs.gov/pdffiles1/digitization/111098ncjrs.pdf>.

<sup>3</sup> Hawaii Department of Public Safety (PSD), End of Month Population Report, July 31, 2018 (hereafter cited as PSD Monthly Population Report), <http://dps.hawaii.gov/about/divisions/corrections/>.

<sup>4</sup> World Prison Brief, Institute for Criminal Policy Research (ICPR), Data for Sweden, <http://www.prisonstudies.org/country/sweden>. In 2017, Sweden's population was 10.07 million compared to Hawai‘i's population of 1.43 million. See World Bank Data, “Population Total Sweden 2017,” <https://data.worldbank.org/indicator/SP.POP.TOTL?end=2017&locations=SE&start=1981>; United States Census Bureau, Quick Facts Hawaii, “Hawaii population estimates, July 1, 2017,” <https://www.census.gov/quickfacts/hi>.

<sup>5</sup> The incarceration rate is calculated by dividing the prison population by the general population and multiplying by 100,000. As of July 31, 2018, Hawai‘i’s combined jail and prison population was 5,570 (see note 3) and the estimated state population was 1.43 million. World Population Review, Hawaii population 2018, <http://worldpopulationreview.com/states/hawaii-population/>.

<sup>6</sup> Council of State Governments Justice Center, *50-State Data on Public Safety, Hawaii State Workbook: Analyses to Inform Public Safety Strategies*, March 2018), 60. The Council of State Governments Justice Center notes that between 2005 and 2015 Hawai‘i’s prison population had the sixth-largest decrease in the country, and that Hawai‘i’s incarceration rate is the thirty-ninth highest in the country.

<sup>7</sup> World Prison Brief, Institute for Criminal Policy Research (ICPR), Highest to Lowest-Prison Population Rate, Entire World, [http://www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=All](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All).

<sup>8</sup> Hawaii Paroling Authority, “2017 Annual Statistical Report,” Table III Total Parole Caseload, <https://dps.hawaii.gov/wp-content/uploads/2017/11/2017-Annual-Report.pdf>.

<sup>9</sup> See Hawaii State Judiciary, “Hawaii State Judiciary 2017 Annual Report,” 55, [http://www.courts.state.hi.us/wp-content/uploads/2016/03/2017\\_Judiciary\\_Annual\\_Report.pdf](http://www.courts.state.hi.us/wp-content/uploads/2016/03/2017_Judiciary_Annual_Report.pdf).



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<sup>10</sup> See National Institute of Justice, Office of Justice Programs, “Recidivism,” last modified June 17, 2014, <https://www.nij.gov/topics/corrections/recidivism/Pages/welcome.aspx>.

<sup>11</sup> National Institute of Justice, “Recidivism.”

<sup>12</sup> Timothy Wong, “2017 Recidivism Update,” *State of Hawaii Interagency Council on Intermediate Sanctions (ICIS)*, July 2018, <https://icis.hawaii.gov/wp-content/uploads/2018/08/Hawaii-Revidivism-2017.pdf>.

<sup>13</sup> Wong, “Recidivism Update,” 3.

<sup>14</sup> Wong, “Recidivism Update,” 4.

<sup>15</sup> Wong, “Recidivism Update,” 4.

<sup>16</sup> Wong, “Recidivism Update,” 21.

<sup>17</sup> Wong, “Recidivism Update,” 16.

<sup>18</sup> Wong, “Recidivism Update,” 17.

<sup>19</sup> Wong, “Recidivism Update,” 18.

<sup>20</sup> Lindsay Hixson, Bradford B. Hepler, and Myoung Ouk Kim, “The Native Hawaiian and Other Pacific Islander Population: 2010” (Washington, D.C.: United States Census Bureau, May 2012), 19, <https://www.census.gov/prod/cen2010/briefs/c2010br-12.pdf>. The 21.3% includes Native Hawaiians alone and in any combination with other races.

<sup>21</sup> Hawaii Department of Public Safety (PSD), System Wide End of Month Data, July 2018, (hereafter cited as PSD System Wide Data). As of the end of July 2018, 36.96% of Hawai‘i’s combined jail/prison population were Hawaiians and part-Hawaiians.

<sup>22</sup> Justice Policy Institute, Myron B. Thompson School of Social Work, and Georgetown Law, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (Honolulu: Office of Hawaiian Affairs, 2010), 17, [http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09\\_rep\\_disparatetreatmentofnativehawaiians\\_rd-ac.pdf](http://www.justicepolicy.org/uploads/justicepolicy/documents/10-09_rep_disparatetreatmentofnativehawaiians_rd-ac.pdf).

<sup>23</sup> Native Hawaiian Justice Task Force, *The Native Hawaiian Justice Task Force Report*, 2012, 14, [http://rbhawaii.info/reports/legrpts/oha/2013/act170\\_slh11.pdf](http://rbhawaii.info/reports/legrpts/oha/2013/act170_slh11.pdf). The report notes prior studies that had been conducted on the impact of the criminal justice system on Native Hawaiians. Among the many studies on this subject are: *Study of Native Hawaiians in the Criminal Justice System* (Honolulu: Alu Like, 1977); *Crime and Justice Related to Hawaiians and Part-Hawaiians in the State of Hawai‘i* (Honolulu: Alu Like, 1981); *Criminal Justice and Hawaiians in the 1990's: Ethnic Differences in Imprisonment Rates in the State of Hawai‘i* (Honolulu: Alu Like, 1994); *Report of the Working Conference on Native Hawaiians in the*

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*Criminal Justice System* (Honolulu: Alu Like, 1994); *Action plan regarding Native Hawaiians in the criminal justice system: Presented to the Eighteenth Legislature, State of Hawai‘i* (Honolulu: Alu Like, 1995); and *Hawaiian Youth in the Juvenile Justice System* (Honolulu: Alu Like, 1998).

<sup>24</sup> PSD Monthly Population Report, July 31, 2018. The Department of Public Safety publishes the “design capacity” and “operational bed capacity” of each correctional facility in the State. The “design capacity” is the number of prisoners the facility was designed to hold. The “operational bed capacity” is the number of inmates that the Department has determined that the facility can accommodate based on its staffing, programs, and services. (George King, PSD statistician, email to Robert Merce, December 18, 2017). The Department of Public Safety also publishes an end of month “head count” and “assigned count” for each facility. The head count is the number of inmates at the facility when the head count is taken. The assigned count is the number of inmates assigned to the facility. The head count is typically lower than the assigned count because, for example, an inmate who is assigned to the facility may be hospitalized and therefore absent from the head count. The Department of Public Safety measures overcrowding by dividing the head count by the operational capacity, and we have used that method in this report. We note, however, that this is a very conservative method since in some cases, the operational capacity is significantly higher than the design capacity, and the head count is often lower than the assigned count. For example, the Halawa Medium Security Facility (HMSF) has a design capacity of 496, but an “operational bed capacity” of 992. Using the operational bed capacity instead of the design capacity and the head count instead of the assigned count in most cases will yield a lower overcrowding figure.

<sup>25</sup> Comment by Nolan Espinda, Director of Public Safety, during tour of OCCC by House Committee on Public Safety and HCR 85 Task Force members, November 17, 2015.

<sup>26</sup> On January 6, 2017, the American Civil Liberties Union (ACLU) of Hawai‘i filed a Complaint with the United States Department of Justice requesting an investigation of overcrowding and other allegedly unconstitutional conditions at Hawai‘i’s prisons. See ACLU-Hawaii letter to Vanita Gupta and Steven Rosenbaum, January 6, 2017, <https://acluhawaii.files.wordpress.com/2017/01/acluhidojcomplaintprisonovercrowding.pdf>. Among other things, the complaint alleges that Hawai‘i’s correctional facilities continue to "overtax virtually every constitutionally required support system and service and creates a harmful and intolerable environment," rendering prison officials incapable of providing inmates with adequate shelter, sanitation, medical and mental health care, food services, and protection from harm. The complaint specifically alleges that conditions at Hawai‘i’s prisons violate the Eighth and Fourteenth Amendments to the United States Constitution and the Civil Rights of Institutionalized Persons Act, 42 U.S.C. §1997 et seq. The complaint requests the Department of Justice to investigate the claims in the complaint, "order the State of Hawaii to cease its unconstitutional policies and practices, and if necessary, take appropriate legal actions."

<sup>27</sup> PSD System Wide Data, July 2018.

<sup>28</sup> PSD System Wide Data, July 2018.

<sup>29</sup> PSD System Wide Data, July 2018.

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<sup>30</sup> PSD System Wide Data, July 2018 (As of July 31, 2018, there were 661 inmates age 55 or older in Hawai‘i’s correctional system).

<sup>31</sup> Brie A. Williams, Rebecca L. Sudore, Robert Greifinger, and R. Sean Morrison, “Balancing Punishment and Compassion for Seriously Ill Prisoners,” *Annals of Internal Medicine*, vol. 155, no. 2 (2011): 122-126.

<sup>32</sup> Williams, “Balancing Punishment and Compassion,” 123.

<sup>33</sup> 131 Hawai‘i 239, 317 P.3d 683 (Haw. App. 2013). In 2013, former prisoner Gregory Slingluff was awarded approximately \$1 million for injuries he sustained when prison doctors failed to diagnose and treat an infection of his scrotum.

<sup>34</sup> For example, in 2016, former OCCC prisoner Aaron Persin settled his claims against the State of Hawaii for approximately \$7.2 million. The claims stemmed from a scratch he sustained at OCCC which became infected and resulted in the loss of both hands and both feet. *See* Brent Remadna, “State pays millions in settlement to amputee who lost limbs while in custody,” *KHON*, January 26, 2016.

<sup>35</sup> Letter from Nolan Espinda (PSD Director) to HCR 85 Task Force Chair Michael D. Wilson, March 6, 2018, Attachment A.

<sup>36</sup> Nolan Espinda, letter.

<sup>37</sup> PSD Monthly Population Report, June 30, 2017.

<sup>38</sup> *See* Leila Fujimori, “Prison questioned about inmate’s suicide,” *Honolulu Star-Advertiser*, August 6, 2017, and Rick Daysog, “Deceased inmate’s father calls for reform after rash of Halawa suicides,” *Hawaii News Now*, September 28, 2018.

<sup>39</sup> State of Hawaii Department of Budget and Finance, “Executive Biennium Budget, Fiscal Biennium 2017-2019, Operating and Capital Budget-Department of Public Safety,” <https://budget.hawaii.gov/wp-content/uploads/2016/12/24.-Department-of-Public-Safety-FB17-19-PFP.pdf>.

<sup>40</sup> State of Hawaii Department of Accounting and General Services (DAGS), “Final Environmental Impact Statement for the Replacement of the Oahu Community Correctional Center, Expansion of Women’s Community Correctional Center, and New Department of Agriculture Animal Quarantine Station,” prepared by PBR Hawaii and Associations Inc. on behalf of Architects Hawaii, Ltd. (June 26, 2018): 49 and 150, <https://dps.hawaii.gov/wp-content/uploads/2018/07/2018-07-08-OA-FEIS-Replacement-of-Oahu-Community-Correctional-Center.pdf>.

<sup>41</sup> DAGS, *Final EIS for Replacement of OCCC*, 49.

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<sup>42</sup> Hawaii Department of Public Safety, *Pre-Assessment Consultations-New Medium Security Housing Units at Kauai, Maui, and Hawaii Community Correctional Centers*, July 30, 2017, <https://dps.hawaii.gov/wp-content/uploads/2018/07/PreAssess-Consultations-Neighbor-Island-CCC-Housing-7-30-18.pdf>

<sup>43</sup> Mary Kawena Pukui and Samuel H. Ebert, *Hawaiian Dictionary: Hawaiian-English, English-Hawaiian* (Honolulu: University of Hawaii Press, 1986), 21.

<sup>44</sup> All of the proverbs are from Mary Kawena Pukui, *‘Ōlelo No‘eau, Hawaiian Proverbs & Poetical Sayings*, Bernice P. Bishop Museum Special Publication No. 71 (Honolulu: Bishop Museum Press, 1983).

<sup>45</sup> Pukui, *Hawaiian Dictionary*, 358.

<sup>46</sup> Pukui, *Hawaiian Dictionary*, 341.

<sup>47</sup> Richard Kekumuikawaiokeola Paglinawan and Lynette Kahikili Paglinawan, “Living Hawaiian Rituals: Lua, Ho‘oponopono, and Social Work,” *Hūlili: Multidisciplinary Research on Hawaiian Well-Being*, vol. 8 (Honolulu: Kamehameha Schools, 2012), 11-28.

<sup>48</sup> Haw. Rev. Stat. §5-7.5(a).

<sup>49</sup> Haw. Rev. Stat. §5-7.5 (a).

<sup>50</sup> Ragnar Kristoffersen, “Relapse study in the correctional services of the Nordic countries. Key results and perspectives,” *EuroVisa*, vol. 2, no. 3 (2013), 169, <https://brage.bibsys.no/xmlui/bitstream/handle/11250/160435/EuroVista-vol2-no3-6-Kristoffersen-edit.pdf?sequence=3&isAllowed=y>.

<sup>51</sup> World Prison Brief, Institute for Criminal Policy Research (ICPR), Data for Norway, <http://www.prisonstudies.org/country/norway>. The incarceration rate is based on an estimated national population of 5.32 million at the end of September 2018.

<sup>52</sup> Anita Hurlburt, a student at the University of Hawai‘i’s William S. Richardson School of Law, has written an excellent senior thesis on how the humane, evidence-based rehabilitation principles of the Norwegian correctional system can be applied in Hawai‘i. See Anita H. S. Hurlburt, “Building Constructive Prison Reform on Norway’s Five Pillars, Cemented with Aloha,” *Asian-Pac. L. & Pol’y J.*, vol. 19, issue 2 (May 14, 2018), [http://blog.hawaii.edu/aplpj/files/2018/04/APLPJ\\_19.2\\_Hurlburt.pdf](http://blog.hawaii.edu/aplpj/files/2018/04/APLPJ_19.2_Hurlburt.pdf).

<sup>53</sup> Christopher Moraff, “Can Europe Offer the U.S. a Model for Prison Reform?” *Next City*, June 19, 2014 (emphasis added), <https://nextcity.org/daily/entry/us-prisons-reform-european-prisons-model>. See also Doran Larson, “Why Scandinavian Prisons Are Superior,” *The Atlantic*, September 24, 2013; Editorial Board, “Lessons From European Prisons,” *New York Times*, November 7, 2013.

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<sup>54</sup> During a tour of the Waiawa Correctional Facility on January 12, 2017, Acting Warden Sean Ornellas told Task Force members that one of the aims of the facility is to “deinstitutionalize” prisoners who have been incarcerated in Arizona and at the Halawa Correctional Facility.

<sup>55</sup> Norwegian Ministry of Justice and the Police, *Punishment that works – less crime – a safer society, English Summary, Report to the Starting on the Norwegian Correctional Services*, (October 2008).

<sup>56</sup> Norwegian Ministry of Justice and the Police, *Punishment that works*.

<sup>57</sup> “Fact Sheet on the Correctional Services in Norway,” *U.S.-European Criminal Justice Innovation Program*, October 2015.

<sup>58</sup> Are Høidal, “Values and Principles For the Norwegian Correctional Service,” slide show presentation to U.S.-European Criminal Justice Innovation Program, October 5, 2015.

<sup>59</sup> Høidal, “Values and Principles.”

<sup>60</sup> Høidal, “Values and Principles.”

<sup>61</sup> Høidal, “Values and Principles.”

<sup>62</sup> Rebecca Silber, Ram Subramanian, and Maia Spotts, “Justice In Review: New Trends in State Sentencing and Corrections 2014-2015,” *Vera Institute of Justice*, (Washington, D.C.: May 2016), <https://www.vera.org/publications/justice-in-review-new-trends-in-state-sentencing-and-corrections-2014-2015>.

<sup>63</sup> Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, “Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions,” *The Sentencing Project* (Washington, D.C.: September 2018), <https://www.sentencingproject.org/publications/decarceration-strategies-5-states-achieved-substantial-prison-population-reductions/>.

<sup>64</sup> Council of State Governments Justice Center, “In Brief: Understanding Risk and Needs Assessment,” <https://csgjusticecenter.org/jr/in-brief-understanding-risk-and-needs-assessment/>. “Risk and needs assessments” refers to an actuarial evaluation to guide decision making at various points across the criminal justice continuum by approximating a person’s likelihood of reoffending and determining what individual criminogenic needs must be addressed to reduce that likelihood.

<sup>65</sup> The North Dakota correctional system has been the focus of national attention and widely covered in the media. *See e.g.*, Andrew Hazzard, “Focus On Reform: North Dakota Uses Education, Work to Prepare Prisoners For Re-entry,” *Bismarck Tribune*, October 14, 2017, [https://bismarcktribune.com/news/state-and-regional/focus-on-reform-north-dakota-uses-education-work-to-prepare/article\\_2d8fc7a3-0f28-5222-a1b9-f7b3b22a9be4.html](https://bismarcktribune.com/news/state-and-regional/focus-on-reform-north-dakota-uses-education-work-to-prepare/article_2d8fc7a3-0f28-5222-a1b9-f7b3b22a9be4.html); Dashka Slater, “Prison Break: Can Norway-style prisons work in America? That’s what North Dakota is trying to figure out,” *Mother Jones*, July/August 2017, <http://prisonlaw.com/wp->

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[content/uploads/2017/06/pbarticlewithout-co80.pdf](#); Fareed Zakaria, “Last Look: North Dakota’s prison reform,” *CNN*, August 6, 2017, <https://www.cnn.com/videos/tv/2017/08/07/exp-gps-0806-last-look-north-dakota-prisons.cnn>; David Kidd, “Tender Justice: North Dakota is conducting a prison experiment unlike anything else in the United States,” *Governing*, August 2018, <http://www.governing.com/topics/public-justice-safety/gov-north-dakota-prison-criminal-justice-reform.html>. See also Prison Law Office, European-American Prison Project, <http://prisonlaw.com/european-prison-project/> - [http://bismarcktribune.com/news/state-and-regional/focus-on-reform-north-dakota-uses-education-work-to-prepare/article\\_2d8fc7a3-0f28-5222-a1b9-f7b3b22a9be4.html](http://bismarcktribune.com/news/state-and-regional/focus-on-reform-north-dakota-uses-education-work-to-prepare/article_2d8fc7a3-0f28-5222-a1b9-f7b3b22a9be4.html) <http://prisonlaw.com/european-prison-project/>.

<sup>66</sup> After the death of Kamehameha I in 1819, a battle of the old versus the new ensued at Kuamo‘o on the Kona coast, just South of Keauhou Bay. On one side was Chief Kekuaokalani, Kamehameha I’s favorite nephew, who wished to preserve the traditional Hawaiian religion and kapu. On the other were forces loyal to Prince Liholiho, heir to the throne who, along with Queen Ka‘ahumanu, had disregarded the *kapu* and declared the old ways dead. When Kekuaokalani’s wife, Chiefess Manono, saw her husband fall in battle, she picked up his spear and carried on the fight, chanting *Mālama kō aloha*, which means “keep your Aloha [no matter what the obstacles].” She died with her husband and hundreds of other warriors on the lava fields of Kuamo‘o, but her admonition to all Hawaiians lives on. The phrase *Mālama kō aloha* is used in this report with the permission of Chiefess Manono’s descendants, including the ‘ohana of renowned Hawaiian cultural practitioner Winona Beamer.

<sup>67</sup> Sandra Bishop-Josef, William Christeson, Natasha O’Dell Archer, Chris Beakey, and Kara Clifford, “I’m the Guy You Pay Later, Sheriffs, Chiefs and Prosecutors Urge America to Cut Crime by Investing Now in High-Quality Early Education and Care,” *Fight Crime, Invest in Kids*, (2013), <http://www11.maine.gov/doe/sites/main.gov.doe/files/inline-files/ME-Im-the-Guy-Report%5B1%5D.pdf>.

<sup>68</sup> Peter W. Greenwood, “Prevention and Intervention Programs for Juvenile Offenders,” *The Future of Children*, vol. 18, no. 2 (September 2008): 185, [https://www.researchgate.net/publication/49852121\\_Prevention\\_and\\_Intervention\\_Programs\\_for\\_Juvenile\\_Offenders](https://www.researchgate.net/publication/49852121_Prevention_and_Intervention_Programs_for_Juvenile_Offenders).

<sup>69</sup> As we have previously noted, the overrepresentation of Native Hawaiians in the criminal justice system has been the subject of studies, reports, action plans, conferences and task force reports for the last 35 plus years (see note 23).

<sup>70</sup> Kristin Turney, “Stress Proliferation Across Generations? Examining the Relationship Between Parental Incarceration and Childhood Health,” *Journal of Health and Social Behavior*, vol. 55, no. 3 (2014): 302. See also Tierney Sneed, “How Mass Incarceration Hurts Children,” *U.S. News and World Report*, August 16, 2014, <https://www.usnews.com/news/articles/2014/08/15/study-children-pay-the-price-of-a-parents-incarceration-with-their-health>.



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<sup>71</sup> Minnesota Department of Corrections, “The Effects of Prison Visitation on Offender Recidivism” (St. Paul: November 2011), [https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy\\_tcm1089-272781.pdf](https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy_tcm1089-272781.pdf).

<sup>72</sup> The Norwegian Ministry of Justice and the Police refers to the normality principle as “the lodestar for penal implementation policy,” Norwegian Ministry of Justice, *Punishment that works*, 6 (see note 55).

<sup>73</sup> Ole Stageberg, “Dynamic Security, Four Forms of Offender Rehabilitation: Towards an Interdisciplinary Model,” *Latvia Final Conference* (December 14, 2016), [http://www.probacija.lv/upload/norway\\_grants/LV08\\_prezentacijas/Ole\\_Stageberg\\_Dynamic\\_security.pdf](http://www.probacija.lv/upload/norway_grants/LV08_prezentacijas/Ole_Stageberg_Dynamic_security.pdf).

<sup>74</sup> *European Prison Rules*, Rec(2006)2, adopted by the Committee of Ministers on January 11, 2006, at the 952nd of the Ministers’ Deputies, <https://rm.coe.int/european-prison-rules-978-92-871-5982-3/16806ab9ae>.

<sup>75</sup> David Stannard, *Before the Horror: The Population of Hawai‘i on the Eve of Western Contact* (Honolulu: University of Hawai‘i Press, 1989). See also John Heckathorn, “Interview: David Stannard,” *Honolulu Magazine*, 1989, <http://www2.hawaii.edu/~johnb/micro/m130/readings/stannard.html>. Stannard argues that Hawai‘i had a population of between 800,000 and 1,000,000 prior to the arrival of Captain Cook in 1778, half of whom were dead 25 years later from syphilis, tuberculosis, and other diseases they contracted from Cook’s crewmembers. A century later, due to subsequent epidemics, there were less than 50,000 Native Hawaiians in the islands. David Swanson, a professor at the University of California at Riverside, has calculated a lower pre-contact population (683,000), but estimates that 1 in 7 Hawaiians died within two years of Cook’s arrival. According to Swanson, by 1800, the native population had declined by 48%; by 1820, it had declined 71%; and by 1840, it had declined 84%. See Sara Kehaulani Goo, “After 200 years, Native Hawaiians make a comeback,” Pew Research Center, April 6, 2015, <http://www.pewresearch.org/fact-tank/2015/04/06/native-hawaiian-population/>.

<sup>76</sup> Gavan Daws, *Shoal of Time: A History of the Hawaiian Islands* (Honolulu: University of Hawaii Press 1974).

<sup>77</sup> Paul Lucas, “E Ola Mau Kākou I Ka ‘Ōlelo Makua: Hawaiian Language Policy and the Courts,” *The Hawaiian Journal of History*, 24 (2000).

<sup>78</sup> Ralph Kuykendall, *The Hawaiian Kingdom, vol. 1, 1778-1854* (Honolulu: University of Hawai‘i Press 1938), 116 (“By 1840, Hawaii was officially a Christian nation”).

<sup>79</sup> See e.g. Jane Silverman, “Imposition of a Western Judicial System in the Hawaiian Monarchy,” *Hawaiian Journal*, vol. 16 (1982), <https://evols.library.manoa.Hawai'i.edu/handle/10524/197>.

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<sup>80</sup> Ralph Kuykendall, *The Hawaiian Kingdom, vol. 3, 1874-1893* (Honolulu: University of Hawai‘i Press, 1938), 347-372. The Constitution of 1887 was called the “Bayonet Constitution” because of the way it was brought into existence. According to Kuykendall, the Constitution reduced the Hawaiians to a position of apparent and, for a while, actual inferiority in the political life of the country and was a “drastic reduction of the powers of the [Hawaiian] sovereign.”

<sup>81</sup> Kuykendall, *Hawaiian Kingdom, vol. 1*, 287-298. See also Jocelyn Garovoy, “‘Ua Koe Ke Kuleana O Na Kanaka’: Integrating Kuleana Rights and Land Trust Priorities in Hawai‘i,” 29.2 *Harv. Envtl. L. Rev.* (2005): 523-571.

<sup>82</sup> Kuykendall, *Hawaiian Kingdom, vol. 3*: 582-647. See also Liliuokalani, *Hawai‘i’s Story by Hawai‘i’s Queen*, annotated ed. (Honolulu: University of Hawai‘i Press 2014).

<sup>83</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians*, 17.

<sup>84</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians* 11.

<sup>85</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians* 10-16.

<sup>86</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians*, 11-12.

<sup>87</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians*, 65-67.

<sup>88</sup> Act 170, Session Laws of Hawaii 2011.

<sup>89</sup> *Native Hawaiian Justice Task Force Report*.

<sup>90</sup> Corrections Corporation of America, “Correspondence Procedures for Saguaro Correctional Center, Section G (1) (g), February 1, 2010.” See also Complaint, *Arthur Vinhaca v. The Department of Public Safety, et. al.*, Civil No. 16-1-1063, First Cir. Court, State of Hawai‘i, filed June 2, 2016 (recently settled to allow correspondance in the Hawaiian language).

<sup>91</sup> Haw. Const. art. I, §4, and Haw. Rev. Stat. § 1-3.

<sup>92</sup> Justice Policy Institute, *Disparate Treatment of Native Hawaiians*, 10 (emphasis added).

<sup>93</sup> Karen Umemoto, James Spencer, Tai-An Miao and Saiful Momen, *Disproportionate Minority Contact in the Hawai‘i Juvenile Justice System 2000-2010, Final Report*, prepared for the Juvenile Justice Advisory Council and the State of Hawaii Office of Youth Services (Honolulu: University of Hawai‘i at Mānoa Department of Urban and Regional Planning, June 2012): 19, <https://humanservices.hawaii.gov/wp-content/uploads/2013/01/DMC-FINAL-REPORT-2012-for-printing.pdf>.

<sup>94</sup> Umemoto, *Disproportionate Minority Contact*, 19.

<sup>95</sup> Umemoto, *Disproportionate Minority Contact*, 39.



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<sup>96</sup> Umemoto, *Disproportionate Minority Contact*, 104.

<sup>97</sup> Umemoto, *Disproportionate Minority Contact*, 105-118.

<sup>98</sup> See Chapter 9 for a more detailed discussion of the treatment courts.

<sup>99</sup> Jo Thakker, “Cultural factors in offender treatment: Current approaches in New Zealand,” *Procedia-Social and Behavioral Sciences* 113 (2014): 221, [https://ac.els-cdn.com/S1877042814000299/1-s2.0-S1877042814000299-main.pdf?\\_tid=e80ecb5b-0f01-46fe-9b02-2cb2b1815b00&acdnat=1539530570\\_1032ef63099f67a0cac076457413e2fa](https://ac.els-cdn.com/S1877042814000299/1-s2.0-S1877042814000299-main.pdf?_tid=e80ecb5b-0f01-46fe-9b02-2cb2b1815b00&acdnat=1539530570_1032ef63099f67a0cac076457413e2fa).

<sup>100</sup> Victoria Hovane, Tania Dalton (Jones) and Peter Smith, “Aboriginal Offender Rehabilitation Programs,” in Pat Dudgeon, Helen Milroy and Roz Walker (eds.), *Working Together: Aboriginal and Torres Strait Islander mental health and wellbeing principles and practice* (Commonwealth of Australia: 2014): 509, <https://www.telethonkids.org.au/globalassets/media/documents/aboriginal-health/working-together-second-edition/wt-part-6-chapt-30-final.pdf>.

<sup>101</sup> With respect to the use of traditional Hawaiian cultural practices, see Lezlie Kī‘aha, “Thinking Outside the Bars: Using Hawaiian Traditions and Culturally-Based Healing to Eliminate Racial Disparities Within Hawai‘i’s Criminal Justice System,” *Asian-Pac. L. & Pol’y J.*, vol. 17, issue 2 (October 27, 2016), [http://blog.hawaii.edu/aplpj/files/2016/10/APLPJ\\_17.2\\_Kiaha\\_Final\\_LK.pdf](http://blog.hawaii.edu/aplpj/files/2016/10/APLPJ_17.2_Kiaha_Final_LK.pdf).

<sup>102</sup> *Native Hawaiian Justice Task Force Report*, 17 n.1.

<sup>103</sup> Michele Deitch and Michael B. Mushlin, “Let the Sunshine In: The ABA and Prison Oversight,” in Myrna Raeder (ed.), *The State of Criminal Justice* (Washington, D.C.: American Bar Association, (2011): 243, <http://digitalcommons.pace.edu/lawfaculty/983/>.

<sup>104</sup> Anthony M. Kennedy, “Speech at the American Bar Association Annual Meeting,” (speech, San Francisco, CA, April 9, 2003), United States Supreme Court [https://www.supremecourt.gov/publicinfo/speeches/viewspeech/sp\\_08-09-03](https://www.supremecourt.gov/publicinfo/speeches/viewspeech/sp_08-09-03).

<sup>105</sup> *O’Lone v. Estate of Shabazz*, 482 U.S. 342, 354 (1987) (Brennan, J, dissenting).

<sup>106</sup> Michele Deitch, “The Need for Independent Prison Oversight in a Post-PLRA World,” *Federal Sentencing Reporter*, vol. 24, no. 4, (April 2012): 236–244.

<sup>107</sup> *Wolff v. McDonald*, 418 U.S. 539, 555-56 (1974).

<sup>108</sup> Pub. L. No. 104-134, 110 Stat. 1321, codified at 42 U.S.C. §1997e.

<sup>109</sup> Michael Mushlin and Michele Deitch, “Opening Up a Closed World: What Constitutes Effective Prison Oversight?” 30 *Pace L. Rev.* 1383 (2010): 1384 <https://digitalcommons.pace.edu/plr/vol30/iss5/>.

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<sup>110</sup> Mushlin, “Opening Up a Closed World,” 1386.

<sup>111</sup> American Bar Association, “Report to the House of Delegates, American Bar Association, Criminal Justice Section, Recommendation” (August 2008), [https://www.americanbar.org/content/dam/aba/publishing/criminal\\_justice\\_section\\_newsletter/crimjust\\_policy\\_am08104b.authcheckdam.pdf](https://www.americanbar.org/content/dam/aba/publishing/criminal_justice_section_newsletter/crimjust_policy_am08104b.authcheckdam.pdf).

<sup>112</sup> American Bar Association, *ABA Standards for Criminal Justice, Third Edition, Treatment of Prisoners*, project of the American Bar Association Criminal Justice Standards Committee (Washington, D.C.: June 2011).

<sup>113</sup> American Bar Association, *ABA Standards for Criminal Justice*, 352.

<sup>114</sup> Michele Deitch, “Special Populations and the Importance of Prison Oversight,” *American Journal of Criminal Law*, vol. 37, no. 3 (2010): 291.

<sup>115</sup> Deitsch, *Special Populations*, 301-302.

<sup>116</sup> State of Hawaii, Office of the Ombudsman, *Report of the Ombudsman for the Period July 1, 2015 – June 30, 2016*, Report No. 47 (March 2017): Table 6, <https://ombudsman.hawaii.gov/wp-content/uploads/2013/08/Report-47-for-Internet2.pdf>.

<sup>117</sup> Ombudsman, *Report 47*, Table 6.

<sup>118</sup> Haw. Rev. Stat. § 96-9(b).

<sup>119</sup> Jobeth Devera, “Assault of guards at OCCC highlights unsafe conditions for staff,” *Hawaii News Now*, October 1, 2017, <http://www.hawaiinewsnow.com/story/36496076/lockdown-lifted-after-occc-inmates-assault-guards>.

<sup>120</sup> Letter, Mateo Caballero, Legal Director, Hawai‘i ACLU Foundation, to Vanita Gupta, Principal Deputy Assistant Attorney General, Civil Rights Division, United States Department of Justice, and Steven Rosenbaum, Chief, Special Litigation Section, Civil Rights Division, United States Department of Justice, January 6, 2017, <https://acluhawaii.files.wordpress.com/2018/01/1-6-17-doj-complaint-prison-overcrowding2.pdf>.

<sup>121</sup> Kevin Dayton, “Staff abuse outnumbers inmates’ for second year,” *Honolulu Star-Advertiser*, February 26, 2017, <https://www.pressreader.com/usa/honolulu-star-advertiser/20170226/281487866125775>.

<sup>122</sup> Leila Fujimori, “Lawsuit alleges sexual assault, harassment, at women’s prison,” *Honolulu Star-Advertiser*, March 31, 2017, <https://www.pressreader.com/usa/honolulu-star-advertiser/20170331/281848643443680>.

<sup>123</sup> Associated Press, “Jury finds former Maui prison guard guilty of sexual assault,” *Honolulu Star-Advertiser*, updated July 16, 2017, 8:05 pm,

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<http://www.staradvertiser.com/2017/07/16/breaking-news/jury-finds-former-maui-prison-guard-guilty-of-sexual-assault/>.

<sup>124</sup> Letter, Nolan Espinda to Michael Wilson (*see* note 35).

<sup>125</sup> Hawaii Department of Public Safety, “Report to the 2015 Legislature, Act 149 (SLH 2014), Reentry Project for Non-violent, Low Risk Drug Offenders,” *Department of Public Safety Corrections Programs Services*, November 2014, [https://dps.hawaii.gov/wp-content/uploads/2015/02/Act-149-Reentry-Pilot-Project\\_2014\\_FINAL.pdf](https://dps.hawaii.gov/wp-content/uploads/2015/02/Act-149-Reentry-Pilot-Project_2014_FINAL.pdf).

<sup>126</sup> Hawaii Department of Public Safety, “Report to the 2016 Legislature, Act 149 (SLH 2014), Reentry Project for Non-violent, Low Risk Drug Offenders,” *Department of Public Safety Corrections Programs Services*, December 2015, <https://dps.hawaii.gov/wp-content/uploads/2015/12/5-Act-149-SLH-2014-Reentry-Pilot-Project.pdf>.

<sup>127</sup> National Institute of Justice, “Offender Reentry,” February 25, 2015, <https://www.nij.gov/topics/corrections/reentry/Pages/welcome.aspx>.

<sup>128</sup> Pub. L. 110-199, codified at 42 U.S.C. §17531.

<sup>129</sup> Bree Derrick, “Hawaii’s Public Safety Forum” PowerPoint presentation to the HCR 85 Task Force, July 16, 2018.

<sup>130</sup> Derrick, “Hawaii’s Public Safety Forum.”

<sup>131</sup> Lois M. Davis, Jennifer L. Steele, Robert Bozick, Malcolm V. Williams, Susan Turner, Jeremy N. V. Miles, Jessica Saunders, and Paul S. Steinberg, *How Effective Is Correctional Education, and Where Do We Go From Here? The Results of a Comprehensive Evaluation*, (Santa Monica: The Rand Corporation, 2014): xiii.

<sup>132</sup> Davis, *How Effective is Correctional Education*, xiii.

<sup>133</sup> Meeting, Robert Merce, Suzanne Skjold, and members of the PSD educational staff, March 7, 2016. See also DAGS, *Final EIS for Replacement of OCCC*, Vol. 1, Appendix A-F, 109.

<sup>134</sup> Davis, *How Effective Is Correctional Education*, xiii.

<sup>135</sup> Davis, *How Effective Is Correctional Education*, 78.

<sup>136</sup> Davis, *How Effective Is Correctional Education*, 18 (emphasis in original).

<sup>137</sup> National Institute on Drug Abuse, “Principles of Drug Addiction Treatment: A Research-Based Guide (Third Edition), Principles of Effective Treatment,” updated January, 2018, <https://www.drugabuse.gov/publications/principles-drug-addiction-treatment-research-based-guide-third-edition/principles-effective-treatment>.

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- <sup>138</sup> National Institute on Drug Abuse, “Principles of Effective Treatment.”
- <sup>139</sup> Christian Henrichson and Ruth Delany, “The Price of Prisons, What Incarceration Costs Taxpayers” (Washington, D.C.: Vera Institute of Justice, January 2012), 6, <http://archive.vera.org/sites/default/files/resources/downloads/price-of-prisons-updated-version-021914.pdf>.
- <sup>140</sup> Bruce Western and Becky Pettit, “Collateral Costs: Incarceration's Effect on Economic Mobility” (Washington, D.C.: The Pew Charitable Trusts, 2010), [http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes\\_assets/2010/collateralcosts1pdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pes_assets/2010/collateralcosts1pdf.pdf).
- <sup>141</sup> The White House, *Economic Perspectives on Incarceration and the Criminal Justice System*, (Washington D.C.: April 2016), <https://obamawhitehouse.archives.gov/the-press-office/2016/04/23/cea-report-economic-perspectives-incarceration-and-criminal-justice>.
- <sup>142</sup> *See generally*, Washington State Institute for Public Policy (WSIPP) website at <http://www.wsipp.wa.gov>.
- <sup>143</sup> *See generally*, Pennsylvania Commission on Crime and Delinquency (PCCD) website at <https://www.pccd.pa.gov/Pages/Default.aspx>.
- <sup>144</sup> Amy L. Solomon, Jenny W.L. Osborne, Stefan F LoBuglio, Jeff Mellow, and Debbie A. Mukamal, “Life After Lockup, Improving Reentry From Jail to the Community,” *Urban Institute Justice Policy Center* (Washington, D.C.: May 2008): xv, <https://www.ncjrs.gov/pdffiles1/bja/220095.pdf>.
- <sup>145</sup> Solomon, “Life After Lockup,” xv.
- <sup>146</sup> Act 24, Special Session Laws of Hawaii 2009.
- <sup>147</sup> Act 15, Session Laws of Hawaii 2015.
- <sup>148</sup> United States Department of Justice, "Roadmap to Reentry, Reducing Recidivism Through Reentry Reforms at the Federal Bureau of Prisons," April 19, 2017, <https://www.justice.gov/archives/reentry/roadmap-reentry>.
- <sup>149</sup> National Association of Drug Court Professionals, “Justice For All: National Drug Court Month May 2018,” [https://www.nadcp.org/wp-content/uploads/2018/04/National-Drug-Court-Month-Field-Kit-2018\\_final.pdf](https://www.nadcp.org/wp-content/uploads/2018/04/National-Drug-Court-Month-Field-Kit-2018_final.pdf). *See also* Douglas Marlowe, “Need To Know, Research Update on Family Drug Courts,” National Association of Drug Court Professionals (NADCP), May 2012, <https://www.nadcp.org/wp-content/uploads/Research%20Update%20on%20Family%20Drug%20Courts%20-%20NADCP.pdf>.
- <sup>150</sup> Council of State Governments Justice Center, “Mental Health Courts: A Primer for Policymakers and Practitioners,” prepared for the Bureau of Justice Assistance, Office of Justice

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Programs, U.S. Department of Justice (2008): 3, <https://csgjusticecenter.org/wp-content/uploads/2012/12/mhc-primer.pdf>.

<sup>151</sup> Chapter 10 was drafted by Kathleen Algire and the staff of YWCA-Hawai‘i, which operates the Fernhurst work furlough program for women in Makiki. The Task Force gratefully acknowledges their contribution.

<sup>152</sup> PSD Monthly Population Report, July 31, 2018 (assigned count).

<sup>153</sup> Stephanie S. Covington and Barbara E. Bloom, “Gender-Responsive Treatment and Services in Correctional Settings,” *Women and Therapy*, vol. 29, no. 3/4 (2006): 9. *See also* Marilyn Brown, “Gender, Ethnicity, and Offending Over the Life Course: Women’s Pathways to Prison in the Aloha State,” *Critical Criminology*, vol. 14, no. 2 (2006): 137.

<sup>154</sup> Barbara Bloom, Barbara Owen, and Stephanie Covington, “A Theoretical Basis for Gender-Responsive Strategies in Criminal Justice,” paper presented at the American Society of Criminology Annual Meeting, Chicago, Illinois, 2002.

<sup>155</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), “Trauma-Informed Approach and Trauma-Specific Interventions,” last updated March 27, 2018, <https://www.samhsa.gov/nctic/trauma-interventions>.

<sup>156</sup> Corey Adler, “Running it Hard: Managing Social Relationships Amongst Women Incarcerated in Hawai‘i,” (PhD diss., University of Hawai‘i at Mānoa, 2016), 150 <https://scholarspace.manoa.hawaii.edu/bitstream/10125/51581/1/2016-12-phd-adler.pdf>.

<sup>157</sup> Adler, “Running it Hard,” 121.

<sup>158</sup> Brown, “Gender, Ethnicity, and Offending Over the Life Course,” 138 (*see note 153*).

<sup>159</sup> Patrick Doyle, Camille Fordy, and Aaron Haight, *Prison Video Conferencing*, (Burlington: University of Vermont, May 15, 2011): 6, <https://www.uvm.edu/~vlrs/CriminalJusticeandCorrections/prison%20video%20conferencing.pdf>.

<sup>160</sup> Lorie S. Goshin, Mary W Byrne, and Alma M. Henninger, “Recidivism After Release From A Prison Nursery Program,” *Public Health Nursing*, vol. 31, no. 2 (March 2014): 109; Seham Elmalak, “Babies Behind Bars: An Evaluation of Prison Nurseries in American Female Prisons and their Potential Constitutional Challenges,” *Pace Law Review*, vol. 35, no. 3 (2015): 1080.

<sup>161</sup> Office of Disease Prevention and Health Promotion, *Social Determinants of Health*, <https://www.healthypeople.gov/2020/topics-objectives/topic/social-determinants-of-health>.

<sup>162</sup> Substance Abuse and Mental Health Services Administration (SAMHSA), “Adverse Childhood Experiences,” last updated July 9, 2018, <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>.

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<sup>191</sup> Hawaii Department of Public Safety, “Future of the Oahu Community Correctional Center, Vol. 14 – WCCC Expansion Planning Underway,” August, 2017.

<sup>192</sup> *Pre-Assessment Consultations-New Medium Security Housing Units* (see note 42).

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<sup>213</sup> House Concurrent Resolution 85 Task Force, “Interim Report of the HCR 85 Task Force (On Effective Incarceration Policies and Improving Hawai‘i’s Correctional System) to the Legislature for the Regular Session 2017,” February 2017, [http://www.courts.state.hi.us/wp-content/uploads/2016/07/HCR\\_85\\_TASK\\_FORCE\\_INTERIM\\_REPORT.pdf](http://www.courts.state.hi.us/wp-content/uploads/2016/07/HCR_85_TASK_FORCE_INTERIM_REPORT.pdf).

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<sup>242</sup> Subramanian, *Incarceration's Front Door*, 12.

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<sup>244</sup> Independent Commission on New York City Criminal Justice and Incarceration Reform, *A More Just New York City* (New York: 2017): 81, <http://www.ncsc.org/~media/C056A0513F0C4D34B779E875CBD2472B.ashx>. In this context, “cells” refers to a humane living space with “normalized” furnishings, porcelain toilets with seats, upholstered furniture, carpeting, maximizing the use of natural light, and acoustics designed by experts to reduce noise.

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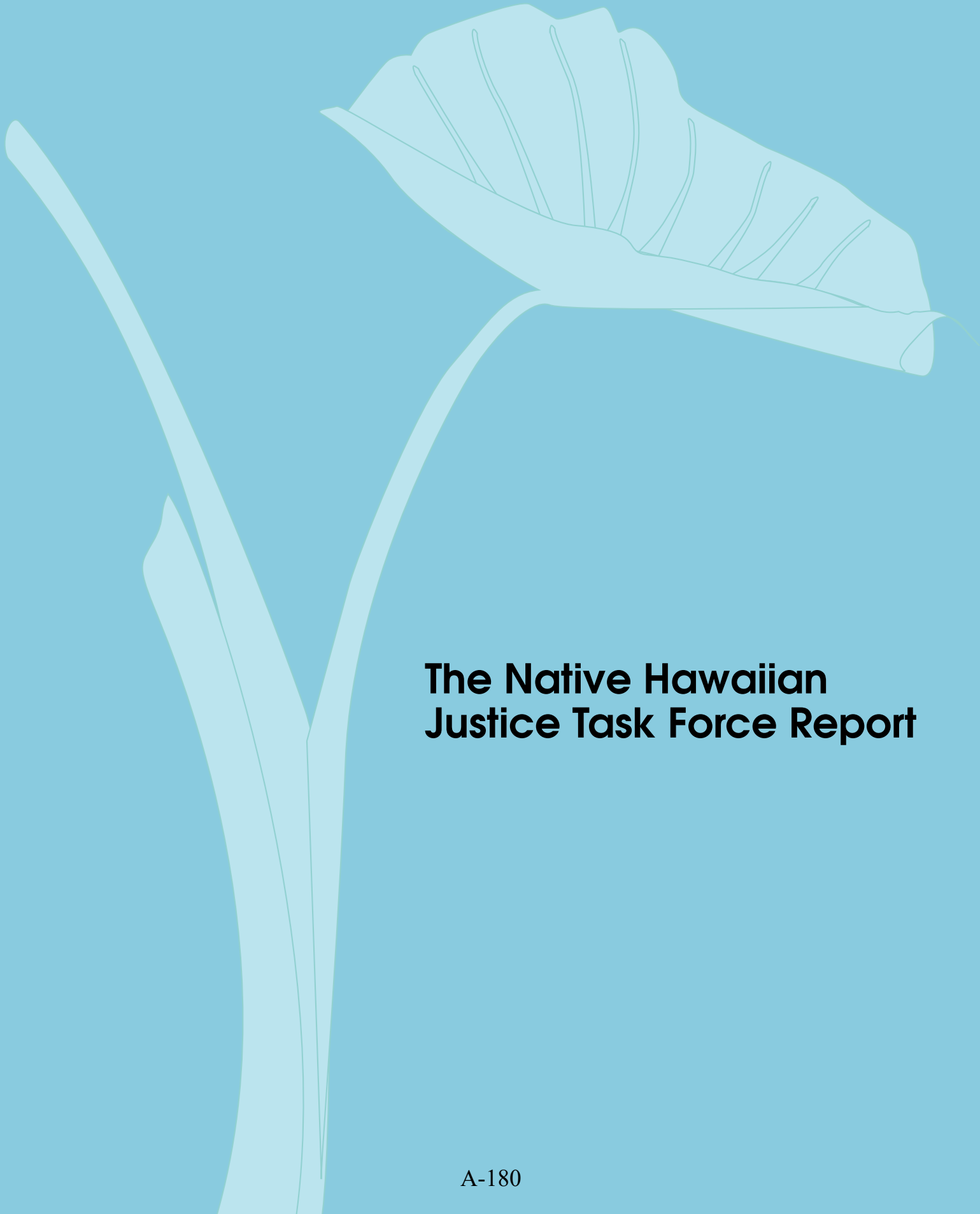
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# **The Native Hawaiian Justice Task Force Report**



# ***E HO‘OKANAKA.***

BE A PERSON OF WORTH.

These were the very last words of Kamehameha, the unifier of the Hawaiian islands, upon his deathbed. To his beloved attendants, the King uttered the famous, “E ‘oni wale nō ‘oukou i ku‘u pono (‘a‘ole i pau).” With these words, he instructed his attendants, “Continue to do what I have done.” Then, turning to his grieving young son Liholiho, the dying King spoke these words, “E ho‘okanaka.” These words continue to be spoken today as an encouragement to be brave and courageous as well as to assert one’s Hawaiian identity.

*E ho‘okanaka.* Be a person of worth.





# The Native Hawaiian Justice Task Force Report

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## FOREWORD

We are blessed to call Hawai‘i home. There is no more special place. Yet, the root culture, Native Hawaiians, in their own homeland, are overrepresented at every stage of the criminal justice system. Regardless of why, the reality cannot be denied. This state of affairs can only be considered a tragedy. To view it in any other way would be to insult and undervalue the most welcoming, giving people in the world.

Working on complex, emotional, and critically important matters is never easy. Certainly the work of the Task Force was not easy. If it was, the Task Force would not have done its job. I am confident the Task Force did its job, and I want to extend my gratitude to each Task Force member for giving so generously of their time and talents.

The Task Force took the issues and questions to the people, first and foremost to the Native Hawaiian people. As we traveled the State, from O‘ahu to Kaua‘i to Maui to Hilo to Kona to Moloka‘i and Lāna‘i (via video), Hawai‘i’s people taught us much about perseverance, about suffering, about courage and above all, about hope. It is the Task Force’s hope that all of Hawai‘i will take responsibility for reducing the number of Hawaiians in prison. As nine individuals, all the Task Force has done is lay the groundwork for real change to occur. This Report, although a good start, is just that.

King Kamehameha’s last dying words to his son were, “Be a person of worth.” In the context of this Report, the same admonition should be applied to all of us—each and everyone.

Michael Broderick  
Chair  
Native Hawaiian Justice Task Force

## Acknowledgements

The Native Hawaiian Justice Task Force Report (“Report”) represents a significant amount of time, thought, and emotional investment on the part of numerous individuals, organizations, and communities. Pursuant to Act 170, the Native Hawaiian Justice Task Force (“Task Force”) consists of nine members: designee of the attorney general, Paul Perrone; designee of the director of public safety, Martha Torney, M.A.; chief executive officer of the Office of Hawaiian Affairs, Dr. Kamana‘opono Crabbe; administrator of the adult client services branch, Cheryl Marlow; circuit court judge, the Hon. Richard K. Perkins; criminologist, selected by the Governor, RaeDeen Keahiolalo-Karasuda, Ph.D.; representative from the prosecuting attorney for the City and County of Honolulu, Tricia Nakamatsu, Esq.; representative of the Office of the Public Defender, John M. Tonaki, Esq.; and member representing the public, selected by the Governor, the Hon. Michael Broderick (ret.). Pursuant to Act 170, at the selection of Task Force members, Michael Broderick serves as the Chair of the Task Force. Task Force members serve without compensation. Much work was done by Task Force members to produce this document, and by members’ organizations in order to accommodate for the work in both time and resources.

The Task Force was assisted in the production of the Report by a dedicated staff. The Office of Hawaiian Affairs, Research and Advocacy divisions, already stretched to meet numerous demands, invested a significant amount of time and resources to the development of the Report. The staff at the Office of Hawaiian Affairs acted as community organizers, press liaisons, and organizers for six summits held throughout the state in the summer of 2012. After the summits, they diligently transcribed and developed the testimony that was used as the basis of the Report. Throughout the summer of 2012, independent research was also conducted by three students: Taryn Kaili, Morwenna Steinersen, and Megan Moniz. As a contracted writer, Sonny M. Ganaden, Esq. organized and compiled research, and led in the drafting of the Report.

The Task Force and the Office of Hawaiian Affairs extend their sincerest and utmost mahalo to all participants who shared their life experiences regarding the criminal justice system for this Report. Their leo (voice) and mana‘o (thoughts) are crucial to understanding the human and social impact of the issues discussed in this document. As has been said in the Acknowledgments section of the 2010 Report, which subsequently led to the formation of the Task Force, “No words or phrase in English nor Hawaiian can convey the unsurpassed appreciation and deep gratitude for those participants for courageously sharing the depths of their lives with us and others.”

To identify some individual testifiers and not others in this brief section would be a disservice to the efforts of all who testified. The Task Force wishes to honor all individuals’ contributions. Readers are directed to engage with the compelling words which guided the Report at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

There were several individuals that allowed the Task Force direct access to Native Hawaiian prisoners who would be most directly affected by the Report. Warden Nolan Espinda of Hālawā Correctional Facility, Warden Mark Patterson at the Women’s Community Correctional Center, and Lorraine Robinson, Director of TJ Mahoney and Associates, Ka Hale Ho‘āla Hou No Nā Wāhine. All allowed direct access to individuals in the facilities they direct, and those individual voices led directly to specific findings and recommendations.

Many who testified before the Task Force admonished those in leadership positions to acknowledge the personal and political histories that led to the overrepresentation of Hawaiians in the criminal justice system. The Task Force acknowledges the rich legacy of brave individuals within the criminal justice system and critics of that system who have endeavored to perform their duties justly. Throughout the summer of 2012, Task Force members received oral testimony before a display that recounted the last words of Kamehameha the Great, which read: E HO‘OKANAKA, be a person of worth. It is this conception of duty, received through successive generations, that the Task Force wishes to acknowledge and honor.

# Executive Summary

In 2010, the Office of Hawaiian Affairs, in collaboration with the University of Hawai‘i at Mānoa, Justice Policy Institute, and Georgetown University, produced a report titled *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (“2010 Report”). Researchers found that “Native Hawaiians are overrepresented in every stage in the criminal justice system, and the disproportionality increases as Native Hawaiians go further into the system, also making it harder to leave and stay out of prison.” (“2010 Report, at 17”) The 2010 Report recommended the formation of a governing collaborative, which led to the passage of Act 170 and the statutory creation of the Native Hawaiian Justice Task Force.

The disproportionate representation of Native Hawaiians in the criminal justice system has been previously reported upon and presented to the Hawai‘i state Legislature. In addition to the findings of the 2010 Report, the Task Force acknowledges the studies “Crime and Justice Related to Hawaiians and Part Hawaiians in the State of Hawaii,” (“1981 Study”), and “Criminal Justice and Hawaiians in the 1990’s: Ethnic Differences in Imprisonment Rates in the State of Hawai‘i,” (“1994 Study”). The 1981 Study, the 1994 Study, and the 2010 Report independently concluded that Native Hawaiians are overrepresented in the criminal justice system. Those documents, and several others which discuss Native Hawaiians in the criminal justice system, are now available online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

As a group, the Task Force and the Office of Hawaiian Affairs, which is attached to the Task Force as its administrator through Act 170, have devoted a significant amount of time and effort in engaging in a dialogue with the community. Through a series of summits held throughout the state during the summer of 2012, the Task Force received testimony regarding the disproportionate representation of Native Hawaiians in the criminal justice system directly from one hundred fifty nine individuals, and dozens of others through site visits at State correctional facilities and the receipt of written testimony and research.

Following the summits, site visits, and the receipt of testimony, the Task Force undertook a deliberate process to draft the Findings and Recommendations sections of the Report. The production of those sections was also influenced by the perspective of each Task Force member who brought forth from his or her role within the criminal justice system.

The headings of the Report are:

- A. Data regarding Native Hawaiians in the criminal justice system;
- B. The disproportionate representation of Native Hawaiians in the criminal justice system;
- C. Early intervention programs for Native Hawaiians;
- D. Impact of the State’s contracting with non-state facilities on Native Hawaiians;
- E. Issues in State-operated correctional facilities and their impact on Native Hawaiians;
- F. Restorative justice practices and their application to Native Hawaiians;
- G. Lack of services for Native Hawaiians who come into contact with the criminal justice system;
- H. Continuing state efforts to ameliorate the overrepresentation of Native Hawaiians in the criminal justice system.

The Task Force produced forty eight findings and thirty eight recommendations. This executive summary provides a short list of key findings and recommendations that the Task Force made. Throughout the production of the Report, the Task Force attempted to use direct and concise language; eschewing ambiguous phrasing and legal rhetoric.

The Task Force urges readers to engage with the full text of the Report. As the wording of the findings and recommendations has been deliberately vetted, the Executive Summary cannot supplant the full text. As criminal causality is debated by esteemed professionals across the world, so too are the options to address criminality. In the Report, no finding or recommendation is more important than another. From the perspective of the present, it is impossible to deduce which specific recommendation, if enacted into law, may proximately remedy the disproportionate representation of Native Hawaiians in the criminal justice system.

# Key Findings

## A. Data regarding Native Hawaiians in the criminal justice system

- In order to inform future policy decisions regarding the disproportionate representation of Native Hawaiians in the criminal justice system, the State of Hawai'i needs to identify what data is to be collected at different points within the criminal justice system, improve data integration, and improve data infrastructure amongst state agencies.
- The disproportionate representation of Native Hawaiians in the criminal justice system has been clearly and repeatedly established. Further study, including additional control variables, would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system.

## B. The disproportionate representation of Native Hawaiians in the criminal justice system

- The general perception in the Native Hawaiian community is that the criminal justice system is broken. There has been ongoing, tremendous frustration in the Native Hawaiian community regarding the disproportionate representation of Native Hawaiians in the criminal justice system.
- Proactive policy initiatives, including those promoting a rehabilitative model of incarceration, in the criminal justice system must be effectuated. It is possible, and even likely, that federal and/or state funding will continue to decrease in the near future. In that instance, Hawai'i may continue to face a crisis.
- Implicit, unconscious bias and disparate treatment on the part of workers at all stages of the criminal justice system may explain a portion of the disproportionate representation of Native Hawaiians in the criminal justice system.
- In the present economy, ex-offenders face barriers in securing employment, housing, and reintegration into the community based on their arrest and court record. These barriers may affect the recidivism rate for Native Hawaiians.
- The Hawai'i Paroling Authority has more discretion than its counterparts in other states or the federal government regarding inmates' length of stay, conditions of parole, and other conditions regarding incarceration. An inmate's program enrollment is a factor considered by the Hawai'i Paroling Authority. The expanded discretion of the Hawai'i Paroling Authority may have been used to unequal effect due to the lack of programs for inmates.

## C. Prevention and early intervention programs for Native Hawaiians

- The children of incarcerated parents are at risk of having a higher rate of interaction with the criminal justice system.
- Preventative measures, such as adequate education and programs for at-risk youth, continue to be inadequately funded.

## D. Impact of the State's contracting with non-state facilities on Native Hawaiians

- Prisoners, former prisoners, family members of prisoners, and Task Force members report that prisoners in non-state facilities receive more consistent and available programs and live in less crowded conditions than prisoners in state prisons. Prisoners in private correctional facilities report receiving more respect from staff. However, prisoners in private facilities are subject to drastic dislocation from their home, culture, family, job prospects, and community support.
- The criteria for sending and returning prisoners to and from non-state facilities remain unclear.
- In reaction to recent statements from the Governor, and the Justice Reinvestment Initiative of 2011, any planned return of prisoners to the community from non-state facilities should be accomplished in a planned and responsible manner, with public safety being the primary concern.
- Native Hawaiians who are sent to non-state facilities are effectively given an unequal burden in relation to non-Hawaiian prisoners. This burden includes a dislocation from his or her home, connection to the land, culture, family, job prospects, and community support.
- Due to their incarceration on the continental United States, many released offenders do not have effective transition plans regarding employment, housing, and reintegration into the community beyond compliance with parole.

#### **E. Issues in State-operated correctional facilities and their impact on Native Hawaiians**

- Inmates released from state correctional institutions often do not have any form of official identification. A form of identification is necessary to apply for employment, to find housing, and to comply with conditions of parole.
- If the state of Hawai'i had sufficient and appropriate community-based alternatives to incarceration for substance abuse, mental health treatment, and housing at all points within the criminal justice system, the state may reduce its reliance on incarceration.
- Prisoners and former prisoners in state facilities may be receiving inconsistent treatment from staff. This inconsistent treatment by staff leads to inefficient effectuation of programs and policies.

#### **F. Restorative justice practices and their application to Native Hawaiians**

- Indigenous cultural practices present appropriate models in ameliorating the disproportionate impact of the criminal justice system on indigenous communities. The Native Hawaiian community and nations such as Aotearoa, Australia, and Canada have had recent successes in adopting indigenous cultural practices.
- Restorative justice practices, such as sentencing circles, mediation, and community justice, are an option for certain defendants.

#### **G. Lack of services for Native Hawaiians who come into contact with the Criminal Justice System**

- Culturally Based programs are effective, and should be expanded upon.
- Mental health services, such as psychopharmacological medication, counseling, and case management for those with mental health conditions are inadequate, and are an important component for the rehabilitation of Native Hawaiian prisoners (“pa’ahao”).
- There is no comprehensive directory of culturally-based programs and service providers for Native Hawaiians who come into contact with the criminal justice system. The Office of Hawaiian Affairs is presently working on a directory of Native Hawaiian organizations and community-based service providers.
- Pretrial detainees have limited access to community-based programs. This lack of access leads to pretrial detainees remaining incarcerated.

#### **H. Continuing State efforts to ameliorate the disproportionate Representation of Native Hawaiians in the Criminal Justice System.**

- Effective change in the criminal justice system will require a sustained, continued cooperation amongst state agencies and private organizations, past the work of the Native Hawaiian Justice Task Force.

## Key Recommendations

### A. Data regarding Native Hawaiians in the criminal justice system

- State agencies that affect the criminal justice system are to collect and maintain data on all aspects protected by the state and federal constitutions. The state of Hawai‘i is to identify what data is to be collected at different points within the criminal justice system, improve data integration, and improve data infrastructure amongst state agencies.

### B. The disproportionate representation of Native Hawaiians in the criminal justice system

- The portions of the Justice Reinvestment Initiative which were not passed into law as Senate Bill 2776, Act 139 (2011) and House Bill 2515, Act 140 (2011), are to be reintroduced. As Native Hawaiians are overrepresented in the criminal justice system, the Native Hawaiian community will be disproportionately affected by any inaction to reduce inmates or fix problems within the criminal justice system.
- The state of Hawai‘i, including the executive and judicial branches, shall create and maintain an inventory of service providers, including, but not limited to, culturally based service providers that interact with inmates and former inmates. Such services may include services that address mental health, substance abuse, workforce development, and housing.
- Training regarding implicit, unconscious bias is to be mandatory and ongoing for all employees who have contact with individuals in the criminal justice system. The judiciary has recently held such a training for judges.
- In order for the Office of the Public Defender to deliver optimal services, the legislature must approve and fund more deputies, related support staff, and facilities.
- All efforts should be made to conduct hearings before the Hawai‘i Paroling Authority with the inmate/defendant physically present.
- The legislature should develop guidelines for the Hawai‘i Paroling Authority concerning the setting of the minimum term and factors to be considered for parole. One such consideration is access to programs.
- By law, inmates should be given credit for “earned time/good credit” before the Hawai‘i Paroling Authority.

### C. Prevention and early intervention programs for Native Hawaiians

- To reduce intergenerational incarceration, resources must be directed toward children of incarcerated parents. The legislature should consider a mandatory educational program for guardians of minors with a parent in prison, similar to the “Kids First” program currently in place throughout the Judiciary.

### D. Impact of the State’s contracting with non-state facilities on Native Hawaiians

- The Department of Public Safety should ensure that prisoners who are housed in non-state facilities and who are eligible by classification for pre-release programs, such as work furlough, are returned to Hawai‘i with sufficient time to complete programs prior to their tentative parole date.
- The Department of Public Safety should ensure that all allegations of abuse of inmates are independently investigated and that appropriate corrective action is taken.
- The Department of Public Safety should ensure that inmates are allowed to follow their religious and Native Hawaiian cultural practices, and retain sacred cultural items that do not pose a danger to the security of the institution.
- Consistent with community testimony and the Governor’s repeated statements, prisoners held out of state should be returned. The State should make the return of inmates a top priority, and inmates should be returned as soon as practicable, consistent with public safety.
- Once the inmates are returned from private out-of-state facilities, the State should consider passing legislation prohibiting future use of private, for-profit, correctional facilities.

**E. Issues in state-operated correctional facilities and their impact on Native Hawaiians**

- The Department of Public Safety should ensure that prior to work furlough and/or release, all inmates obtain official state identification and if needed, a social security card.
- The staff at all state-operated correctional facilities shall receive annual, mandatory training regarding trauma informed care.
- Prisoners should be allowed consistent and regular visitation with immediate and extended family members. The Department of Public Safety should make every effort to ensure that adequate staffing is available for consistent and regular visitation.

**F. Restorative justice practices and their application to Native Hawaiians**

- The State should recognize and support community and grassroots efforts that promote indigenous cultural practice models demonstrated to be successful in Hawai'i or elsewhere.

**G. Lack of services for Native Hawaiians who come into contact with the criminal justice system**

- The state should ensure adequate funding and staffing to treat offenders with mental health conditions, including supporting psychopharmacological medication, counseling, and case management.
- The State should ensure adequate funding and staffing to create a comprehensive directory of culturally-based programs, indigenous models, and service providers for Native Hawaiians who come into contact with the criminal justice system.
- Neighbor island models such as Maui Economic Opportunity BEST, POHAKU, Kahua Ola Hou, and Wailuku Neighborhood Place should be supported, expanded upon, replicated, and/or reinstated.

**H. Continuing state efforts to ameliorate the disproportionate representation of Native Hawaiians in the criminal justice system**

- There should be permanent funding and full-time staffing in the appropriate agency or independent body to oversee and implement recommendations of the Native Hawaiian Justice Task Force, and to continue to review this evolving issue.
- Future efforts to implement recommendations and review this evolving issue should include a wider breadth of community and agency representation than the current Native Hawaiian Justice Task Force.



## Introduction

The Native Hawaiian Justice Task Force Report (“Report”) is the result of the collective work of many individuals, communities, and organizations. By law, the Native Hawaiian Justice Task Force (“Task Force”) was primarily comprised of individuals who represent what is generally referred to as the “criminal justice system.” Members of the Task Force include representatives from the bar, the judiciary, and governmental agencies directly involved in the prosecution, defense, sentencing, incarceration, and supervision of those charged with criminal offenses. In addition, two members were appointed by the Governor to represent the community. This Report has also been deeply influenced by individuals from various and diverse sectors of the community, whose contribution further legitimized the findings and recommendations found herein.

In 2010, the Office of Hawaiian Affairs; in collaboration with the University of Hawai‘i at Mānoa, Justice Policy Institute, and Georgetown University; produced a report titled *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010 Report). Researchers found that “Native Hawaiians are overrepresented in every stage of Hawai‘i’s criminal justice system, and the disproportionality increases as Native Hawaiians go further into the system, also making it harder to leave and stay out of prison” (2010 Report, at 17). Consequently, the 2010 Report recommended the formation of a governing collaborative, which led to the passage of SB986 HD3 CD1 RELATING TO THE CRIMINAL JUSTICE SYSTEM, signed into law as Act 170(11) on June 27, 2011. Act 170 statutorily created the Native Hawaiian Justice Task Force, which has authored the present Report.

This Report fulfills the duties assigned to the Task Force under Act 170, to “...formulate policies and procedures to eliminate the disproportionate representation of Native Hawaiians in Hawaii’s criminal justice system by looking for new strategies to reduce or avoid unnecessary involvement of these individuals with the criminal justice system,” and to “...recommend cost-effective mechanism, legislation, and policies to reduce or prevent individuals’ unnecessary involvement with the criminal justice system. The recommendations shall include estimates of cultural and fiscal impact.” (Act 170, pg. 2-3).

In response to this charge, the Task Force and the Office of Hawaiian Affairs, attached to the Task Force as its administrator through Act 170, sought direct testimony from the public. In the summer of 2012, through a series of Pae ‘Āina Summits held on O‘ahu, Hawai‘i Island, Maui, Kaua‘i and Moloka‘i, and Lāna‘i (via video), the Task Force heard from one hundred and fifty nine members of the public. The Task Force also received numerous documents representing written testimony. Overall, members of the community directly testified to the statistical data presented in the 2010 Report, and discussed what those data mean to Native Hawaiian individuals, Native Hawaiian families, and non-Native Hawaiians as members of an interconnected community. During the Pae ‘Āina Summits, the Task Force asked those testifying to present his or her own recommendations. For many who testified, including members of the legislature, representatives of governmental and non-governmental entities, service providers, former prisoners (pa‘ahao), and families of incarcerated men and women, testifying was not an impersonal event or an academic exercise. Rather, testimony represented a collective of personal experiences, many painful, and narrative underpinned by social, political, and historical memory.

The diverse, yet consistent perspectives offered at the Pae ‘Āina Summits uniquely qualifies the present Report. The Task Force members made a concerted effort to listen to the Native Hawaiian community and the broader community, approaching each summit with an understanding of his or her position within the social structure of the criminal justice system, and how those respective positions make a qualitative difference in how the criminal justice system is perceived and experienced. Following the summits, the Task Force conducted site visits at Hālawā Correctional Facility and the Women’s Community Correctional Center on O‘ahu, and spoke directly with Native Hawaiian pa‘ahao regarding their prison experiences.

The Findings section of this Report reflects the dialogue between the Task Force, the public, and prisoners. Where possible, individuals have been cited within the document and “plain language” has been used in favor of ambiguous phrasing or legal rhetoric. The Task Force produced forty eight findings.

The Recommendations section of this Report suggests cost-effective mechanisms, legislation, and policies pursuant to Act 170, and developed from the Findings section. The Task Force produced thirty eight recommendations. The recommendations in this Report make clear that the State must continue to invest in ameliorating the disproportionate representation of Native Hawaiians in the criminal justice system. The Task Force does not have the capacity to implement its recommendations. The findings and recommendations in this Report are presented as the beginning of an endeavor to address this evolving issue.

The Task Force is well aware that in order to solve the major problems elucidated in the Findings section of this Report, the state of Hawai‘i must commit to do so. Without such commitment, the work of this Task Force, and the community that as-

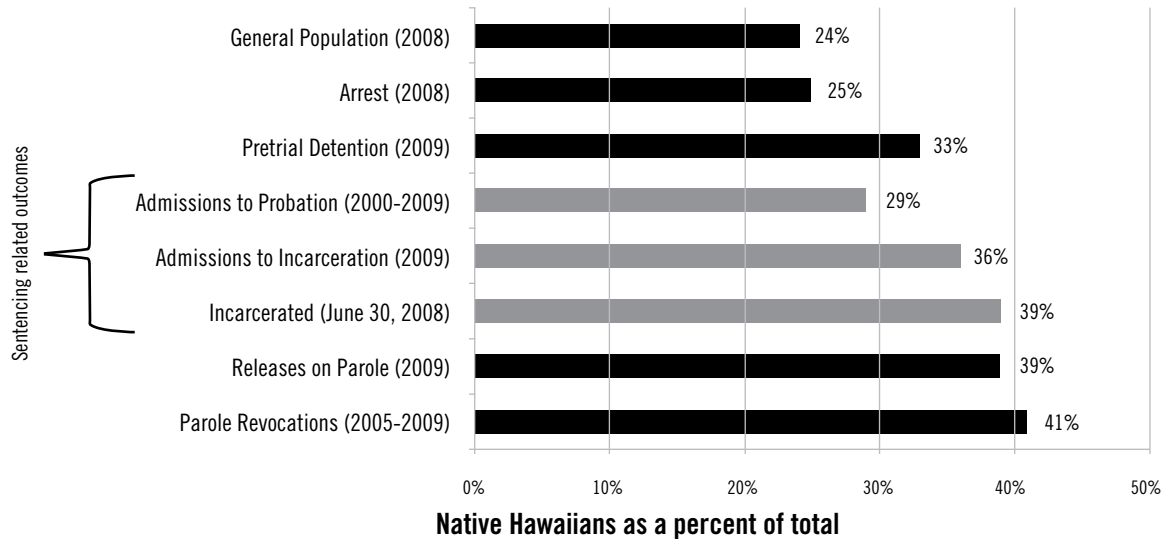
sisted in the development of this Report, will have been in vain. The Task Force has been emboldened in the development of its recommendations by the testimony of the community. In the words of one lawmaker who testified before the Task Force, “I think that we’ve had enough documents. We’ve had enough information that’s been disseminated. We’ve got enough talk... We stand ready to support you with what you have to offer. And please be bold[.]”

The recommendations set forth are supported by research and a collective of public testimony. They point to the fact that the goals of rehabilitation and healing are not incongruent with the necessities of public safety and the protection of victims or potential victims of crime.

## Background

The 2010 report *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*, produced by the Office of Hawaiian Affairs, in collaboration with the University of Hawai‘i at Mānoa, Justice Policy Institute and Georgetown University, (“2010 Report”) effectively outlines the current statistical data regarding the disparate representation of Native Hawaiians in the criminal justice system. Portions of the 2010 Report regarding statistical data have been adopted by the Task Force.

### The disproportionate impact of the criminal justice system on Native Hawaiians accumulates at each stage. Native Hawaiians are also more likely to receive a sentence of incarceration over probation.



Sources: Hawai‘i State Department of Health, Office of Health Status Monitoring, special tabulation from the Hawai‘i Health Survey, January 22, 2010. <http://hawaii.gov/dbedt/info/economic/databook/2008-individual/01/>; Hawai‘i Criminal Justice Data Center; Lydia Seumanu Fuatagavi and Paul Perrone, *Crime in Hawai‘i: A Review of Uniform Crime Reports* (Honolulu, HI: Attorney General, State of Hawai‘i, 2009). [http://hawaii.gov/ag/cpja/main/rs/Folder.2005-12-05.2910/copy\\_of\\_cih2007/Crime%20in%20Hawaii%202007.pdf](http://hawaii.gov/ag/cpja/main/rs/Folder.2005-12-05.2910/copy_of_cih2007/Crime%20in%20Hawaii%202007.pdf); Hawai‘i Department of Public Safety, *2008 Annual Report* (Honolulu, Hawai‘i, Department of Public Safety, 2008). <http://hawaii.gov/psd/administration/publications/annual-reports/department-of-public-safety/PSD-AnnualReport2008.pdf>

Note: Admissions to incarceration or probation are the result of sentencing. Admissions to probation do not include instances where a period of incarceration is a condition of probation.

The disproportionate representation of Native Hawaiians in the criminal justice system has been previously reported upon and presented to the Hawai‘i state Legislature. The Task Force discussed and acknowledges the study “Crime and Justice Related to Hawaiians and Part Hawaiians in the State of Hawai‘i,” (“1981 Study”) commissioned by Alu Like, Inc., produced by Gene Kassebaum, Ph.D., for use by the State of Hawai‘i in 1981, and the study “Criminal Justice and Hawaiians in the 1990’s: Ethnic Differences in Imprisonment Rates in the State of Hawai‘i,” (“1994 Study”) commissioned by Alu Like, Inc. by Gene Kassebaum, Ph.D., for use by the State of Hawai‘i in 1994.

The 1981 Study, the 1994 Study, and the 2010 Report independently concluded that Native Hawaiians are overrepresented in the criminal justice system. The 1981 Study, the 1994 Study, and the 2010 Report are available online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

## Procedural Background

United by the goal of fulfilling the duties elucidated in Act 170, the Task Force attempted to engage in a direct dialogue with the Native Hawaiian community, and the community at large. Firstly, the Task Force reviewed the document *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010 Report). At subsequent meetings, the Task Force chose a Chair, and worked with the staff of the Office of Hawaiian Affairs to coordinate the Pae ‘Āina Summits to be held on O‘ahu, Hawai‘i, Maui, Moloka‘i, Lāna‘i (via video), and Kaua‘i.

The Task Force met on the following dates: 11/29/11, 02/07/12, 04/03/12, 05/01/12, 06/05/12, 07/10/12, 08/14/12, 09/04/12, 10/09/12, 10/22/12, 10/23/12, 11/04/12, and 12/12/12. Most Task Force meetings lasted two hours. The Task Force’s final two meetings lasted four hours and eight hours respectively. The agendas and meeting minutes have been provided online for all of the above dates at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

The Pae ‘Āina Summits occurred on the following dates:

Honolulu, O‘ahu	June 7 and 8, 2012
Kailua-Kona, Hawai‘i	July 7, 2012
Hilo, Hawai‘i	July 14, 2012
Wailuku, Maui	July 21, 2012
Kaunakakai, Moloka‘i	August 1, 2012
And Lāna‘i (via video)	August 1, 2012
Līhu‘e, Kaua‘i	August 3, 2012

The Task Force also conducted site visits with Native Hawaiian pa‘ahao at Hālawā Correctional Facility on August 29, 2012, the Women’s Community Correctional Center on August 30, 2012, and T.J. Mahoney and Associates, Ka Hale Ho‘āla Hou No Nā Wāhine on August 21, 2012.

Subsequent to the Pae ‘Āina Summits, the Advocacy and Research divisions of the Office of Hawaiian Affairs produced a research document for use by the Task Force. The research document organized the testimony and documents presented to the Task Force using an appropriate methodology, and analyzed the information using a standardized process and coding scheme. That document is available online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

Testimony presented at the summits was recorded by the staff of the Office of Hawaiian Affairs. One hundred forty nine testimonials were transcribed, and are presented online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

In order to accommodate differing perspectives within the Task Force, a deliberate process was undertaken to draft the Findings and Recommendations sections of the Report. The production of those sections was influenced by the perspectives that each Task Force member brought forth from his or her role within the criminal justice system. Criminal causality and the appropriate models to address criminality are debated by esteemed professionals across the world. Stakeholders from differing fields tend to discuss criminality in specific ways and use alternative models from which to approach similar issues. In this way, discussions at Task Force meetings reflected these differing approaches and perspectives. At various points in the process of creating the present Report, Task Force members engaged in robust, and at times, heated discussions regarding appropriate findings and recommendations.

After review of the testimony, site visits, and in consultation with respective offices, individual Task Force members presented his or her own specific findings for review before the Task Force. These findings were discussed and presented through the contracted writer. Each finding was then grouped into headings organized from the major subjects the Task Force gleaned from testimony.

The headings of this Report are:

- A. Data regarding Native Hawaiians in the criminal justice system;
- B. The disproportionate representation of Native Hawaiians in the criminal justice system;
- C. Early intervention programs for Native Hawaiians;
- D. Impact of the state's contracting with non-state facilities on Native Hawaiians;
- E. Issues in state-operated correctional facilities and their impact on Native Hawaiians;
- F. Restorative justice practices and their application to Native Hawaiians;
- G. Lack of services for Native Hawaiians who come into contact with the criminal justice system;
- H. Continuing state efforts to ameliorate the over representation of Native Hawaiians in the criminal justice system.

With the collective prospective findings recorded, the Task Force then convened, and proceeded line by line through each prospective finding and recommendation. The Task Force discussed the possible impact, appropriate placement, and wording of each point. Most, but not all findings and recommendations were unanimously approved. Where there was not unanimity, a vote was taken. Those votes are reflected in the footnotes of the Report along with the comments of the dissenting or abstaining party. The process for drafting the Recommendations section followed the format of the Findings section. Though not all findings and recommendations are unanimous, none are mutually exclusive.

# Findings

## A. Data regarding Native Hawaiians in the criminal justice system

1. The 2010 Office of Hawaiian Affairs Report *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010 Report), recommended, among other things, the formation of a governing collaborative (2010 Report, at 76.). That specific recommendation led to the passage of SB986 HD3 CD1 RELATING TO THE CRIMINAL JUSTICE SYSTEM, signed into law as Act 170(11) on June 27, 2011. Act 170 statutorily created the Native Hawaiian Justice Task Force (hereinafter “Task Force”), which has authored the present Report.
1. The Task Force adopts the statistical data regarding the disproportionate representation of Native Hawaiians in the criminal justice system as discussed in the 2010 Report *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*, pgs. 27-42. The Task Force acknowledges that there have been previous studies regarding the disproportionate representation of Native Hawaiians in the criminal justice system, and that these previous studies have found similar statistical information<sup>1</sup>
2. The state of Hawai‘i needs to identify what data is to be collected at different points within the criminal justice system, improve data integration, and improve data infrastructure amongst state agencies. Data collection will better inform future policy decisions regarding the disproportionate number of Native Hawaiians in the criminal justice system.<sup>2</sup>
3. While the disproportionate representation of Native Hawaiians in the criminal justice system has been clearly and repeatedly established, further study, however, including additional control variables, would provide a richer understanding of why Native Hawaiians remain disproportionately represented in the criminal justice system.

## B. The disproportionate representation of Native Hawaiians in the criminal justice system

2. The general perception in the Native Hawaiian community is that the criminal justice system is broken. There has been ongoing, tremendous frustration in the Native Hawaiian community regarding the disproportionate representation of Native Hawaiians in the criminal justice system.<sup>3</sup>
3. Any conversation regarding Native Hawaiians within the criminal justice system must be cognizant of political and historical context.<sup>4</sup>

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1. *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, “Decline to ‘adopt’ all or part of any prior reports.” Department of the Attorney General, “The Department only acknowledges the 2010 Report’s most basic measurements showing the statistical overrepresentation of Native Hawaiians in the justice system, but is unable to ‘adopt’ a report that lacks methodological soundness and analytical objectivity. Despite citing only a specific range of pages, the Department also feels that this Finding may mislead readers toward an erroneous impression that the Task Force broadly endorses the 2010 Report.”*

See, “Crime and Justice Related to Hawaiians and Part Hawaiians in the State of Hawaii,” (“1981 Study”) commissioned by Alu Like, Inc. for use by the State of Hawai‘i in 1981, and the study “Criminal Justice and Hawaiians in the 1990’s: Ethnic Differences in Imprisonment Rates in the State of Hawai‘i,” (“1994 Study”) commissioned by Alu Like, Inc. for use by the State of Hawai‘i in 1994.

The 1981 Study, the 1994 Study, and the 2010 Report independently concluded that Native Hawaiians are over represented in the criminal justice system. The reports can be found online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

The Office of Hawaiian Affairs has provided further studies regarding Native Hawaiians in the criminal justice system online at: [www.oha.org/nativehawaiianjusticetaskforce](http://www.oha.org/nativehawaiianjusticetaskforce)

2. *Vote taken. One vote against the finding: Department of the Attorney General, “Prior to crafting any sort of costly ‘data infrastructure’ or ‘data integration’ schemes, a single, statistically rigorous and analytically objective study should be conducted in order to identify factors that substantially explain the variance in Native Hawaiian overrepresentation in the justice system. The results of that effort would also provide excellent information on specific data-related needs for future efforts.”*

3. *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, “The phrase ‘general perception’ in the first sentence appears unfounded, though that is clearly the opinion of some Native Hawaiians. Department of the Attorney General, “While summit testers offered criticism and suggestions targeting a variety of specific justice functions, policies, and procedures, it does not seem accurate to portray this feedback as a wholesale indictment of the justice system.”*

4. Numerous individuals testified regarding political and historical context.

Task Force member RaeDeen Keahiolalo-Karasuda, Ph.D. has written extensively regarding the historical constructs which have lead to the present dis-

4. Native Hawaiians have suffered from severe intergenerational, historical, and political trauma from the loss of land, language, and culture. This collective trauma has negative economic, health, cultural, and educational impacts on individuals, and often manifests itself in criminal activity. Any effort to reduce the number of Native Hawaiians who come in contact with the criminal justice system must include a multi-pronged approach to addressing this trauma.<sup>5</sup>
5. There is a strong belief in the Native Hawaiian community that historically, the criminal justice system has been used as a political tool to subjugate Native Hawaiians.<sup>6</sup>
6. The effects of the Justice Reinvestment Initiative, passed into law as Senate Bill 2776, Act 139 (2011) and House Bill 2515, Act 140 (2011), and the pu‘uhonua culturally-based substance abuse treatment and intervention program, passed

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proportionate representation of Native Hawaiians in the criminal justice system. “Scholarly studies about colonialism in Hawai‘i demonstrate the methods by which power and dominance operate (Kaunui 2002; Osorio 2002; Liliuokalani 1990; Trask 1999; Silva 2004; Kame‘eleihiwa 1992). Yet scholars and others have overlooked the role of the prison industrial complex in the illegal overthrow of the Hawaiian kingdom. Likewise, current attention to the study of drugs and crime generally concentrates on individuals or group determinants rather than institutional violence. This is misleading. [as] the colonization of Hawai‘i is directly traceable to the 19th century war on Opium, and current practices of punishment. State and popularized efforts to eradicate “social problems” related to drugs in Hawai‘i tend to target individual or group problems and rest on the proposition that Hawaiians are prone to addiction and crime. (Hishinuma 2005).” RaeDeen Keahiolalo-Karasuda, *Carceral Landscape in Hawai‘i: The Politics of Empire, the Commodification of Bodies, and a Way Home*, at 123-124, *Abolition Now!*, CRIO Publications Collective, Oakland AK Press (2008).

“So much of the problem, of what you guys are talking about, is rooted in the psychological disenfranchisement resulting from our history.” Joe Farias, Testimony before the N. Haw. Justice Task Force, Hilo Summit (2012).

5. Sharon Conroy, testimony before the N. Haw. Justice Task Force, Kaua‘i Summit (2012).

Lorraine Robinson, Director of TJ Mahoney and Associates, Ka Hale Ho‘āla Hou No Nā Wāhine, which is the “home of reawakening for women,” offered a scientific analysis and optimism for trauma intervention and the work of service providers.

“There is a phenomenon called epigenesis, which is showing that not only does intergenerational trauma get passed on socially, but it actually gets passed on genetically. The good news about that is that brains have a capacity called neuro-plasticity, meaning that they can be rewired. And all of the good work that all the people in this room are doing are actually rewiring the brains of people who have patterns and habits that have been self-destructive or destructive towards others. And now the new brain research is validating this stuff that we, as practitioners, have been seeing and living. [T]he confluence of the research on trauma, on neurobiology, and on attachment theory, is really substantiating again the importance of how we connect with people, of how culture fits into that, of how in the case of my work, we are responsive to the fact that women are not men and that they have different needs. They have different pathways into the criminal justice system. So I do think this is a kākou thing.” Lorraine Robinson (Director of TJ Mahoney and Associates, Ka Hale Ho‘āla Hou No Nā Wāhine; “home of reawakening for women”) Testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

Regarding the ways that trauma begets trauma through successive generations in terrifying and predictable ways, Earl Kawa‘a offered a rebuttal to the argument that violence is inherent in the Hawaiian conceptions of love or justice. “We need to go deep. “[W]hen I talk about deep, deeper in knowledge and ‘ike and understanding and in the heart. [A previous testifier] said [violence] was ‘traditional Hawaiian,’ but I challenge him now because that’s not traditional.

And here’s the mana‘o today: when you hit someone, when you bang someone, we say it’s okay. Someone will say it is Samoan love. A Hawaiian will say that is Hawaiian love. That’s bullshit. It was never Hawaiian love and never will be. And we should get rid of it. Never, ever allow that to happen. Here’s why. Here’s the cultural baseline for that statement. When you hit someone, and where do we slap when we slap someone? We slap someone on the head. We slap someone, we pa‘i on the head. Pa‘i ka po‘o. And we say that’s the Hawaiian way. And I say, ‘Fuck that bullshit, gang.’ That shouldn’t happen. And why it shouldn’t it happen? Because the ‘aumakua sits here on the head. Someone say, ‘Why don’t you pa‘i the butt? When the ‘aumakua sits on the head, the ‘aumakua is the entire body. So any place you hit someone is sinful—every place. That’s what we need to know.” Earl Kawa‘a (Kupuna and cultural practitioner) Testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

6. *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, “The specific bases for this generalization are unclear.” Department of the Attorney General, “[T]he Department believes that this Finding does not accurately portray the overall sentiments expressed at the summits.”*

Kaniloa Kamaunu (Former Corrections Officer, State of Hawai‘i), testimony before the N. Haw. Justice Task Force, Maui Summit (2012)

Malina Kaulukukui offered a reason that much of the testimony received by the Task Force took the form of narrative. “[W]e provide a gender specific, culturally informed, residential treatment program or substance abuse treatment program for pregnant and parenting women.

Why am I telling you these stories? Because naming and language are the two critical pieces of anyone’s culture and these are the two significant factors significant factors that were diluted in the attempt to assimilate Hawaiians to a more Western paradigm.” Malina Kaulukukui (Cultural Integration Coordinator for the Salvation Army Family Treatment Services), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

“How do you dignify, how do you justify the existence of a system that has stolen? You have the Apology Bill; you have the state legislature, who had admitted to the fact that the takeover was not justified. Yet there is no satisfactory resolution; there is no satisfactory answer. And so you are catching people in this grand hypocrisy that somehow they have violated the law, when the real question is: who are the real violators?” Pōkā Laenui aka Hayden Burgess, Esq., testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012)



into law as House Bill No. 2848, Act 117 (2011), both passed into law on June 20, 2012, have yet to be felt.<sup>7</sup>

7. Proactive policy initiatives, including those promoting a rehabilitative model of incarceration, in the criminal justice system must be effectuated. It is possible, and even likely, that federal and/or state funding will continue to decrease in the near future. In that instance, Hawai'i may continue to face a crisis.<sup>8</sup>
8. Without proactive policy and oversight, there is no indication that the disproportionate representation of Native Hawaiians in the criminal justice system will abate.<sup>9</sup>
9. Implicit, unconscious bias and disparate treatment on the part of workers at all stages of the criminal justice system may explain a portion of the disproportionate representation of Native Hawaiians in the criminal justice system.<sup>10</sup>
10. There are clear connections between poverty, access to counsel in all courts, and criminality. The Task Force acknowledges that though it has been presented with adherence to American common law, there has been a disproportionate

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7. In 2011, in order to reduce dependence on out-of-state prisons and improve the functions of the criminal justice system, the State of Hawai'i sought assistance from the Bureau of Justice Assistance, a division of the U.S. Department of Justice, and the Pew Center on the States. The state leaders agreed to establish a bipartisan, inter-branch Justice Reinvestment Working Group comprising leading state and local officials which would receive intensive technical assistance from the Council of State Governments Justice Center, in partnership with the Pew Center on the States. The Justice Reinvestment Bill was signed into law by Governor Neil Abercrombie on June 27, 2012. Several of the Justice Reinvestment Initiative's recommendations were not passed into law. Please see the bill in its original form. For an overview of the Justice Reinvestment Working Group's recommendations, see <http://justicereinvestment.org/states/hawaii>

Pu'uhooua was introduced to the Hawai'i State legislature as House Bill 2848 (2011), and passed into law as Act 117, Session Laws of Hawai'i (2012).

8. *Vote taken. Two votes to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "It is unclear what 'crisis' is being referenced in the last sentence." Department of the Attorney General, "It is unclear what 'crisis' is being referenced, or how the crisis relates to a 'rehabilitative model of incarceration.' In addition, this Finding does not seem directly or clearly related to reducing the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

"We have over felonized. Things in Hawai'i that are felonies are misdemeanors or petty misdemeanors in other states. They call them wobblers. Jack Tonaki (speaking to Task Force member) knows that. A burglary second in California, a UEMV, unauthorized entry into a motor vehicle can be treated with prosecutorial discretion. I have great respect for our prosecutors... By over felonizing, you trigger repeat offender sentencing which leads to overly incarcerating people in prison. Prison is for felonies, not misdemeanors." Hon. Michael Town (Cir. and Fam. Ct. Judge (ret.), Board Member, Hawai'i Paroling Authority) testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012).

Toni Bissen, J.D., Director of the Pū'ā Foundation, brought a cohort of service providers to testify before the Task Force. "We're here to talk about the concept of systemic change. Looking at trying to eliminate the disparate treatment of Native Hawaiians [by] taking a very broad perspective, what we call 'from twinkle to wrinkle.' It's an approach that affects all of us. I think that some of the comments that have been shared today show the need for this continuum of services.

[T]o affect systemic change is to form public-private, individual, and family partnerships for community healing and well-being; using a mind, body, spirit, place, perspective and incorporating trauma informed systems of care approach[es] and a frameworks work towards community healing and well-being." Toni Bissen, J.D. (Director, Pū'ā Foundation), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012)

9. Refer to Supra note 1 for a link to statistical information regarding the persistence of Native Hawaiian disproportionate representation in the criminal justice system. Senator Brickwood Galuteria testified to his readiness for substantive action. "I have absolutely nothing more to offer you, except my encouragement... to move towards a document that we will receive in the next legislative session, as indicated in the law that trips the switch for action. I think that we've had enough documents. We've had enough information that's been disseminated. We've got enough talk. I think that the legislature is poised to receive something that we can advance into policy, which is where we sit, and into funding, where we sit as well.

So thank you for convening [the] 2012 Native Hawaiian Justice Task Force. We stand ready to support you with what you have to offer. And please be bold in what you do because we're gonna need boldness, courage, and we're gonna need also an extension, not only into the prison system, but into our communities." Brickwood Galuteria (Hawai'i State Senator, Dist. 12), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012)

10. *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "The specific bases for this statement are unclear." Department of the Attorney General, "We are concerned about the use of a "may" statement to the exclusion of considering other possibilities as to the reason for disparate representation of Native Hawaiians in the criminal justice system. For example, national research demonstrates that the nature and extent of an arrestee's criminal history; the specific offense(s) resulting in the current arrest; and whether or not an arrestee was already on parole or probation at the time of his/her current arrest are factors that on average may vary by ethnicity, and are certain to have dramatic impact on case processing/handling and outcomes (e.g., the likelihood of being sentenced to incarceration). These likelihoods were not examined in prior local research, and may play a major explanatory role in this issue."*

See *Implicit Racial Bias Across the Law*, Justin D. Levinson & Robert J. Smith, editors, Cambridge University Press (2012). This finding is further bolstered by the decades-long work of legal scholars and faculty at the William S. Richardson School of Law. The Judiciary has recently held a series of trainings for judges regarding implicit bias.



impact upon Native Hawaiians.<sup>11</sup>

11. Many members of the public testified that the Office of the Public Defender is inadequately funded.<sup>12</sup>
12. In the present economy, ex-offenders face barriers in securing employment, housing, and reintegration into the community based on their arrest and court record. These barriers may affect the recidivism rate for Native Hawaiians.<sup>13</sup>
13. Historically, there has been a conflict between American law and Native Hawaiian values. This conflict may explain some of the disproportionate representation of Native Hawaiians in the criminal justice system.<sup>14</sup>
14. The Hawai'i Paroling Authority has more discretion than its counterparts in other states or the federal government regarding inmates' length of stay, conditions of parole, and other conditions regarding incarceration. An inmate's

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11. *Vote taken. Two votes to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "The strength of connection between poverty and criminality is unclear, as many Native Hawaiians and non-Native Hawaiians living in poverty do not resort to criminality." Department of the Attorney General, "[I]t is unclear how the Finding was derived and whether there is information to validate the cause and effect described."*

The funding of indigent legal service providers has fallen significantly in recent years. The most recent study of indigent legal services, conducted by the Access to Justice Hui in 2007, indicated that 1 in 5 low and moderate-income Hawai'i residents have their legal needs met, and legal service providers are able to help only 1 in 3 of those who contact them for assistance. In 2008, the Supreme Court formally adopted Rule 21 of the Rules of the Supreme Court of the State of Hawai'i, which established the Access to Justice Commission. See [www.hawaiijustice.org/hawaii-access-to-justice-commission](http://www.hawaiijustice.org/hawaii-access-to-justice-commission)

12. Lucy Feinberg (Maui Director, Parents and Children Together (PACT)) testimony before the N. Haw. Justice Task Force, Maui Summit (2012).

Shari Lynn (Director, Ka Hale Pomaika'i), testimony before the N. Haw. Justice Task Force, Moloka'i and Lāna'i Summit (2012).

Discussion with Native Hawaiian pa'ahao at Hālawā Correctional Facility, August 29, 2012.

13 *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "It is unclear how Native Hawaiians are affected by these factors differently than other ethnicities." Department of the Attorney General, "This Finding relates to all former felony offenders across the country. Therefore, how former criminal offenders of Native Hawaiian descent might be disproportionately impacted by this reality relative to ex-offenders from other ethnic groups is unclear."*

Despite employment discrimination being illegal pursuant to Hawai'i Revised Statutes Chapter 378, many who testified before the Task Force discussed prevalent discrimination in hiring practices. See, Hawai'i Civil Rights Commission at: <http://hawaii.gov/labor/hcrc>

Discussion with Native Hawaiian pa'ahao at Hālawā Correctional Facility, August 29, 2012.

"[O]ur clients really have a loss of identity, and I think we've all heard today just how powerful the connection to culture is in re-establishing that identity. Ongoing identity creation really develops through how they're going to continue on their care with us into their everyday work life and career. And that's my job is to bring the two worlds together—to embrace the Hawaiian culture and the values that they learned and create a long-term career plan. These things go together.

Because what has been shown statistically, the biggest contributor to not re-offending and against recidivism is long-term employment, not just job acquisition, but job retention. So there is a challenge in the Native Hawaiian culture of career planning with them because a lot of them come from a place that's very consistent that they've never had a role model, they've never had a sense of worth and achievement prior to, which is where a lot of the drugs and crime have come from." John Unari (Workforce Development Specialist, Ho'omaui Ke Ola), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012)

Six states provide state income tax credits to employers who hire individuals with criminal records: California, Illinois, Iowa, Louisiana, Maryland, and Texas. See, CAL. REV. & TAX CODE § 17053.34; LA. REV. STAT. ANN. § 47:287.752; MD. CODE ANN., LABOR AND EMPLOYMENT § 11-702 (2002); TEX. TAX CODE ANN. § 171.654; IOWA CODE § 422.35 (2003).

14 The discussion of a conflict between American law and Native Hawaiian values was a constant refrain throughout the testimony. Pastor Greg DeLa Cruz of Maui analogized the experience of Native Hawaiians in the criminal justice system with a parable. "The original ...Brothers Grimm version of Cinderella; it's bloodier than the Disney version. In the old version, when one of the daughters' feet won't fit into Cinderella's glass slipper, the mother cuts off the toes of her eldest daughter to make it fit. So this is what the western system has done to Hawaiians; cut off a toe to make the foot fit into a shoe that's not made for it." Greg DeLa Cruz (Family Success Coach, Neighborhood Place Wailuku; Pastor, Living Way Church), testimony before the N. Haw. Justice Task Force, Maui Summit (2012).

Senator Clayton Hee offered a remembrance of the first Native Hawaiian Chief Justice of the State of Hawai'i, and his inclusion of Native Hawaiian values into his jurisprudence and leadership. "Many of you knew Chief Justice Richardson and had the privilege to sit and hear him [remember,] as a young child going to Waikīki and looking over the hedge at how the rich people were having a party at the Royal Hawaiian hotel and how some burley Hawaiian came to the hedge and said 'get out of here, this is not for you,' and how that imprint of not being worthy never left him.

And who could know that history would be such, that as Chief Justice, the decisions [to extend] the public land to the high water mark [were] decisions born out of discrimination, and who he was. That's what we need, leadership. But we also need a firm belief in who we are. And we need to know that the kupuna; and I don't mean this flippantly as might be mentioned on the Senate floor from time to time; have our back." Clayton Hee (Senator, 23rd District, State of Hawai'i), Testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012).

program enrollment is a factor considered by the Hawai'i Paroling Authority. The expanded discretion of the Hawai'i Paroling Authority may have been used to unequal effect due to the lack of programs for inmates.<sup>15</sup>

### C. Prevention and early intervention programs for Native Hawaiians

1. This Task Force is aware that an individual's contact with the criminal justice system, regardless of race, often begins at youth. This Report has emphasized the impact of the criminal justice system on Native Hawaiian adults in order to comply with what the Task Force understood to be the focus of Act 170. The study *Disproportionate Minority Contact in the Hawai'i Juvenile Justice System*, prepared for the Juvenile Justice State Advisory Council and the State of Hawai'i, Office of Youth Services (May, 2012) provides guidance regarding effective prospective policy directives regarding juveniles.
2. Research shows that the children of incarcerated parents are at risk of having a higher rate of interaction with the justice system.<sup>16</sup>
3. Preventative measures, such as adequate education and programs for at-risk youth, continue to be inadequately funded.<sup>17</sup>

### D. Impact of the state's contracting with non-state facilities on Native Hawaiians

1. Prisoners, former prisoners, family members of prisoners, and Task Force members report that prisoners in non-state facilities receive more consistent and available programs and live in less crowded conditions than prisoners in state prisons. Prisoners in private correctional facilities report receiving more respect from staff. However, prisoners in private facilities are subject to drastic dislocation from their home, culture, family, job prospects, and community support.<sup>18</sup>

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15 *Vote taken. Two votes against the finding: Department of the Prosecuting Attorney, City and County of Honolulu. Department of the Attorney General, "We are again concerned about the leading use of a 'may' statement. There is no footnote identifying the source(s) of information indicating that Native Hawaiian detainees are kept longer as a direct result of HPA discretion and the suggested unequal effect in releasing parolees. This Finding does not seem directly or clearly related to reducing the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

Discussion with Native Hawaiian pa'ahao at Hälawa Correctional Facility, August 29, 2012.

Discussion with Native Hawaiian pa'ahao at Women's Community Correctional Center, August 30, 2012.

16 Refer to Finding C.1. Discussion with Native Hawaiian pa'ahao at Women's Community Correctional Center, August 30, 2012.

Also, see *Incarcerated Parents and their Children; Trends 1991-2007*, The Sentencing Project, Washington D.C. (2007), at: [www.sentencingproject.org](http://www.sentencingproject.org)

17 Refer to Finding C.1. The Task Force is well aware that criminal prevention requires addressing the issues facing "at risk" youth. The Task Force heard numerous persuasive narratives regarding this necessity.

"I currently live in Big Island now, and I'm 20 years old. I am a UH Hilo student and a full time maile farmer. Both my parents were in and out of prison when I was younger. I grew up with those struggles. I am the oldest of three kids. I have two younger brothers and my mom actually had my youngest one when she was in prison. And she ended up in Woman's Way cause she saw how hard everyone was having trouble. They end up going back in prison, in and out and again, and she didn't want to go through that.

Lot of the programs that you guys are talking about now days, it wasn't around back then for kids like me and my brother. It would have nice to have them, but we made it through somehow, and my father unfortunately he did not seek help or anything.

The kids, it's not just about educating them. But getting them to understand, understand how it is. Lot of them don't know what to do about it and don't know how to deal with it. And no disrespect to any psychology majors or anything in here, but those steps and everything, some of 'em they'll do it in that room when you are talking to them, they'll write that paper down or whatever you want them to write, and as soon as they walk out that door, it's in one ear and out the other.

[T]hese kids wanted to learn. When it came to learning the chants and the olis indoors, they were so like, not there. But when it came to outdoors, hand-on everything, they were there. They wanted to. It was all about, like, getting them the motivation to do it. It seems like, to me, that they want to do Hawaiian, they want to know all about the Hawaiian culture. They want to. And that was the way that we got through to a lot of kids. And it's sad, cause we couldn't do it again this year and a lot of the kids wanted to." Jessica DeCosta (Student, University of Hawai'i at Hilo, farmer), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012).

18 In both state and non-state facilities, the Task Force has been apprised of individuals being reclassified while at non-state facilities, and having his or her stay extended due to minor infractions. The Task Force has also been apprised of individuals being reclassified while at non-state facilities, and such reclassification leading to a longer stay in a non-state facility. Varna Nakihei, who developed the program Ka Hale Pomaika'i on Moloka'i, reflected on numerous systemic issues within the criminal justice system. "I think we need to make pono internal with our state facilities first before even thinking of bringing our people home, the power and control, things that go on inside the facilities. I've seen firsthand in Maui Community Correctional Center one cousin getting one more year on top of that for sharing saimin with his cousin who came in. Stupid little things like that. Uncle them talk about ho'oponopono, the restor-

2. The criteria for sending and returning prisoners to and from non-state facilities remains unclear.<sup>19</sup>
3. The recidivism rate for prisoners who are incarcerated at non-state facilities on the continental United States is slightly lower than the rate for prisoners who are incarcerated in Hawai‘i, however that difference has been shown not to be statistically significant.<sup>20</sup>
4. In reaction to recent statements from the Governor, and the Justice Reinvestment Initiative of 2011, any planned return of prisoners to the community from non-state facilities should be accomplished in a planned and responsible manner, with public safety being the primary concern.<sup>21</sup>
5. Prisoners in non-state facilities may be at a disadvantage in parole hearings as hearings are currently conducted remotely.<sup>22</sup>
6. Native Hawaiians who are sent to non-state facilities are effectively given an unequal burden in relation to non-Hawaiian prisoners. This burden includes a dislocation from his or her home, connection to the land, culture, family, job prospects, and community support.<sup>23</sup>
7. There are economic costs associated with inaction. The increase in the state’s contract with non-state facilities has

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ative justice. The restorative justice model works for today because it focuses on the issue of today.” Varna Nakihei, (Maui Economic Opportunity B.E.S.T. Reintegration program), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

19 Concern has been expressed from several individuals and organizations regarding the Corrections Corporation of America’s capacity to choose whom it will house in non-state facilities.

The Department of the Attorney General made a similar finding in 2011. “Hawai‘i prison officials sometimes say that the most expensive inmates- those with serious health problems, mental illness, disciplinary issues, and the like- do not get transferred to private prisons on the mainland.... [W]e support efforts in the state House and Senate to pass legislation that would authorize and fund an audit of the Department of Public Safety’s contract with the Corrections Corporation of America.” *Hawai‘i’s Imprisonment Policy and Performance of Parolees Who Were Incarcerated In-State and on the Mainland*, Department of Sociology, University of Hawai‘i at Mānoa & Department of the Attorney General, State of Hawai‘i (2011)

20 See Id. for full discussion.

21 Governor of the State of Hawai‘i, Neil Abercrombie, articulated a desire to return inmates housed in non-state facilities during the passage of the Justice Reinvestment Initiative. “The measures before us today — [HB 2515](#) and [Senate Bill 2776](#) — reflect that collaborative effort... With the enactment of these bills, I believe we are taking the next step forward in our commitment for control of our criminal justice system, to exercising resources in a sensible and clear-sighted, clear-headed manner in Hawai‘i, and strengthening the capacity for people to return to society who have been separated from it.

From my first day on the job as Governor, I said we will bring our inmates housed in mainland facilities back home and keep our taxpayer dollars in the state. With the enactment of these bills, we are taking the next step forward in our commitment to taking control of our criminal justice system, bringing back vital resources to Hawai‘i and strengthening communities for people to return to.” Neil Abercrombie, Governor, state of Hawai‘i, June 12, 2012.

22 The Department of the Attorney General made a similar finding in 2011. “[T]he impression of both authors is that, on the whole, it seemed more difficult for inmates on the mainland to obtain parole (via video conferencing) than it was for inmates who met face-to-face with the HPA in Hawai‘i. This possibility was acknowledged by members of the HPA, who suggested that a ‘live,’ face-to-face connection with candidates for parole facilitates interpersonal communication and thus may raise the likelihood of release.” Department of the Attorney General, *supra* note 18, pg. 34, Fn. 23.

23 *Vote taken. One vote to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu. One vote against the Finding: Department of the Attorney General, “The listed conditions generally apply to all convicted felons who are sentenced to terms of incarceration, and it would be discriminatory and unlawful to treat one group of prisoners differently from others based on broad assumptions about their race or ethnicity.”*

The Task Force found the words of Justice Thurgood Marshall’s dissenting opinion in *Olim v. Wakinekona*, 461 U.S. 238 (1983) particularly relevant: There can be little doubt that the transfer of Wakinekona from a Hawaii prison to a prison in California represents a substantial qualitative change in the conditions of his confinement. In addition to being incarcerated, which is the ordinary consequence of a criminal conviction and sentence, Wakinekona has in effect been banished from his home, a punishment historically considered to be “among the severest.” For an indeterminate period of time, possibly the rest of his life, nearly 2,500 miles of ocean will separate him from his family and friends. As a practical matter, Wakinekona may be entirely cut off from his only contacts with the outside world, just as if he had been imprisoned in an institution which prohibited visits by outsiders. Surely the isolation imposed on him by the transfer is far more drastic than that which normally accompanies imprisonment. *Id.* at 253.

Delbert Wakinekona, for whom the above-cited case is named, testified before the Task Force through his attorney, Robert Merce, Esq. Mr. Wakinekona was granted a compassionate release by the Hawai‘i Paroling Authority on October 28, 2011, after forty one years of imprisonment at various non-state facilities.

“[W]hat has happened is that Native Hawaiian men have been ripped away from their families, their communities, and from the ‘aina. You’ve heard in detail about what ‘aina means to Native Hawaiians. The psychic and spiritual impact of this removal; of being alienated from their ‘aina; is devastating. How are they to heal? How are they to atone? This is what our work is addressing: protecting their rights to engage in their religious practices.” Sharla Manley, Esq. (Attorney, Native Hawaiian Legal Corporation), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

increased exponentially since its inception in December, 1995, and now costs over \$60 million per year.<sup>24</sup> The costs of the state's contract with private prisons may increase without action.<sup>25</sup>

8. Due to their incarceration on the continental United States, many paroled offenders do not have adequate transition plans regarding employment, housing, and reintegration into the community beyond compliance with parole.<sup>26</sup>
9. There has been concern expressed regarding inmates being lost in the system at the completion of their maximum sentence ("maxing out") without adequate transitional programming, follow up services, or housing. As a result, these individuals have a more difficult time reintegrating into the community.<sup>27</sup>
10. The state, and particularly the Department of Public Safety, may modify and/or renegotiate its contract with non-state facilities regarding Native Hawaiian religious and cultural practices. Concern was expressed regarding classification of offenders and placement in special holding units.
11. Concern was expressed regarding the reclassification of offenders in non-state facilities and his or her placement in special holding units.

#### **E. Issues in state-operated correctional facilities and their impact on Native Hawaiians**

1. Inmates released from state correctional institutions often do not have any form of official identification. Official identification is necessary to apply for employment, find housing, and comply with conditions of parole.<sup>28</sup>
2. Prisoners and former prisoners in state facilities report that they received inconsistent treatment from staff, which leads to inefficient effectuation of programs and policies.<sup>29</sup>
3. The trauma informed care model has been instituted at the Women's Community Correctional Center on O'ahu. This rehabilitative model is based on being informed by the trauma that the majority of inmates have experienced, and attempts to mitigate future traumatic experiences while incarcerated.<sup>30</sup>

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24 As of 2010, it costs approximately \$139 per day to incarcerate an inmate in Hawai'i, and at least \$77 per day to incarcerate him or her in a non-State prison on the mainland. Note, however, that unlike the in-state per day cost, the private prison cost estimate is not all-inclusive. See, *Management Audit of the Department of Public Safety's Contracting for Prison Beds and Services*, Marion M. Higa, State Auditor. 2010. at pg. 21.

25 "We found no policies and procedures aligned with Hawai'i Public Procurement Code, no objective evaluation to measure CCA's performance, and no plan for contracting for private prison beds to reasonably ensure fiscal responsibility in obtaining the best value at prices the State can afford." Id. at 24.

The Department of the Attorney General has warned against the trend of approaching questions about criminal risk and rehabilitation through the sole prism of cost. "In Hawai'i and elsewhere, problems such as these suggest the shortsightedness of relying on a perspective that stresses short-term savings at the expense of policies and programs aimed at improving the prospects for offenders' rehabilitation and the satisfaction of their basic needs and rights. States and their leaders have a responsibility to care not only about crime control and the costs of incarceration but also about the present welfare and future well-being of criminal offenders and the communities from which they come." Supra note 18, pg. 35

26 Discussion with Native Hawaiian pa'ahao at Hälawa Correctional Facility, August 29, 2012.

27 *Vote taken. One vote to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "The specific bases for the second sentence are unclear; not all 'maxed out' individuals have such difficulty. One vote against the Finding: Department of the Attorney General, "The Department has not arrived at a formal position on the "maxing out" issue and would need to study it from several legal standpoints in order to do so. This finding also posits an unstudied causal link by stating that the maxing-out issue 'leads to' (i.e., causes) other problems, when in fact the relationship may be correlational. In addition, this Finding does not seem directly or clearly related to reducing the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

See Supra notes 11, 13.

28 Discussion with Native Hawaiian pa'ahao at Hälawa Correctional Facility, August 29, 2012.

29 *Vote taken. Two votes against the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "It is unclear how Native Hawaiians are affected by these factors differently than other ethnicities." Department of the Attorney General, "This Finding does not seem directly or clearly related to reducing the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

Discussion with Native Hawaiian pa'ahao at Hälawa Correctional Facility on August 29, 2012, and at the Women's Community Correctional Center on August 30, 2012.

Varna Nakihei, (Maui Economic Opportunity B.E.S.T. Reintegration program), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012)

30 Toni Bissen, J.D., Executive Director, Pū'ā Foundation, has done extensive training in the application of the trauma informed care model. See <http://puafoundation.org/Welcme.html>

4. Prisoners do not get regular and consistent visitation with family members, including extended family members. It is important for an inmate's rehabilitation that he or she is allowed regular visits with family members and extended family members.
5. Services to prisoners with mental health issues and the chronically homeless will continue to be a major challenge for the Department of Public Safety. The Department of Public Safety is in a settlement with the federal Department of Justice regarding mental health treatment at O'ahu Community Correctional Center. There continues to be a concern about meeting the mental health needs of inmates.

## F. Restorative justice practices and their application to Native Hawaiians

1. Indigenous cultural practices present appropriate models in ameliorating the disproportionate impact of the criminal justice system on indigenous communities. The Native Hawaiian community and nations such as Aotearoa, Australia, and Canada have had recent successes in adopting indigenous cultural practices.<sup>31</sup>
2. Restorative justice practices, such as sentencing circles, mediation, and community justice, are an option for certain defendants.<sup>32</sup>
3. Incarceration and recidivism among the Native Hawaiian population will likely decrease as various contributing factors such as poverty, unemployment, healthcare, housing, and education are improved.<sup>33</sup>

## G. Lack of services for Native Hawaiians who come into contact with the criminal justice system

1. Culturally-based programs are effective, and should be expanded upon.<sup>34</sup>

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31 "Every time we've travelled the world [as a Hawaiian delegation,] other indigenous groups all seem to always come back and gravitate to the fact that 'you folks had your own country. You had your own set of rules.' And one thing seems to be stark: when the overthrow took place, new management was in place." Keali'i Makekahu (Cultural practitioner, Advocate), testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012).

Carmen Heteraka, a Maori cultural practitioner and prisoner advocate, traveled from Aotearoa to Honolulu specifically to testify before the Task Force regarding the Maori experience in New Zealand's criminal justice system.

"Indigenous people are disproportionately represented in the justice system all over the world[,] [Y]et the programmes that are designed for inmates and offenders often overlook cultural identity as a significant factor. In Aotearoa (New Zealand), culturally specific programmes, such as the Maori Focus Unites, designed for Maori (indigenous people of Aotearoa) inmates, have been implemented since 1992.

During the past 20 years, indigenous communities have met to address poor health, housing, education and employment statistics. These gatherings provide opportunities for indigenous solutions to address indigenous problems. O'Rongo/O'Longo is a Maori cultural programme for offenders and their families that has been presented and piloted in Hawai'i, as a result of these gatherings.

The significance of this programme is its authenticity and cultural relevance as a genuine empowerment tool. This holistic model is designed to re-structure inmates' meaning of life and self worth by drawing parallels between indigenous law and contemporary law. By reconnecting people to their ancestral knowledge and responsibilities, drawing on the legacies and great examples left by their ancestors, this programme guides the participants through a clear pathway of understanding their noble birthright that 'no action' is a violation of their sacredness." Carmen Heteraka and Michelle Brenner, *Conscious Connectivity, Creating Diversity in Conversation, Chap. 9 Holistic law approach to indigenous incarceration*, at 207 (2011).

32 *Vote taken. One vote to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu.*

"I have personally been to Aotearoa and visited on both in the standard New Zealand system and also the Maori system. They have their own sentencing circles. That's restorative justice. First Nations in Canada have sentencing circles. That is restorative justice. The Mapuchi Indians, the people in Chile have that. And we have our own ho'oponopono. In each of those, anybody can enter. You don't have to have a card or a blood quantum, they self identify. You want to use that system you can do it, they don't discriminate for or against anyone. So restorative justice is my first recommendation as a lens, telescope and a microscope." Michael Town (Cir. and Fam. Ct. Judge (ret.), Board Member, Hawai'i Paroling Authority) testimony before the N. Haw. Justice Task Force, O'ahu Summit (2012).

33 Numerous individuals testified regarding the value of employment for ex-offenders in reducing recidivism. See *Supra* note 13.

34 *Vote taken. Two votes to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, "All programs, including culturally-based programs, must be evaluated on their individual merits." Department of the Attorney General, "Culturally-based programs are inherently neither effective nor ineffective; that question depends on the quality and appropriateness of individual programs. Among other important considerations, effective programs target specific criminogenic factors and utilize evidence-based practices, and the manner of doing so can be culturally-based when appropriate."*

Maui County Councilwoman and lifetime Maui resident Gladys Baisa reflected on the history of the highly successful Maui Economic Opportunity B.E.S.T. program that she and other community members have developed over several decades. "I went to a Head Start meeting in San Francisco decades ago now.



2. Mental health services, such as psychopharmacological medication, counseling, and case management for those with mental health conditions are inadequate, and are an important component for the rehabilitation of Native Hawaiian pa‘ahao.<sup>35</sup>
3. If the state of Hawai‘i had sufficient and appropriate community-based alternatives to incarceration for substance abuse, mental health treatment, and housing at all points within the criminal justice system, the state may reduce its reliance on incarceration.
4. There is no comprehensive directory of culturally-based programs and service providers for Native Hawaiians who come into the contact with the criminal justice system. The Office of Hawaiian Affairs is presently working on a directory of Native Hawaiian organizations and community-based service providers.<sup>36</sup>
5. Pretrial detainees have limited access to community-based programs. This lack of access leads to pretrial detainees remaining incarcerated.
6. There are residential transition programs that have had problems with zoning regulations. In order to effectuate services, these programs must be supported by the state and counties with appropriate zoning.<sup>37</sup>
7. Neighbor island programs which present effective community-based models such as: Maui Economic Opportunity BEST and Neighborhood Place, Wailuku on Maui; POHAKU on Kaua‘i; Ka Hui o Mo‘omomi on Moloka‘i; and oth-

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It’s chicken skin, how I read about DeLancey Street on my last day there. [See: [www.delanceystreetfoundation.org](http://www.delanceystreetfoundation.org)] It’s a wonderful program, and I came home and thought ‘this is it, we need to have this.’ We got our community together, wrote a grant through the state, and hired some fabulous people.

It was a reentry program back then, before we realized we needed more comprehensive services. I wanted to call it ‘best’ because that’s what it was going to be, later on we came up with [the acronym] Being Empowered and Safe Together. At that time, we weren’t thinking Hawaiian/cultural... it took us some time to learn how to integrate the cultural aspects. And our success rate has really proven how successful that is.

You cannot pull people out of jail and throw them back on the street. We have facilities, we have a program, and we have the knowledge for how to do this proper reintegration programming and services. We could do this at an intense level. Last year, the legislature provided a good amount of money that the Governor did not release. We are doing as much as we can with our services on a very limited budget.

You must believe that people can be reintegrated and improve their own lives. They will rise to meet that expectation.” Gladys Baisa (Maui County Councilwoman, advocate), testimony before the N. Haw. Justice Task Force, Maui Summit (2012).

Regarding gender specific Hawaiian cultural programming, see *Native Men Remade*, Ty P. Kawika Tengan, Duke University Press Books, (2008).

Regarding advocacy for specific types of courts, “[t]here is a good reason that the major development of therapeutic courts and problem solving courts have been sweeping the country: they work.” Hon. Michael Town (Cir. and Fam. Ct. Judge (ret.), Board Member, Hawai‘i Paroling Authority) testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

“[W]e have to find diversionary programs [in which] we can actually take our people out of the prison track and into a program. I talk about diversionary programs because on Kaua‘i, and you’ll hear about this from our prosecutors here, and she’ll be talking about the POHAKU program. She created a diversionary restorative justice program where you put that offender in the community they offended. [I]magine that offender going into the community that they injured and performing community service, but also include an element of cultural education...teaching the Hawaiian values.” Mel Rapozo (Kaua‘i County Councilman), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

35 “Today, it is estimated that about half of state and federal prisoners meet criteria for drug abuse and/or dependence, yet fewer than 20% actually receive treatment. Longitudinal studies show that treatment begun in the criminal justice system and then continued in the community garners more lasting reduction in criminal activity and drug abuse.” Lorraine Burgess (Ho‘omau Ke Ola) testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

36 The Task Force was cautioned to be respectful of the ways in which culturally based programs differ from other programs that are designed from non-cultural models. Wayde Lee formerly established a culture-based substance abuse residential program on Moloka‘i for youth, Kahua Ola Hou, and produced a curriculum for his program. He shared his conception of best practice.

“[W]e all kalua pig different. We no kalua pig the same way. So each place gotta be one different thing. No can be the same in each community. We gotta go back to the community and kāhea. Where is the uncles and aunties for help them? The family gets hard time. You know what is one Hawaiian family? The whole community! That’s all ‘ohana! We gotta go back over there and ask them, eh what you think? They get them in place. That is best practice.” Wayde Lee (Chair of the Hawai‘i Juvenile Justice State Advisory Committee), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

Francis Malani (Cultural practitioner), Testimony before the N. Haw. Justice Task Force, Hilo Summit (2012).

37 *Vote taken. Two votes to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu; Department of the Attorney General, “There are legitimate concerns on both sides of this issue. This Finding does not seem directly or clearly related to reducing the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups.”*

See Clean and Sober Task Force, vetoed by the Governor on July 10, 2012. as S.B. 2536 H.D.2; Senate Concurrent Resolution 102.

ers should be expanded upon.<sup>38</sup>

8. The Department of Public Safety, in conjunction with the Office of Hawaiian Affairs, is working on the expansion of appropriate models to utilize the work of culturally-based service providers, such as the pu‘uhonua model.<sup>39</sup>

## **H. Continuing State efforts to ameliorate the disproportionate representation of Native Hawaiians in the criminal justice system.**

1. Effecting change in the criminal justice system will require a sustained, continued cooperation among state agencies and private organizations, past the work of the Native Hawaiian Justice Task Force.

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*38 Vote taken. Two votes to abstain from the Finding: Department of the Prosecuting Attorney, City and County of Honolulu, “More information is needed to evaluate these particular programs on their individual merits.” Department of the Attorney General, “While the Department strongly supports the intent behind this Finding, we do not have sufficient information to endorse or attest to the effectiveness of these specific programs.”*

See, Supra note 35.

“I often say, if you wanna see the most novel innovative models, look to the rural communities of Hawai‘i. They’ve had to do more with less for a really long time, and as a result, they figured out how to integrate, collaborate, and provide the best quality care with the fewest resources and providers. And as a result, the models they’ve come up with are truly innovative and positive, and they are strengths based.” Aukahi Austin (Executive Director, I Ola Lāhui Rural Hawai‘i Behavioral Health Program), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

“In a nutshell, everybody is talking about we need best practice, which is tied to culture. We got that concept, we got it. Nobody in this hall can tell me that you never hear that. We’ve been telling you guys a long time ago about that. Ho‘oponopono process, Kūkulu Kumuhna, Hala, Mihi, Kala, Pā‘ina is all part of the ho‘oponopono process. The thing that really grabbed me as a Hawaiian [is this:] you can’t put me in a small office and do individual counseling, because I feel smothered, I feel cluttered in a small little room. I had my individual counseling in the lo‘i, pulling taro with my counselor. I had my individual counseling bouncing in the water at Pōka‘i Bay. They took me outside the building because universe, Hawai‘i, ‘ha.’ Language; oli, kāhea, stories, legends all of that. In a group setting, like I said ho‘oponopono style. Going out to paddle. Taking the things out while practicing my culture at the same time. My house on the non-profit that I started on Moloka‘i, Hale Pōmaika‘i, what we do is we bring in the kupuna and we teach them about Lapa‘au.” Varna Nakihei, (Maui Economic Opportunity BEST Reintegration program), testimony before the N. Haw. Justice Task Force, O‘ahu Summit (2012).

*39 The Office of Hawaiian Affairs, in conjunction with the Department of Public Safety, held a summit regarding pu‘uhonua and its prospective effects on November 2-3, 2012. See House Bill 2848 (2011), and passed into law as Act 117, Session Laws of Hawai‘i (2012).*

# Recommendations

## A. Data regarding Native Hawaiians in the criminal justice system

1. In order to inform future policy decisions regarding the disproportionate representation of Native Hawaiians in the criminal justice system, the state of Hawai'i needs to identify what data is to be collected at different points within the criminal justice system, improve data integration, and improve data infrastructure amongst state agencies.<sup>40</sup>
2. In order to provide a richer understanding of why Native Hawaiians are disproportionately represented in the criminal justice system, the legislature should provide sufficient resources to the Department of the Attorney General for a study that includes additional control variables.<sup>41</sup>

## B. The disproportionate representation of Native Hawaiians in the criminal justice system

1. The portions of the 2011 Justice Reinvestment Initiative which were not passed into law as Senate Bill 2776, Act 139 (2011) and House Bill 2515, Act 140 (2011), are to be reintroduced. As Native Hawaiians are disproportionately represented in the criminal justice system, the Native Hawaiian community will be disproportionately affected by any inaction to reduce inmates or fix problems within the criminal justice system.<sup>42</sup>
2. The State of Hawai'i, including the executive and judicial branches, shall create and maintain an inventory of service providers, including, but not limited to, culturally-based service providers that interact with inmates and former inmates. Such services may include services that address mental health, substance abuse, workforce development, and housing.
3. Training regarding implicit, unconscious bias is to be mandatory and ongoing for all employees who have contact with individuals in the criminal justice system. The Judiciary has recently held such a training for judges.<sup>43</sup>
4. As funding for indigent legal services has fallen, the State of Hawai'i legislature, through the grants-in-aid program, must adequately fund and maintain services for indigent clients.
5. While progress has been made, the Department of Public Safety must continue to bring mental health services in all state correctional facilities to constitutionally required levels.
6. In order for the Office of the Public Defender to deliver optimal services, the legislature must approve and fund more deputies, related support staff, and facilities.
7. The Office of Hawaiian Affairs and Native Hawaiian community stakeholders should collaborate with State agencies for the further development of culturally-based standards and evaluations that may be applied to Native Hawaiians who come into contact with the criminal justice system. The legislature should assist in funding this effort.
8. To enhance employment opportunities and thereby reduce recidivism, businesses that hire ex-offenders should be given a tax credit incentive.
9. All efforts should be made to conduct hearings before the Hawai'i Paroling Authority with the inmate/defendant

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<sup>40</sup> Vote taken. One vote against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "This language appears to over-simplify the proposed mandate." Department of the Attorney General, "Prior to initiating any large and costly data integration scheme, a single study should be conducted that includes critical control variables that may vary by race/ethnicity and are known to dramatically impact case processing and outcomes (e.g., criminal history; current offense; parole/probation status)."

<sup>41</sup> The Task Force is cognizant of socio-economic variables and their effect on criminal behavior.

<sup>42</sup> Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "For further information, see the Department's testimony pertaining to Senate Bill 2776 (2011), House Bill 2514 (2011), Senate Bill 2777 (2011), and House Bill 2525 (2011)." One vote to abstain from the Recommendation: Department of the Attorney General, "The report should identify the areas that were removed from these bills. Otherwise, the public will need to sort through SB 2776 and HB 2515 and determine which pieces were not enacted."

<sup>43</sup> Vote taken. One vote against the Recommendation: Department of the Prosecuting Attorney for the City and County of Honolulu, "The specific bases for this recommendation are unclear."



physically present.<sup>44</sup>

10. The legislature should develop guidelines for the Hawai'i Paroling Authority concerning the setting of the minimum term and factors to be considered for parole. One such consideration is access to programs.<sup>45</sup>
11. Legislation should be passed that establishes "earned time/good time" credit for inmates' behavior, including program participation, while incarcerated.<sup>46</sup>

### **C. Prevention and early intervention programs for Native Hawaiians**

1. The Task Force recognizes the importance of addressing disproportionate contact of juveniles with the justice system, and recommends the legislature consider the linkage between early prevention and/or intervention with adult incarceration.
2. To reduce intergenerational incarceration, resources must be directed towards children of incarcerated parents. The legislature should consider a mandatory educational program for guardians of minors with a parent in prison, similar to the "Kids First" program currently in place throughout the Judiciary.

### **D. Impact of the state's contracting with non-state facilities on Native Hawaiians**

1. The State of Hawai'i should increase oversight of non-state facilities pursuant to best practices.
2. The Department of Public Safety should develop criteria regarding the transfer of inmates between facilities that promote the access and completion of programs prior to an inmate's minimum sentence date.
3. The Department of Public Safety should ensure that inmates are placed in facilities that are consistent with their classification as determined by the Hawai'i classification system.
4. The Department of Public Safety should ensure that inmates' scored classification is not overridden for the purposes of placing him or her in specific programs or facilities.
5. The Department of Public Safety should determine the number of prisoners placed in private facilities who have been reclassified after out-of-state transfer, the basis for reclassification, including infractions, and the amount of time added to his or her sentence as a result of such reclassification.
6. The Department of Public Safety should ensure that prisoners who are housed in non-state facilities, and who are eligible by classification for pre-release transitional programs such as work furlough, are returned to Hawai'i with sufficient time to complete programs prior to their tentative parole date.
7. The Department of Public Safety should ensure that all allegations of abuse of inmates are independently investigated and that appropriate corrective action is taken.
8. The Department of Public Safety should ensure that inmates are allowed to follow his or her religious and Native Hawaiian cultural practices, and retain sacred cultural items that do not pose a danger to the security of the institution.
9. Consistent with community testimony and the Governor's repeated statements, prisoners held out of state should

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*44 Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "All reasonable efforts should be made." Department of the Attorney General, "The Department would support this Recommendation if the first sentence read, 'All reasonable efforts...' Face-to-face hearings should be conducted whenever feasible. There is no information indicating that this Recommendation is expected to reduce the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

*45 Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "The specific bases and parameters for this recommendation are unclear." Department of the Attorney General, "Additional time is needed to review this issue due to the breadth of the recommendation. In addition, completing this Recommendation could not be expected to reduce the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

*46 Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "For further information, see the Department's testimony pertaining to House Bill 218 (2011)." Department of the Attorney General, "Like the previous Recommendation, additional time is needed to review this issue due to the breadth of the recommendation. Completion of this Recommendation is not expected to reduce the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."*

be returned. The State should make the return of inmates a top priority, and inmates should be returned as soon as practicable, consistent with public safety.<sup>47</sup>

10. Once the inmates are returned from private, out of state facilities, the State should consider passing legislation prohibiting future use of private for-profit correctional facilities.<sup>48</sup>

#### **E. Issues in state-operated correctional facilities and their impact on Native Hawaiians**

1. The Department of Public Safety should ensure that prior to work furlough and/or release, all inmates obtain official state identification and if needed, a social security card.
2. The staff at all state-operated correctional facilities should receive annual, mandatory training regarding trauma informed care.<sup>49</sup>
3. Prisoners should be allowed consistent and regular visitation with immediate and extended family members. The Department of Public Safety should make every effort to ensure that adequate staffing is available for consistent and regular visitation.
4. All staff should treat inmates with respect.
5. All staff should enforce the Department of Public Safety's operating rules and policies consistently.

#### **F. Restorative justice practices and their application to Native Hawaiians**

1. The State should recognize and support community and grassroots efforts that promote indigenous cultural practice models demonstrated to be successful in Hawai'i or elsewhere.
2. Through funding and resources, the legislature should support the Office of Hawaiian Affairs' efforts to increase community resilience and address poverty, unemployment, healthcare, and housing as part of addressing the systemic cycle of the incarceration of Native Hawaiians.

#### **G. Lack of services for Native Hawaiians who come into contact with the criminal justice system**

1. The State should ensure adequate funding and staffing to treat offenders with mental health conditions, including the support of mental health services such as psychopharmacological medication, counseling, and case management.
2. The State should ensure adequate funding and staffing to create a comprehensive directory of culturally-based programs, indigenous models, and service providers for Native Hawaiians who come into contact with the criminal justice system.<sup>50</sup>
3. In order to reduce its reliance on incarceration, the state of Hawai'i should assist in the development of sufficient and

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<sup>47</sup> Vote taken. One vote against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "While the Department is not generally opposed to the return of prisoners held out-of-state, public safety must be the top priority at all times." One vote to abstain from the Recommendation: Department of the Attorney General, "It would be preferable for all Hawai'i inmates to be housed in State facilities within state boundaries, and for those housed on the mainland to be returned as soon as practicable, consistent with public safety."

<sup>48</sup> Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "As circumstances change and evolve, the State should be permitted to consider all options; a prohibition of this type would bar the State from considering even in-state private correctional facilities that present a cost-saving to the State." Department of the Attorney General, "The State should retain the ability to manage its correctional facilities in accordance with changing fiscal realities. In addition, completing this Recommendation could not be expected to reduce the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."

<sup>49</sup> Vote taken. One vote against the Recommendation: Department of the Attorney General, "While such training is important and should be supported, the specification of annual training (to presumably include retraining all employees every 12 months) was arbitrarily suggested and not properly researched in terms of need, value, and costs. In addition, completing this Recommendation could not be expected to reduce the overrepresentation of Native Hawaiians in the justice system relative to other ethnic groups."

<sup>50</sup> Vote taken. Two votes against the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, "OHA should continue its work on a comprehensive directory, as indicated in Finding G.4." Department of the Attorney General, "Finding G.4. notes that the Office of Hawaiian Affairs is already working on creating such a directory. This will be a valuable resource."

appropriate community-based alternatives to incarceration for substance abuse, mental health treatment, and housing at all points within the criminal justice system.<sup>51</sup>

4. Neighbor island models such as such as: MEO BEST, Wailuku Neighborhood Place on Maui; POHAKU on Kaua‘i; Ka Hui o Mo‘omomi on Moloka‘i; and others are effective models that should be supported, expanded upon, replicated and/or reinstated.<sup>52</sup>

#### **H. Continuing state efforts to ameliorate the disproportionate representation of Native Hawaiians in the criminal justice system**

1. There should be permanent funding and full time staffing in the appropriate agency or independent body to oversee and implement recommendations of the Native Hawaiian Justice Task Force, and to continue to review this issue.
2. Future efforts to implement recommendations and review this issue should include a wider breadth of community and agency representation than the current Native Hawaiian Justice Task Force.

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<sup>51</sup> Department of the Prosecuting Attorney, City and County of Honolulu, “One suggestion, was for OHA to fund and/or collaborate with private organizations to create a residential substance abuse treatment facility designed specifically to treat Native Hawaiians.”

<sup>52</sup> Vote taken. Two votes to abstain from the Recommendation: Department of the Prosecuting Attorney, City and County of Honolulu, “More information is needed to evaluate these particular programs on their individual merits.” Department of the Attorney General, “While the Department strongly supports the intent behind this Finding, we do not have sufficient information to endorse or attest to the effectiveness of these specific programs.”

# Native Hawaiian Justice Task Force Summit Research Methods

## October 2012

### Data Collection

Testifiers were asked by the Task Force to respond to two questions:

1. *Why are Native Hawaiians disproportionately represented in Hawai‘i’s criminal justice system? (and)*
2. *How can we address this serious matter?*

A total of seven public Native Hawaiian Justice Task Force community meetings were held between June 7, 2012 and August 3, 2012: One on O‘ahu, and one each in Hilo, Kona, Maui, Moloka‘i (which included participants from Lāna‘i), and Kaua‘i. One hundred and fifty-eight participants provided either oral and/or written testimony. Table 1 depicts the location, dates, and number of participants providing testimony by island. Table 2 depicts the gender and group classification. Testifiers were classified into one of five groups: agency representative, community member, professional, pa‘ahao, or ‘ohana of current or former pa‘ahao.

Testimony of 149 oral testifiers was audio recorded. Since the Kaua‘i hearing recording did not capture three of the 13 oral testimonies only 10 oral testimonies were available for analysis from Kaua‘i, yielding a sum total of 146 oral testimonies. Oral testimony from the O‘ahu meetings were electronically transcribed using Dragon Naturally Speaking software. However, the accuracy of the conversion from audio to text was inconsistent. Five staff members revised these transcripts to assure transcripts accurately captured all oral content. Given the project timeline and resources, a decision was made to complete data analysis directly from audio recordings for the remainder of testimonies from the Neighbor Island hearings.

Written testimony included the text of testimony as well as documentation of programs and research. Thirty-three participants submitted both written and oral testimony. Inclusion of both pieces of data from a single person is justified if the content is sufficiently different; otherwise, inclusion of the same content twice overinflates coding frequencies which could lead to erroneous conclusions. To determine if both pieces of data from a single testifier were distinct enough to justify inclusion in the final data set, the content of the written testimony of each of these 33 testifiers was compared to their oral testimonies. Twelve written testimonies were deemed sufficiently unique from the testifier’s oral testimony that both their written and their oral testimony were included as separate pieces of data in the final data set. Twenty-one written testimonies were determined to have content that was consistent enough with oral testimony that inclusion would be repetitive; subsequently, only the oral testimony was included in the final data set for these 21 testifiers.

Figure 1 depicts the entire data collection process used to secure the final 158 unique testimonies: 49 were transcribed oral testimonies from O‘ahu testifiers, 97 were audio recordings of oral testimony from Neighbor Island testifiers, and 12 were unique written testimonial documents.

Table 1

**Number of Testimonies by Location**

Location	Date(s)	Number of Testimonies
O‘ahu	June 7-8, 2012	55
Kona	July 7, 2012	15
Hilo	July 14, 2012	26
Maui	July 21, 2012	23
Moloka‘i/Lāna‘i	August 1, 2012	29
Kaua‘i <sup>a</sup>	August 3, 2012	10

<sup>a</sup> Technical difficulties resulted in only 10 of 13 oral testimonies being recorded.

Table 2

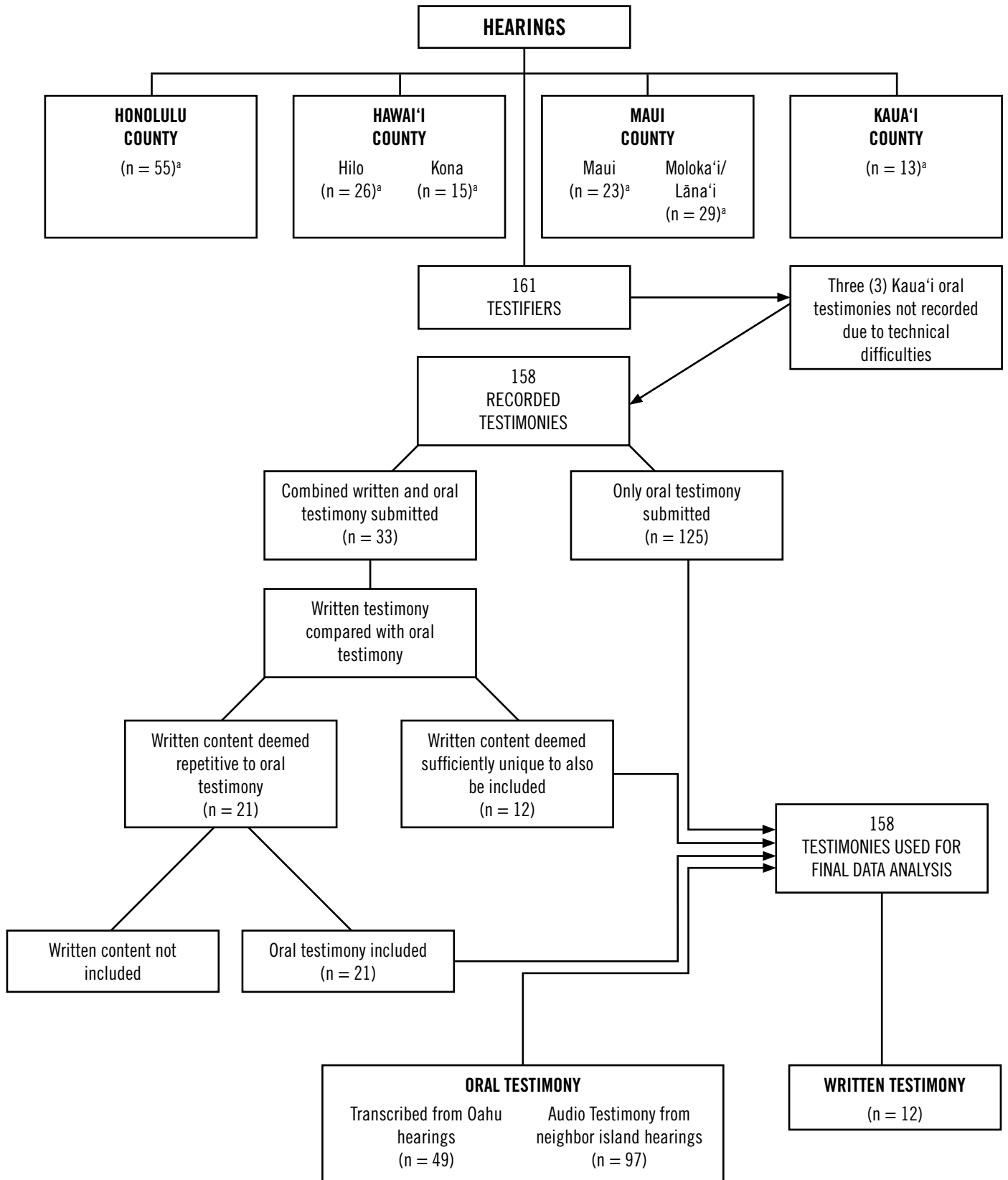
**Participant Role by Gender**

Participant Role Group	Gender				
	n	Male		Female	
		(n=83)	%	n (n=75)	%
Agency representative	17	21%	21	28%	
Community member	31	37%	25	33%	
Professional	19	23%	11	15%	
Pa‘ahao	12	15%	6	8%	
‘Ohana of pa‘ahao	4	4%	12	16%	

**Data Analysis**

The data analysis team consisted of three members of the OHA Research Division: the Director, a Program Manager, and Program Improvement staff member. Qualitative data analysis is an iterative process that requires continual interaction and review of the data to ensure confidence in the final interpretations and reliability of the coding process. Results typically include the frequency of a set of common codes used to group content with similar meaning, then clusters of codes with similar content referred to as themes, and finally synthesized descriptive analysis of “what the content really means.”

Figure 1.  
Data collection process



<sup>a</sup>Number of testimonies by county

A standard process was used:

1. Initial analysis of three O'ahu testimonies independently analyzed to establish a coding scheme;
2. Initial assessment of inter-rater agreement of codes, discussion and to refine the coding scheme;
3. Independent analysis of all data by each team members;
4. Further checks on stability of inter-rater agreement, team discussions of analysis, refinement of the coding scheme, and creation of clustered themes (iterative);
5. Reanalysis of data with final coding scheme, final frequency counts of codes, and;
6. Discussion among research team members of final results.
7. A grounded theory approach was applied in which initial codes were not pre-determined but rather emerged from the data to identify common components across testimonies.

**Inter-rater agreement.** Three testimonies were used to establish the initial inter-rater agreement of themes. All testimonies were independently analyzed. The initial inter-rater agreement was 83%, an acceptable measure of reliability. Subsequent checks resulted in inter-rater agreements that ranged from 75% - 84%, with inter-rater agreement increasing throughout the process of analysis.

**Thematic identification.** Qualitative coding for two research questions frequently involves the creation of two separate coding schemes: one for each question. However, research team members quickly realized that testifier's responses to the two questions asked by the Task Force were intertwined throughout their testimony. Some testifiers did not answer the questions directly but instead shared their personal experiences and opinions. Thus, separate coding by question was deemed inappropriate and a single coding scheme was utilized for both questions.

During July to September 2012, researchers worked independently on data analysis and met regularly to share their findings. For transparency purposes, the initial coding and cluster schemes were presented in Appendix A. Following the completion of the second wave of data analysis researchers met to finalize the coding scheme and debated how new and previously identified themes could be combined, collapsed, and interpreted. The lead researcher applied team recommendations to draft the initial results in response to each question asked by the Task Force. A final review of the results was completed by all research team members to assure consensus with overall data interpretation.

## Results

Results are organized according to the two questions posed by the Task Force:

1. Why are Native Hawaiians disproportionately represented in Hawai‘i’s criminal justice system? (and)
2. How can we address this serious matter?

Table 3 presents the frequency of the final coding scheme used to categorize responses to both question. Notably, the majority of testifiers did not address both questions. Refer to Appendix A for the initial coding scheme and clustering process used to clarify major themes. Culture, policies/laws, and reintegration via multiple approaches emerged as the final themes of how testifiers perceived the task force could address this matter.

Table 3

### Frequency of final coded categories

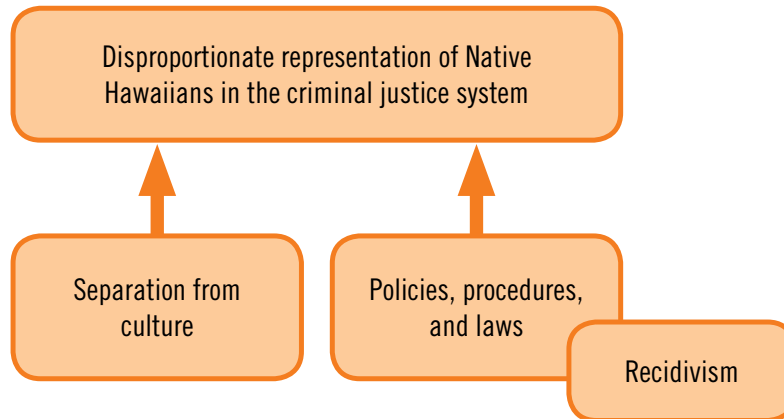
	Final Coding
Models/ approaches	50
Policy/ Laws	43
Separation from culture	42
Reintegration	39
Culture based programs	35
Correctional Corporation of America (CCA) - Mainland prisons	28
Economic issue	25
Maintain cultural beliefs and practices	21
Preventative Drug Treatment	18
Training	18
Restorative Justice	14
Pu‘uhonua	13
Ho‘oponopono	13
Sovereignty	12
Recidivism	11
Disparate Sentencing	9

### Q1. Why are Native Hawaiians disproportionately represented in Hawai‘i’s criminal justice system?

As shown in Figure 2, participants identified *separation from culture* and *policies, procedures, and laws* as critical reasons for disproportionate representation of Native Hawaiians in the criminal justice system. Recidivism was embedded within the discussion of policies, procedures, and laws.



Figure 2. Participant identified factors associated with the disproportionate representation of Native Hawaiians in the criminal justice system



**Separation from culture.** Participants provided a variety of perspectives on the historical causal factors associated with the overrepresentation of Native Hawaiians in the criminal justice system. These perspectives were expressed in terms such as “historical trauma”, “generational trauma”, “cultural trauma”, “loss of identity”, “loss of connection to culture”, “discontinued use of cultural practices such as ho‘oponopono”, “loss of self-governance”, and “disconnected from land”. Many participants linked these factors directly to the 1893 overthrow of the Hawaiian Kingdom which led to a shift in the economic and political balance of power. This resulted in loss of land, language, cultural practices, and decreased psychosocial well-being. Participants described this systemic historical cultural loss as negatively impacting the social structure and dynamic of families and thereby individuals.

*“Cultural historical trauma is the aftermath of colonization, the aftermath of dominant, one culture over another. It’s psychological, it’s economical, it’s social, it’s emotional and here’s a corker, it’s intergenerational. And why is it intergenerational? It’s intergenerational because when that trauma happens, there’s usually grief, depression, existential grief, a certain numbness, cultural wounding, a sense of not belonging..I don’t belong here, I don’t belong there. The makua, the parents and grandparents who are suffering from, or have been impacted by cultural historical trauma, have a real tough time getting out of that and raising their kids in a healthy way...We in the Hawaiian community have understood that trauma was such an important link to a lot of the disparities, a lot of the socioeconomic issues that affect our people.”*

**Policy, procedures, and laws.** Testifiers consistently expressed concerns related to their knowledge or understanding of current policies, procedures, and laws regarding the justice system, public services, and prisons. These included: 1) inequity/ disparate sentencing, 2) lack of access to quality legal representation, 3) inability of ex-offenders to get jobs, housing, education, and other public benefits, 4) issues related to the transfer of Hawai‘i prisoners to the continent.

**Inequitable sentencing and lack of access to quality legal representation.** The most common statements in this category dealt with inequitable sentencing. In addition to the historical context, many participants testified that inequitable sentencing and lack of access to quality legal representation were contemporary factors contributing to overrepresentation of Native Hawaiians in prison. Although several participants mentioned inequitable sentencing as a cause for high rates of Native Hawaiians being incarcerated, they did not elaborate; however, one participant presented some data that supported those identifying this as a problem. The data presented raised the question as to the qualitative decisions being made by officers and prosecutors providing support to those who testified that institutional racism was linked to sentencing decisions. Some participants shared personal stories of their experience with public defenders and pointed out that these offices are inadequately staffed. An overburdened system reduces the chance for quality legal representation. In addition, a few written testimonies included data on both adults and youth that supported disparity at all points of contact with the criminal justice system.

**Inability to get jobs, housing, education, and other benefits.** Many participants testified that current policies and laws make it difficult for ex-offenders to get jobs, housing, education, and other public benefits. This inability to succeed post-incarceration was recognized as a direct link to recidivism.

*“Once a person has been incarcerated and then released, they become part of a permanent underclass as jobs, public benefits, education and opportunity are legally and practically placed out of reach so that the person reoffends and is caught in a closed [cycle] of marginalization. The period after incarceration is referred to by some scholars on the subject as the period of invisibility. It is legal to discriminate against ex-offenders in housing, employment, and public benefits. If you think getting a job is hard, try doing it with tattoos and a felony and with your prior work experience coming from inside or from ten years ago.”*

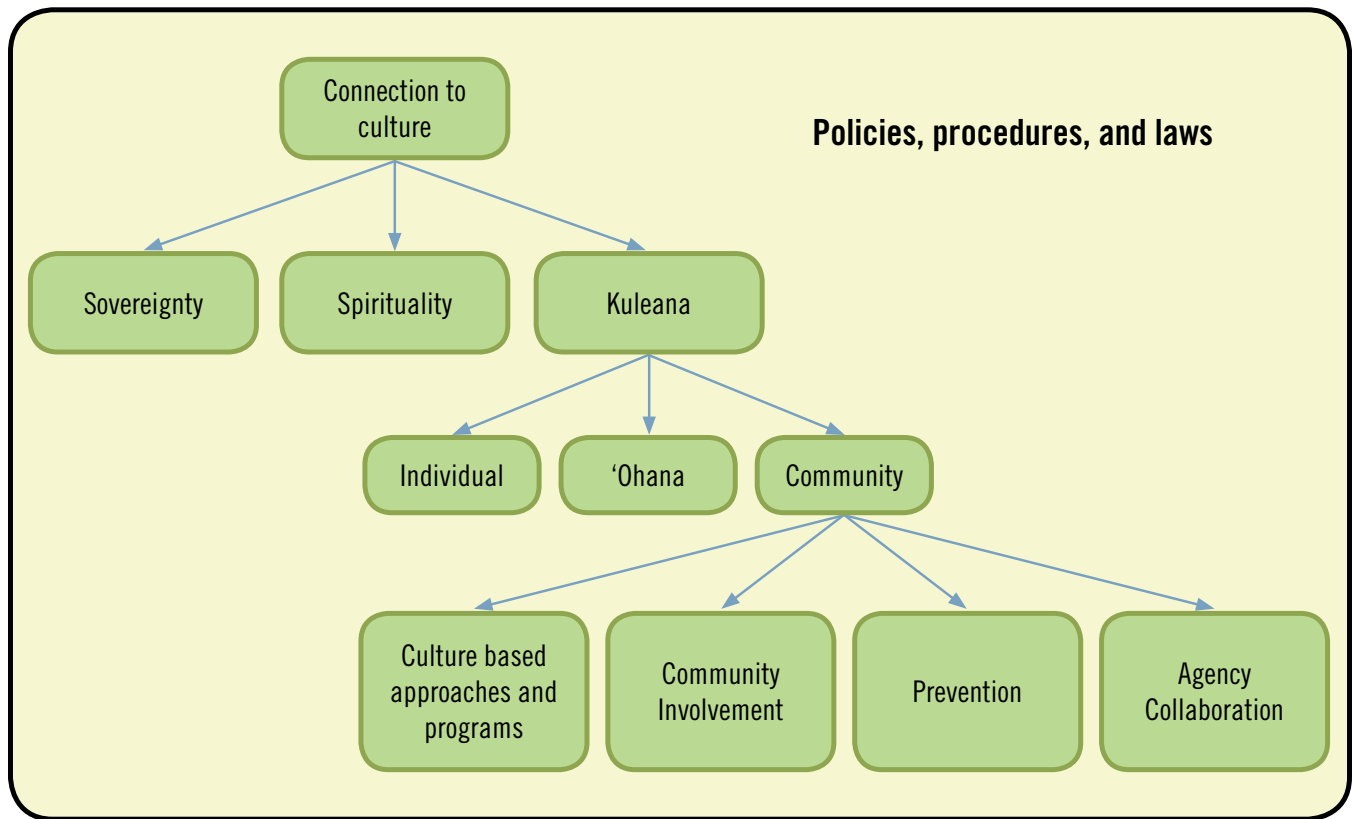
*“The biggest contributor to not reoffending and against recidivism is maintaining long-term employment.”*

**Transfer of Hawai‘i prisoners to the continent.** The most consistent message relayed by participants was how imperative it was to “bring our prisoners home.” Native Hawaiian prisoners sent to the continent had no ‘ohana support or contact. There were various issues raised about the inability for these prisoners to practice their religion, in particular the Makahiki, or to speak their language. In contrast to these statements, were comments made by some testifying that their ‘ohana serving time in prisons on the continent did not want to come back to Hawai‘i because they regarded the treatment in our prisons as worse. This prompted comments about training for correctional officers and other prison staff, as well as, policies that allow for practice of Native Hawaiian religion equitable to those given Christian based religions.

**Q2. How can we address this serious matter?**

Connection to culture and policies, procedures, and laws were clearly the major themes throughout the testimonies. Figure 3 attempts to visually describe how connection to culture was expressed in relation to other components that participants discussed. Since much of the testimony regarding the solutions necessary to reduce the disproportionality of Native Hawaiians in the criminal justice system indicated the need to review and revise existing policies, procedures, and laws it is represented in the figure as the context influencing the expression of many of these relationships. The relationships between the components pictured in the Figure 3 are described in more detail below.

Figure 3. Major themes explaining testifiers responses connected to culture



**Connection to culture.** The major theme throughout the testimony was the importance of culture and the need to incorporate culture in preventive, treatment, and rehabilitative efforts. Participants presented testimony regarding connection to culture in relation to meta-level cultural values (e.g., spirituality), inter-personal layers (e.g., individual, ‘ohana), and community

systemic approaches (e.g. community involvement, agency collaboration). Although *kuleana* and *community* are incorporated into the components linked to the connection to culture theme, they were also the context within which much of the discussion for solutions took place and therefore will be further discussed as *kuleana of the community*.

**Meta-level concepts.** Participant testimony reflected three values classified as sovereignty, spirituality, and kuleana.

*Sovereignty.* While some sovereignty testimony was connected to the loss of sovereignty and the ultimate impact of that on the current incarceration problem, there was testimony that suggested 1) when the Hawaiian nation is formalized there must be consideration of how current and future incarcerated Native Hawaiians will be handled, 2) Native Hawaiians are already sovereign and therefore the state is obliged to remedy the situation of incarcerated Native Hawaiians.

*Spirituality.* There was much testimony that spirituality is an innate element of being Hawaiian. Spirituality was expressed in the traditional Hawaiian belief one's connection to 'āina, in the Christian tradition of "ke akua" (e.g., God, the Lord), and in the metaphysical "sense of being." Many testified that when working with the incarcerated to connect them back to their culture, spirituality was inherent in that connection. One cannot work the land, paddle, fish, make nets, dance hula, oli, and participate in other cultural activities without understanding the spiritual connection to the 'āina, to the kai, and therefore to ke akua. Practitioners, professionals, and community members were keenly aware of the symbiotic link between a Native Hawaiian sense of well-being and spirituality. One does not exist without the other.

*"Because we have such limited time, I wanted to talk about a lot of things, but I had to narrow it down to things of relevance so, I'm going to speak on the importance of Hawaiian culture, traditional practices and approaches towards rehabilitation of native Hawaiians. Towards healing, ho'oponopono..... My main point that I'm pushing today is cultural rehabilitation. In the prison, religion is very powerful. They encourage the inmates to get involved. Right now there is a struggle going on with Hawaiian religion. Hawaiians are being oppressed, suppressed. Early on they were told that Hawaiian's don't have a religion. And the second questions came back, "Okay, where's your bible?" and my response what "why do we need a bible?" Our bible is codified in our mo'o lelo, our chants and prayers. ....But, the thing about it is these inmates, the Hawaiian man, they have the i'ini, the desire to reconnect; find out who they are, where they came from. And that is what makes it very powerful and important. All the other western cognitive restructuring, life skills, whatever, they go because they're mandated to go.*

*One thing I learned is that every single Hawaiian that was there, they all respected, no matter how hardened a criminal they were, they respected prayer, and they respected the ceremony. It's been a struggle for the makahiki for the prisons and the inmates. Why Hawaiian spiritual and culture. Like I said, they have the i'ini, the desire. This is something that they want to do that they cherish. The universal values such as kuleana, responsibility, respect, initiative, leadership, are all embedded in our cultural practices. Teamwork, cooperation, it's already embedded. In order for the ceremony to happen, in order for the hula to be pono, you have to cooperate. You have to have discipline. You have to show up.....But I know that a spiritually grounded inmate, at least from the point of the administration, is an easier inmate to manage. But for me, I think the prison administration, they're lolo, they're stupid. If they allow these guys to find themselves, they would find that they would have a lot less violence and trouble with the inmates."*

*Kuleana.* Participants testified to the kuleana of individuals, 'ohana, and the community. There was varied testimony regarding the kuleana of an individual; however, these could be reduced to three groups of comments. The first were those individuals testifying who expressed a belief that it was their kuleana to work with current or formerly incarcerated adults and youth, at-risk youth not yet associated with the criminal justice system, or in prevention efforts with children, youth, and families. Many expressed their deep felt passion for their field of work. Second were those who believed it was their kuleana to pass on their cultural knowledge and practices with this population. Third were comments from formerly incarcerated individuals and family members of formerly incarcerated individuals who stated that an individual must be ready to change and must be willing to accept their kuleana as part of that change. This would include rules of programs, participation in program activities, holding themselves accountable for their own behavior while incarcerated, acknowledgment of their crime or the circumstances that brought them to prison, and where possible restoration in some form.

In testifying to the kuleana of 'ohana as part of the solution there were two main types of statements. There were statements that parents must raise their children "correctly" and "teach them the right way." All of the 'ohana should be responsible for supporting parents to raise their children with a sense of values and respect. Others testified that if an individual goes down the wrong path, then the 'ohana can be a support network. These statements were tempered by others from professionals, as well as, former pa'ahao who noted that in some cases there was too much hurt and relational damage suffered by 'ohana and therefore a reluctance or refusal to be part of any program or ho'oponopono process. In this sense, the 'ohana too must be ready for change before reconciliation at any level can be successful.

There was much testimony regarding the kuleana of the community in addressing the disproportionate numbers of Native Hawaiians in the criminal justice system. The community, which for purposes of this report, is defined as a broad set of agencies, systems, programs, volunteer organizations or individuals, faith-based organizations, and any others working to address this issue. Four primary solutions emerged in connection to the community's kuleana. These will be described in the following section.

### **Kuleana of the community**

As shown in Figure 3, the four themes that emerged regarding the kuleana of the community included: 1) culture-based approaches and programs, 2) community involvement, 3) prevention, and 4) agency collaboration.

Culture-based approaches and programs as necessary components for reintegration. The testimony data consistently revealed the need for culture-based approaches and programs as intervention for those incarcerated and as post-incarceration support. Culture-based programs in conjunction with education and relevant job training was viewed as critical to ensuring successful transition back to the community. Many participants shared their own programs that worked with incarcerated men and women to reconnect them to their culture. These programs include cultural components such as learning about Hawaiian history, cultural practices, individual mo'okū'auhau (genealogy), participating in cultural practices such as oli and makahiki, and using ho'oponopono as a method for healing family relationships. There were programs presented that did not clearly describe cultural components, but focused on addressing life skills, mental health services, and employment skills. Job skills training for today's employment market was discussed as necessary to ensure that upon release ex-offenders can find employment to support themselves. Refer to Appendix B for a list of programs mentioned by participants during their testimonies.

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*"The Hawaiian perspective is very important... There is power in the language that is native to these islands... Culture based means using the kupuna and other as mentors. There is strength in particular we look at Native Hawaiians that are incarcerated we have to communicate to them as fellow community members that there is already a strength they have in being native..."*

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*"What I wanted to begin with, aside from the fact that I wanted to make it important, that culture is a major part of recovery and rehabilitation, I wanted to talk about being able to give them the culture because it grounds them. It grounds them in who they are, what they're doing, but it also is a reminder for those that were blessed enough to be raised in a family that instilled morals and values. For those that come out of incarceration that had that instilled, what happens is at Ho'omau Ke Ola, they are reminded. It's brought back to them, just like all those things they used to practice in childhood, small kid time. It's almost like a little tug on the ear to remind them what they should already know and begin to practice and open up their eyes to."*

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*"The biggest contributor to not reoffending and against recidivism is maintaining long-term employment."*

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*"Can we link criminal justice system with the needs of the economy and develop a system of training in green jobs, ag, and sustainable ag that will bring Hawaiian values, culture, connection and create long-term plan that will help Native Hawaiians and the state?"*

Many participants clearly articulated the necessity of continuing culture-based approaches and programs post-incarceration. Pu'uhonua was suggested as an approach to ensure that men and women who are struggling after release from incarceration could find continued connection to their culture, healing, education, and training. In some cases, the pu'uhonua described would include transitional housing. A few participants further suggested Kulani Facility as a possible pu'uhonua site. Others suggested pu'uhonua as a more conceptual approach rather than physical space. It was suggested that agencies could themselves serve as pu'uhonua via their services and relationship with their clients.

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*"We need transitional programs incorporating culture and help with getting jobs, childcare, employment skills, place to live, etcetera."*

**Community involvement as a support mechanism for reintegration.** Community involvement varied from individuals who participate in programs on a volunteer basis to share their knowledge and skills to local businesses that support programs or hire formerly incarcerated individuals to faith-based organizations that provided assistance in obtaining housing, work training, and spiritual guidance. Testimony from program personnel also indicated their awareness of the important role that the community played as a support network for those formerly incarcerated. There was also testimony that revealed several programs started as grass-roots initiatives to fill a need identified within the community regarding formerly incarcerated adults and youth who were having difficulty reintegrating.

**Prevention to reduce Native Hawaiians involvement with the criminal justice system.** Comments related to prevention were clearly articulated in association with education, economic opportunities, and substance use. Some participants presented testimony that it was through education of our youth to be adequately prepared for the employment needs of the future that we will prevent their need to engage in risky, illegal actions. Other participants testified we need to create economic opportunities for our youth and our ex-offenders. Economic opportunities must be sustainable and provide adequate wages to ensure our youth can afford to remain at home and our ex-offenders can survive financially. Several participants indicated that one of the most pervasive problems in the Native Hawaiian community is substance abuse. These participants discussed prevention in association with preventative drug programs. Unlike the cultural programs described above, these were often statements for the need to have more such programs without further elaboration.

Agency collaboration must be supported to ensure successful reintegration. All role groups attested to needing better reintegration services. For agency leaders, staff, and other program personnel, this translated into a call for collaboration between agencies to ensure that each inmate has a transition plan prior to release. The transition plan would ensure that the connections to acquire basic necessities, mental health and medical services, and enrollment in transition programs were ready so the inmate does not feel overwhelmed and become vulnerable to old habits. Those testifying for the transition plan also advocated for the state to make it easier for agencies to collaborate to achieve better reintegration.

*“So what, at a task force level, can happen that can make that goal? Well, that can be things like supporting bills and legislation to promote interagency cooperation. You know, because we can talk about the evaluation component of things, we can talk about specific organizational or specific branches within the state’s health system; we can talk about needing to cross between judiciary and health; and yet, we could also similarly talk about the need for cross between DOE and the judiciary system. I mean, it’s a similar need; it just depends on what part of the system. So if we’re talking about transformational thought, then we need people that can all play well together at the table.”*

**Policies, procedures, and laws**

It was clear from numerous testimonies that policies, procedures, and laws are integrated into all aspects of how Native Hawaiians enter, exist within, and exit the criminal justice system. Table 4 depicts the group response to Q2 related to policies, procedures and laws.

Table 4 Categories of testifiers responses regarding how the problem could be addressed

Support bills and legislation that would promote interagency collaboration and take down barriers between agencies.
Support bills and legislation that would support the creation of public-private partnerships for services.
Support bills and legislation that require cultural components to be integrated into programs addressing Native Hawaiians during and after incarceration.
Create incentives for businesses to hire ex-offenders.
Create policies that would require the development of a discharge or transition plan for inmates to ensure a system of care post-incarceration.
Advocate to change Medicaid policies so that culture-based treatments can be covered.
Eliminate the contract with CCA and until that occurs ensure that there are provisions within the contract that allow for cultural practices such as ‘ōlelo, pule, and oli.
Change the current adult and youth criminal justice system to include a broader range of options to such as diversion and restoration options.
Review and revise the misdemeanor laws for both adults and youth. The current laws ensure that people are imprisoned for substantial amounts of time for crimes such as trespassing. Many of these non-violent offenders are housed with violent offenders.

**Personal experiences as examples of the impact of incarceration**

Selected excerpts from three individuals are presented below. These experiences highlight the impact of connection to culture and community kuleana (in the form of programs aimed at reintegration). They highlight impact of incarceration on ‘ohana,



success, barriers to successful reintegration, struggle, and are a testament to both formal and informal community based programs addressing healing, prevention, rehabilitation, and reintegration.

**Testimony Excerpt #1.** *“Aloha, I’m DD and I thank you for letting me share. My mom has been through a lot with me, a very, very bumpy road. My mother didn’t understand prison. When I was in prison, my mother said she was going to bring me some fish and poi, and I was like, no mom, you can’t bring fish and poi to prison. So, she had to go through a process too. It was very traumatizing, not just for me, but for them. I come from a family of educators. My mother’s a teacher, my sister’s a teacher and I was trying to be a teacher myself and then my life went another path. I believe that our prison is going to trail blaze this place because the women that come out of prison, when we come out of prison, we go to TJ Mahoney’s and they teach us time management skills, they teach us life skills. They teach us how to handle life on the outside... “life on life’s terms,” that’s what they say. Most of us in prison are not educated. A lot of them are not educated. .... What happened in our prison, with our warden and his vision, of pu’uhonua, he wanted it to become a place of healing. ...I feel like I am a product of his vision because when I got to that prison he was just starting up and a lot of things happened to me. I got sent to Kentucky and I could relate to AA sharing about how the men joined gangs. We shouldn’t be leaving the islands to go to prison. I went to Kentucky and my mother was very traumatized because she would visit me every single weekend in prison. Even though I did all these things, she still was my biggest support. You’ve got two minutes to pack your bag and go to Kentucky when they call your name, you’re going, and you’re on the flight.*

*It was really a traumatizing event for me. But some things that happened to me there, and even though that traumatized me, when I got back, I got into the Hina Mauka program which was a really awesome program in our prison system. ... because our Hina Mauka program in the WCCC is based on Hawaiian culture. Every day, we wake up and chant. We do our chants, we have beautiful women in prison. Last year they went to honor the three kupunas, the halau and they danced, the women from prison. And they danced beautiful kahiko. It was just so touching that everyone in the audience cried.*

*You know, when you’re sitting in prison, you might look at us like criminals...but no, we just made bad choices. Some of us had dramatic events that happened in our lives that took us on a different path, but we’re all the same. I got out of prison and I went to TJ Mahoney and I did six-months there. I learned a lot of skills, learned how to get back and reintegrate back into society and stay committed. Because what I learned in TJ’s was that it was the small things that I had to take care of, because those were the things that were going to take me back out. I had to learn to follow rules, and that was tough. TJ’s has lots of rules.*

*I’m here today as the peer support specialists for WCCC which two years ago when I got out of prison, the warden said do you want to be on my team? And I said what team? And he said the Trauma Informed Initiative team and I said, sounds good to me, because trauma is what gets us to prison. A lot of us, and even if you’re a normal person, you still got trauma issues, and most of us stuff those issues. And that’s why women are always in recidivism because they don’t open up and take the power out of the trauma. We join the trauma team and I got to go to Baltimore. Two years ago I went to Baltimore and got to meet some other peer specialists from all over, women that were in prison, with all kinds of stuff that happened to them. They were up on a panel and they were inspiring. I looked at this one lady and I said “I want to be like that,” because she was inspiring. She came from a very trauma family. She came from prison; she had her master’s degree and all this good stuff. And that’s what I wanted to do be. So last year, I got to go to Boston and learn about the use of seclusion or restraint. We’re trying to eliminate that in our prisons.*

*So today, I’m trying to go back and get my degree at LCC. I’m full time. ... On the outside I formed a little group with me and my girlfriends, because all the girls I went to prison with, we share a bond. We’re so tight that not even our family knows the secrets that we shared with each other. Unfortunately, the paroling authorities don’t let us hang out together because it’s illegal action. So we’re not really allowed to hang out, but there are ways you can do that. Because my parole officer is a wonderful lady and she, she sees what I’m doing out in the community, she’s allowed me to associate with other [inaudible] people’s that are also doing well. But once they violate their parole, we’re not allowed to hang out anymore. And we understand that. We are on the outside trying to help another sister survive, trying to teacher her skills. Work is important, you have to get up, go to work on time. Those are the small things in your life that you have to be faithful to. In our prison, one of the best things that came out of prison for me, was not just the ability to learn about myself, but to make a connection with my god. We have bibles in our prison. We have lots of bibles in our prisons. We have lots of people from all over donate things to us. We have all kinds of churches in our prison. And for us, just building a foundation is what is going to work.”*

**Testimony Excerpt #2.** *“Both my parents were in and out of prison when I was younger. I grew up with those struggles. I am the oldest of three kids. I have two younger brothers and my mom actually had my youngest one when she was in prison. And she ended up in Woman’s Way cause she saw how hard everyone was having trouble. They end up going back in prison,*

*in and out and again, and she didn't want to go through that. So she chose Woman's Way and that actually helped her. And around that time, too, a lot of the programs that you guys are talking about now days, it wasn't around back then for kids like me and my brother. It would have nice to have them, but we made it through somehow, and my father unfortunately he did not seek help or anything. He was in and out all the way up until the day he committed suicide with an overdose two weeks before my 18th birthday. He left behind two kids...two older kids and a six month year old girl. And, I see my brother, and he, in two days, he turns 18.*

*Two years ago I was in high school and I was one of those kids, roaming the streets, doing everything that everyone else used to do. The kids, it's not just about educating them. But getting them to understand, understand how it is. And a lot of them do, but a lot of them don't know what to do about it and don't know how to deal with it. And no disrespect to any psychology majors or anything in here, but those steps and everything, some of 'em they'll do it in that room when you are talking to them, they'll write that paper down or whatever you want them to write, and as soon as they walk out that door, it's in one ear and out the other. And I see it all the time and I only see it getting worse and these kids are getting younger and younger, starting younger and younger. And it's scary to see that. Cause my brother is still struggling to this very day with self-esteem and everything cause he believed that he had to go, he had to, he believed that cause of my father and cause my mother and everyone else that went through that. Cause it wasn't just that, it was before them too, they saw that. He believed that that's what he was supposed to do, that was where he was going to end up. And I believed that too. I thought I was just going to end up a druggie, end up doing all that kind stuff, but I was grateful and thankful that my grandma tried to step in and save us. And she raised me, teaching me about Hawaiian ways and Hawaiian morals and all that. And I am an active, to this very day, an active civic club member of Ko'olaupoko Hawaiian Civic Club. And I give them credit cause they are very active and last year I was part of a cultural mentoring program for these kids and Alu Like, funded by Alu Like, and it was basically I just helped these kids and we took them all around the island. Took them all around the east side. We put them to work in the lo'i and everything. And these kids wanted to learn. When it came to learning the chants and the olis indoors, they were so like, not there. But when it came to outdoors, hand-on everything, they were there. They wanted to. It was all about, like, getting them the motivation to do it. It seems like, to me, that they want to do Hawaiian, they want to know all about the Hawaiian culture. They want to. And that was the way that we got through to a lot of kids. And it's sad, cause we couldn't do it again this year and a lot of the kids wanted to.*

*Task Force Member: JJ, we are so glad that you did come and share with us. I have one question. JJ, you mentioned that the program is not happening this year. Why is that? Do you know?*

*JJ: We couldn't get the funding to do it. And that was one of the main motivations for the kids to actually show up was that they were getting paid to do it. But they showed up on their own too, even when we didn't provide transportation. We were doing it all on our own. We had aunties watching them, aunties helping us, you know. We put them to work with tools and everything, cutting down bamboo, we cleaned heiau, we took them to Kahuku up in the military area, like, searching for different heiau. And they loved it. They loved it. They wanted to keep going, they wanted to learn more and everything. And just teaching them those Hawaiian ways was enough for them."*

**Testimony Excerpt #3.** *"Aloha, my name is KK. For me I am a convicted felon. I've been pulling time for over fifteen years now. I was recently let out for the very last time. You know I've heard a lot of good things about a lot of points in this room today and it really affects me because I've been a criminal for all of my adult life and most of my teenage years. I've stole, done drugs, dealt drugs, did everything possible to find my place. You know it's funny about what Pastor D was saying about that heart yeah. It reminds me of something that my grandma used to tell me when she was raising me up. You know would always have dishes in the sink. And she would tell me, 'KK, how come you nevah wash the dishes in the sink'. I said because I nevah make those dishes that's mom's dishes. She said if you see dishes in the sink you just wash it no matter what whose dishes that is. And you when GG was bringing me down here I was asking what is this meeting all about. Is the goal to get funded? He looked at me and he said it's not about money it's about the people. And you know what, after hearing everybody share I see that I'm involved in a room full of that same type of person. And that's why I hang around with people like Pastor D because I want to be that type of individual, that type of man. You see the many, many years I've been on the street and involved with drugs and pretty much lost I've lost that part of me. I come from one strong Hawaiian family, one big Hawaiian family and we've grown up with those same principles, morals, and values that is taught in the Ka Malama program. See I've done everything. I've been in Maui Drug Court twice. Awesome program. I've been a, I am a BEST client. I am an OHA Scholar recipient. I'm going on my third semester in the human services field trying to get my degree in human services. After going into the Ka Malama program it opened my eyes on principles, morals, and values that I lost along the way. You know malama, 'ohana, ho'oponopono. You know Mary Kawena Pukui said malama kekahi i kekahi, take care of one another. We cannot do this alone. We cannot do it just one individual trying to change the Native Hawaiian people. You know I nevah know that Pastor D was never funded for that program. That was all from aloha, from the heart because he care about us,*

*me. You know to have someone to have a network of people who cares about someone like me who has never done nothing good in his life who is always trying to find a place in life. It feels real good.*

*He said he been doing it for nine years without funding, just from the heart. But if I do my math correctly when I went to the class and I went, I did it twice it was so good so I get two certificates. I can almost teach the class [laughter]. But if I do my math correctly I had at least twenty people in my class. Now over nine years if that class was held once a year, 20 x 9, and you think of that number and you think that is not so bad so what if five people of that 20 actually succeed and make it. You calculate how many children each individual has, wives, and then you calculate that number but it is not just that individual that is in the class but at least 5 to 10 people that individual goin' affect. Not only the family but when that individual goes into the community. I believe that to be you know an awesome part of restoring our Hawaiian people. It has affected me so much that is why I am in the human services because I want to open up my own adolescent youth program and I want to instill these same teachings that I learned in the Ka Malama program about principles, morals, and values of old Hawaiian traditions."*

### **Discussion of results**

This report attempted to extract common themes from testimony data collected at the Native Hawaiian Justice Task Force meetings. While there were many testimonies collected across the state, it is interesting that the identified causal factors and solutions were so similar. Culture, specifically the loss of and the *re-connection to*, was identified as the most critical element to understanding the problem and how to "fixit." The importance of a continuum of service approach by implementing culture-based programs that include education and meaningful skill building both during an individual's incarceration and post-incarceration was articulated across testimonies. This continuum of service approach was viewed as a critical component to ensuring successful reintegration into the community. The figures depicted in this report attempted to visually describe the major relationships expressed by participants.

It should be noted that a limitation of the data is the extent to which respondents are representative of their community and their respective role group. This being noted, the testimony data provided rich insight into the dynamic interplay between culture, individuals, families, communities, and other systems (e.g., judicial, corrections, etc.). Given more time, the data set could be further analyzed to determine specific suggestions by role group, gender, and/or location.



## Appendix A Initial coding categories

First round	Frequency	Clustered categories	Combined categories
Separation from culture	33	Separation from Culture	Separation from Culture
Policy/ Laws	26		
Reintegration	25	Reintegration Models/approaches Culture based Programs Pu'uhonua Maintain cultural beliefs Ho'oponopono Training	Culture-based approaches and programs Reintegration
Models/ approaches	23		
Culture-based programs	23		
Economic issue	14		
Correctional Corporation of America (CCA) - Mainland prisons	13		
Sovereignty	11		
Pu'uhonua	11		
Preventative Drug Treatment	10		
Training	9		
Restorative Justice	8		
Maintain cultural beliefs	8	Economic Issues Preventative Drug Treatment	Prevention
Ho'oponopono	6		
Disparate Sentencing	6	Sovereignty	Sovereignty
Recidivism	5		

## Appendix B Program Identified by Testifiers

Program Name	Service Provider	Primary Population Served	Location(s)	Description
BEST program	Maui Economic Opportunity, Inc.	Former inmates	Maui	Strengthens the community while helping people in need restore their hope, reach their potential and enrich their lives.
Family Support Hawaii	Family Support Hawaii	Neglected and abused children	Hawai'i	Supports families and communities in providing love and care for our children.
Free to Grow (Head Start)	Maui Economic Opportunity, Inc.	Children and families	Maui	Strengthens families by embedding substance abuse programming in Head Start and building community resilience against substance abuse.
Ho'ola Lahui Hawai'i	Kaua'i Community Health Center	Servicing the needs of Native Hawaiians and their families	Kaua'i	Enhance the wellness of our community with an emphasis on culturally appropriate services for Native Hawaiians
Ho'omau Ke Ola	Ho'omau Ke Ola	Substance abuse patients	O'ahu	Provides treatment that promotes healing in an environment that integrates best practices with Hawaiian spiritual values.
Hui Malama	Hui Malama Learning Center	Youth	Maui	To inspire, nurture, and empower students to pursue careers that bolster our islands' economy, increase self-reliance, and provide for future generations.
Ka Hale Ho'ala Hou No Na Wahine	TJ Mahoney and Associates	Formerly incarcerated women	O'ahu	Helps women to transition from prison to the community using comprehensive re-entry services.
Kamalama Program	Kamalama Program	Community, Native Hawaiian men	Maui	Website describes parenting program based on Native Hawaiian value; however, testimony describes program of reconnecting to being Native Hawaiian
Ke Alaula - WCCC	Hina Mauka	Homeless people and incarcerated women	O'ahu, Kaua'i	Offers treatment for adults through several levels of care including Residential Treatment, Day Treatment, Outpatient Treatment and Aftercare.
Maui Family Peace Center	PACT Parents And Children Together	Victims and survivors of domestic violence (Men, Women and Teen offenders)	O'ahu, Maui, Kaua'i, Hawai'i	Promotes and supports healthy individuals, families and communities by creating opportunities for them to identify and address their own strengths needs and concerns and successfully realize their potential.
Men of PA'A (AKA Positive Action Alliance)	Men of PA'A (AKA Positive Action Alliance)	Community	Hawai'i	Not available
MST - Multi-systemic Therapy	State	Juvenile offenders	Statewide	Provides intensive family- and community-based treatment program focusing on environmental systems that impact chronic and violent juvenile offenders.

Program Name	Service Provider	Primary Population Served	Location(s)	Description
Native Hawaiian Health Consortium	I Ola Lahui	Native Hawaiian community	O'ahu	Designed to serve Native Hawaiians and other medically underserved groups through specialized training in Hawai'i's Native Hawaiian Health Care System.
O'ahu Family Peace Center	PACT Parents And Children Together	Victims and survivors of domestic violence (Men, Women and Teen offenders)	O'ahu	Offers safety, support, empowerment and accountability to victims/survivors, offenders and children exposed to domestic violence.
Positive Optimism Helps all of Kauai Unite (P.O.H.A.K.U.)	Kaua'i County	Adult and juvenile male and female offenders who are at the arraignment and plea stage in court	Kaua'i	Diversionary program that uses restorative justice, cultural-based community services, and Hawaiian values to ensure that the offender understands their responsibility and the consequences of their action.
Second Chance Mentorship Program	Hope Service Hawaii	Homeless and those returning from incarceration	Hawai'i	Helps homeless families and individuals attain the skills needed to maximize their potential, succeed in permanent housing, and achieve self-sufficiency.
Supporting Families Affected by Incarceration (SFAI)	Keiki O Ka 'Aina Family Learning Centers	Children, caregivers of children with incarcerated parent(s)	O'ahu	Supports children by offering services that take place within the prison and supports caregivers of children with incarcerated parents.
The Neighborhood Place	Neighborhood Place of Wailuku	Children and families	Maui	Prevents child abuse and neglect by building strong roots in the 'ohana and in the community by promoting safe and nurturing environments for children and families.
Transcendental Meditation	Transcendental Meditation™ Program - Hawaii	Correctional officers, prison staff, inmates	O'ahu	The program reduces stress and increases resiliency.
WCCC - Trauma Informed Care Initiative	Pū'ā Foundation	Incarcerated women and their families	O'ahu	Actively engages, facilitates, and serves incarcerated women and their families to build resiliency and improve upon their quality of life through healing and reconciliation efforts.
Women Helping Women	Women Helping Women	Women and children of domestic violence	Maui	Works to end domestic violence through advocacy, education, and prevention; and to offer safety, support, and empowerment to women and children, victims of domestic violence.
Women's Way	Salvation Army	Adult and adolescent women and their infants and toddlers	O'ahu	Provides a variety of services such as therapeutic milieu, psychiatric services, alcohol and drug evaluation, parenting and respite child care, 12-step program participation, health education, and outpatient treatment.
WorkNet	WorkNet, Inc.	Individuals emerging from long-term incarceration, substance abuse treatment, welfare assistance, temporary disability, homelessness, and economic hardship	Statewide	To produce productive people, capable of sustaining a pro-social, self-sufficient lifestyle through specialized services that promote independent living, meeting basic needs, and enhancing personal growth.



***E HO'OKANAKA.***

BE A PERSON OF WORTH.



A-227

**OFFICE OF THE GOVERNOR  
STATE OF HAWAI'I**

**EXECUTIVE ORDER NO. 24-01  
Making Hawai'i a Trauma-Informed State**

By the authority vested in me by the Constitution and laws of the State of Hawai'i, in order to elevate the wellness and resilience of our people, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, hereby declare and order as follows:

**WHEREAS**, *trauma* is described by the federal Substance Abuse and Mental Health Services Administration as the result of “an event, series of events, or set of circumstances that is experienced by an individual as physically or emotionally harmful or life-threatening and that has lasting adverse effects on the individual’s functioning and mental, physical, social, emotional, or spiritual well-being;” and

**WHEREAS**, the Trauma-Informed Care Task Force was established by Act 209, Session Laws 2021, to develop and make recommendations for trauma-informed care in the State of Hawai'i. The Trauma-Informed Care Task Force defines *trauma-informed care* is “an approach to understanding, recognizing, respecting, and responding to the pervasive and widespread impacts of trauma on our ability to connect with ourselves and others, our place and the elements around us, and our ways of being;” and

**WHEREAS**, the Office of Wellness and Resilience was established by Act 291, Session Laws 2022, as a semi-autonomous authority to adopt and implement the framework for trauma-informed care and trauma-responsive practices put forward by the Trauma-Informed Care Task Force; and

**WHEREAS**, the concept of Aloha is to have compassion and empathy. The Adverse Childhood Experiences (ACEs) Study and subsequent studies have shown ACEs are potentially traumatic events that can interfere with a person’s health, opportunities, and stability throughout their lifetime. Current research indicates adults in Hawai'i have higher than average ACEs scores as compared to other states. Understanding the impact of ACEs on an individual’s health, opportunities, and stability embodies the concept of Aloha; and

**WHEREAS**, Kūola means to be alive and safe. Trauma has many contributing factors such as historical, intergenerational, and community traumas, which the people of Hawai'i have endured. Historical trauma is linked to high rates of substance use, depression, suicidality, and other health disparities within marginalized populations, specifically the Native Hawaiian community; and

**WHEREAS**, Lōkahi means harmony and balance. The trauma resulting from exposure to natural disasters may disrupt harmony and balance as trauma can manifest as mental and behavioral health issues. With children, trauma may manifest through decreased emotional regulation, increased anxiety and depression, and decreased academic performance. With adults, trauma may manifest as sleep disturbances, maladaptive reactions and behaviors, and increased reporting of health issues; and

**WHEREAS**, Kāko'o means to support and assist. It is important to support and assist the State's workforce by valuing and supporting the mental health and well-being of its employees. When people are anxious or depressed, productivity tends to decline, and retention goals may be harmed. When state employees are well, we can better serve our people and our state; and

**WHEREAS**, Mālama means to care for and protect. It is important to take a trauma-informed care approach to address all forms of trauma; and

**WHEREAS**, implementing the Trauma-Informed Care Task Force framework throughout the state departments is necessary in minimizing the harm and risk factors associated with trauma.

**NOW, THEREFORE**, I, JOSH GREEN, M.D., Governor of the State of Hawai'i, pursuant to my authority under the Constitution and laws of the State of Hawai'i – including, but not limited to, article V, section 1 of the Hawaii Constitution, and sections 27-62, and 27-63, Hawaii Revised Statutes (HRS)—do hereby **DECLARE** that all executive state departments collectively move towards becoming a trauma-informed state and do hereby **ORDER** the following:

1. While operating within the trauma-informed framework created by the Trauma-Informed Care Task Force, the Office of Wellness and Resilience is to support each state department with the identification of its existing strengths, resources, and

barriers to change. The Office of Wellness and Resilience will work collaboratively with each state department to achieve their trauma-informed care goals.

2. Executive state departments and agencies are directed to collaborate with the Office of Wellness and Resilience's assessment efforts. This may include, but is not limited to:
  - a. Participating in trauma-informed care assessments led by the Office of Wellness and Resilience.
  - b. Identifying a deputy director, or their designee, to serve as the department's Trauma-Informed Care Liaison as designated by the director of each department. The Trauma-Informed Care Liaison, with support from the Office of Wellness and Resilience, will lead efforts to implement the trauma-informed care framework within their respective department.
3. The Office of Wellness and Resilience shall provide training and technical assistance to support trauma-informed policies, practices, programs, and processes. This may include, but is not limited to:
  - a. Offering training to staff to increase their knowledge about the impact of ACEs and secondary traumatic stress on short-term and long-term health outcomes.
  - b. Providing strategies to promote workforce wellness, enhance staff self-care and resilience, and mitigate secondary traumatic stress.
  - c. Assessing and making recommendations regarding existing policies, practices, programs, and processes to align with trauma-informed care principles based on the operations and needs of the respective executive state departments.
4. Executive state departments will integrate trauma-informed care principles, when appropriate, to help mitigate the impact of ACEs and build resilience in children, adults, families, and communities, as well as our state workforce after consultation and collaboration with the Office of Wellness and Resilience. This may include, but is not limited to:
  - a. Using trauma-responsive language that supports reducing the impacts of adverse events without re-traumatization in requests for proposals and in-



service contracts with providers, notwithstanding any other laws to the contrary, and when appropriate or as applicable.

- b. Implementing evidence-informed services based on the Trauma-Informed Task Force's framework to mitigate and respond to secondary traumatic stress and build resilience in children, adults, and communities, as appropriate.

Done at the State Capitol, Honolulu,  
State of Hawai'i, this 20<sup>th</sup> day of  
February, 2024.



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JOSH GREEN, M.D.,  
Governor of Hawai'i

APPROVED AS TO FORM:

*Anne E. Lopez*

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Anne E. Lopez  
Attorney General  
State of Hawai'i

# Appendix B

## Procedure for this Report



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
**E HUIKALA A MA'EMA'E NŌ**  
235 S. Beretania Street, 16th Floor  
HONOLULU, HAWAII 96813  
(808) 587-4160

January 22, 2024

To: Sanna Muñoz  
Deputy Director for Rehabilitation  
Department of Corrections and Rehabilitation  
1177 Alakea Street  
Honolulu, Hawaii 96813

Re: Data and Information Request related to the DCR Comprehensive Offender Reentry Program and HRS §353H

Dear Deputy Director Muñoz,

Happy New Year to you and your team!

As you are aware, the Hawaii Correctional System Oversight Commission (HCSOC) is mandated to:

- Work with the Department of Corrections and Rehabilitation in monitoring and reviewing the Comprehensive Offender Reentry Program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii Paroling Authority's oversight of parolees. HRS §353L-3(b)(3)
- Ensure that the Comprehensive Offender Reentry System under Chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the maximum terms have been served instead of delaying the release for lack of programs and services. HRS §353L-3(b)(4)

To fulfill this mandate, the HCSOC is requesting information outlined on the following pages from the Department of Corrections and Rehabilitation (DCR). This data request is broken down based on the applicable statutory section from 353H or the relevant topic area. Based on the responses to these questions, additional inquiries may arise. If so, the HCSOC will be in communication further. DCR responses along with other information collected will be included in a reentry report, including our findings, recommendations, and best practices. We will not include any confidential or potentially identifiable information in the public report. The Commission will share a draft of this report for review and feedback before any public release.

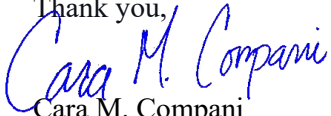
I realize this is a bulky request, in terms of a timeline for response, please let us know if you and your team will need more than three weeks, February 12, 2024, to compile this information.

If there are obstacles you all are facing in relation to any of HRS §353H or other topics outlined below, please share that with us also, along with any additional information about current or upcoming projects, programs, or plans.

As always, our intention is to work with DCR in this monitoring and review and to ensure our findings will serve as a valuable resource.

Please feel free to contact me with any questions.

Thank you,



Cara M. Compani

Reentry & Diversion Oversight Specialist

enc.

cc w/enc: Monica Lortz, DCR Reentry Office

*HCSOC Information Request*

**Related to HRS §353H**

**Part I. General Provisions**

**§353H-2.5 Offender reentry office**

*Request:* How is the Reentry Office doing the following outlined in 353H-2.5? Please explain the applicable processes. And specifically, share the recording process, list of recommendations made, and list of trainings offered all referenced and underlined below.

- (1) Ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner;
- (2) Develop and implement risk needs assessment tools to properly place offenders in programs and services;
- (3) Match offenders to programs and services that address risks and needs identified;
- (4) Monitor and record progress made by offenders while participating in prescribed programs and services;
- (5) Identify and make recommendations to address needs not addressed by programs and services;
- (6) Provide training opportunities for department staff and service providers in assessments and evidence-based practices;
- (7) Work closely and collaborate with the community service and work furlough programs located in the community correctional centers and correctional facilities;
- (8) Work closely and collaborate with the Hawaii Paroling Authority; and
- (9) Work closely and collaborate with community partners such as organizations, businesses, and concerned citizens.

**§353H-3 Offender reentry system plan; creation**

*Request:* Please provide:

- A copy of the reentry checklist
- A copy of the *Comprehensive Offender Reentry System Plan* referenced in §353H-3(a)
- How are *comprehensive reentry plans and curricula* referenced in §353H-3(b) developed for individuals exiting correctional facilities? What components are included in the plans, including those outlined in §353H-3? Please provide three examples of individual reentry plan.

**§353H-4 Model programs; department of corrections and rehabilitation.**

*Request:*

- What model programs, referenced in this section, designed to reduce recidivism and promote success have been developed and are in use? Briefly describe each program and its components, including those outlined in §353H-4(1)-(5)?
- Are there any obstacles to meeting this section?

### **§353H-5 Children of incarcerated parents; families**

#### *Request:*

- What policies or rules place parents in custody in facilities based on the family's best interest and consider the ability to maintain contact with children? Please provide copies of these policies and rules.
- Is there any research being conducted focusing on the impact of a parent's incarceration on the child and/or the relationship of an incarcerated father with their children. If so, please provide copies of the research and findings.

### **§353H-6 Employment of ex-offenders**

#### *Request:*

- With respect to HRS §353H-6(a), are DCR and the Director and Labor and Industrial relations working together to develop or propose tax incentives to hire people who were incarcerated? If so, please describe.
- With respect to this HRS §353H-6(b), is DCR developing working with the Department of Taxation and Labor and Industrial relations or proposing tax incentives for people who hire individuals who were formerly incarcerated? If so, please describe.

### **§353H-7 Return of out-of-state inmates**

#### *Request:*

- In accordance with §353H-7, DCR shall return Hawaii inmates held in out-of-state prisons at least one year prior to the inmate's parole or release date. Please share this policy for returning people in custody housed in Arizona at least one year prior to the person's parole or release date.
  - Are there any obstacles to meeting this obligation?
- In accordance with §353H-7, DCR 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, please share this report or information.

### **§353H-8 Performance indicator reporting**

I reviewed this in the PSD FY 2023 annual report. I think this is complete, however, if there is anything else to add, please let us know. And when the prison population forecast for the next decade is available, please share this with us.

### **§353H-9 Annual reporting requirements**

#### *Request:*

- Could you please share the link to these reports referenced in the sections below:
  - (a) For each program established pursuant to this chapter, the department shall submit a report to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018. Each report shall reference key performance indicators that track rehabilitation and reentry efforts for individuals being prepared to exit the correctional system. [specific measures are included in HRS §353H-9(a)]
  - (b) The department shall also submit a report, including all of the key performance indicators provided under this chapter, to the legislature no later than

the first day of December each year, beginning with the period ending on November 30, 2018.

- o (c) The department shall also post the reports electronically on the department's website in a timely manner.

### **Part III. Adult Offender Reentry Programs and Services**

#### **§353H-31 Adult offender reentry programs and services**

*Request:* Please provide a list of service contracts authorized for the purchase of service contracts and activities outlined in §353H-31 (b)(1)-(b)(27), along with a brief program description for each including the number of people in custody that the contract can serve each year or 12-month period.

#### **§353H-32 Offender reentry; identification documents**

*Request:* Please provide the report submitted to the Legislature pursuant to *Senate Resolution 82* (2023) detailing the Department's process in assisting in obtaining people in custody with identification cards and items requested in that Resolution.

#### **House and Senate Resolutions**

*Request:* Please provide a brief update on the status of the following Senate or House resolutions:

- [SR82 SD1](#) (2023) *Department of Public Safety; Department of Corrections and Rehabilitation; Identification Cards; Inmates; Hawaii Correctional System Oversight Committee; Report*, requesting the Department of Public Safety to submit a report to the legislature detailing the department's process in assisting inmates in obtaining identification cards.
- [SCR25 SD1](#) (2021) *Native Hawaiians; Cultural Practices; Puuhonua; Wellness Centers; Faith Pods*, requesting the department of public safety to allow Faith pods based on kapu aloha to be established within each correctional center.
- [SCR108](#) (2021) *Public Safety; Prisoner Reentry Programs; Increased Investments*, urging the Department of Public Safety to increase its investment in comprehensive offender reentry training programs for individuals exiting correctional facilities.
- [HCR171 HD1](#) (2021) *Department of Public Safety; Corrections; Culture-Based Rehabilitation*, urging the Department of Public Safety to recognize the value of culture-based rehabilitation activities in the state's correctional system.
- [SR84](#) (2021) *Department of Public Safety; Inmates; Reentry; Identification*, requesting the Department of Public Safety to correct issues and dismantle barriers relating to the provision of civil identification documents to and successful community reentry of inmates exiting incarceration.
- [SCR108](#) (2021) *Public Safety; Prisoner Reentry Programs; Increased Investments*, urging the Department of Public Safety to increase its investment in comprehensive offender reentry training programs for individuals exiting correctional facilities.

#### **Community Services and Connections**

*Request:*

- For the period November 1, 2022, to October 31, 2023, a brief description and actual copy of all contracts with community service providers for services and programs, including the facility the service or program is provided at if applicable.

- A list, brief description, and actual copy of all contracts with transitional housing providers, including the number of beds in the contract and the average number of beds utilized, from November 1, 2022 to October 31, 2023.

**Release to the Community**

*Request:* From November 1, 2022 to October 31, 2023, please provide the number of people in DPS custody released straight to the community or maxed out from each of the following:

- HCF
- AZSC
- KCF or WCF
- Furlough or community placement

**Education, Programs, and Treatment Offered**

*Request:*

- Education:
  - As of January 1, 2024, please provide the following for each facility: the number of people in custody still needing to complete their GED or high school diplomas.
  - From January 1, 2023, to January 31, 2023, please provide the following *for each facility*:
    - GED and High School Equivalency completions,
    - Number of college class enrollments,
    - Number of completed college classes,
    - Number of earned college degrees, and
    - Number of earned college certificates.
- Program and Treatment. from January 1, 2023 to December 31, 2023, for *Native Hawaiian cultural programs* and any *trauma treatment or programs* offered at each facility:
  - Please provide a complete list of these programs or treatments offered at each facility, frequency at which the program or treatment is offered (e.g., twice per calendar year), number of participants each time the program or treatment is offered, and waitlist if applicable.
- In July of 2023 we received an excel chart from Director Johnson which outlined each person in custody’s recommended programs, completed programs, PED, MAX, and status of program participation. A copy of a small section of that excel document with identifying information excluded is below. Could you please provide an updated version of this chart for HCF, AZSC, WCF, and KCF and also for the furlough sites?

A	B	C	D	E	F	G	H	I	J	K	L
	LAST NAME	FIRST NAME	SID	Recommended Programs	Completed Programs	PED	MAX	Status	Date	Misc.	HI MISC
1	ABELLA	Michael L.	A1051490	RDAP 2(EP), GED		4/30/2022	7/26/2025	Removed by Director/DR 6/26/23	12/08/22		
2	ABRAHAM	Dimitrios	A6102355	RDAP2 P, GED	KASHELOU, P, GED per # 6/2023	12/31/2021	9/30/2028	RETI, GED, 3/20/21			
3	ACASIA	Kelli J.B	A0766991	SOFP, R-DAP3, Cig Smlr, GED	R19161	5/17/2036	7/17/2036	Has to be asked if wants into program			
4	ADCHIO	Aj	A6081173	RDAP 2 P, GED		1/16/2042	LWPP	Has to be asked if wants into program			
5	ADER	Andrew A.	A6088723	R-DAP3, GED		12/5/31	2/24	ACCEPTED 2/15/23			
6	AFFLE	Tutu	A3000529	RDAP 2, C.S., A.H., WORKLINE		3/29/2032	5/27/2040	ACCEPTED 4/29/22			
7	AFO	Brodie S.	A6115252	R-DAP3(EP), Cig Smlr, GED		8/28/2028	7/28/2031	ACCEPTED 6/16/23			
8	AGOSTO	Kawika P.	A1029573	RDAP2	46 R-DAP 2 due to misconduct	2/28/23	12/31/25	RETI, GED, 3/15/21			
9	Ah Sing	Cedric	A0112164	RDAP 2, C.S.	SA A75 2 (1/11/19), AMCS(SR)(2020), WEG A75, 4 R-DAP 3 per #10/ updated 2022	3/28/2025	LWPP	ACCEPTED 7/12/23			
10	AH YEE	Wendell	A4432064	R-DAP3(EP), GED		11/30/2024	11/30/2024	Removed by Director/DR 3/24/22	07/20/23		
11	AHN	Corbi	A1042194	SOFP, R-DAP2	R191513	6/23/2054	LWPP	PROTECTIVE CUSTODY POC			
12	ADOLETUNA	Raymond T.	A6102544	RDAP 2.5, GED		9/20/2027	10/18/2037	Completed Level 5.5/2023			
13	AUJ	Charles	A0766688	SOFP, KASHROG2, Cig Smlr, GED	retired R-DAP2(EP), ret level SOFP (R-17)	4/7/2020	1/4/2025	12/31/2023			
14	AKANA	Travis T.J.	A6062954	RDAP3, Cig Smlr, GED		12/24/2021	8/27/2027	ACCEPTED 9/12/19		SEG	
15	AKANA	Major	A6029310	RDAP 3, C.S., A.H.		8/19/2028	10/15/2040	RETI, GED, 1/20/21			

END



## HCSOC Data Request Submitted to Hawaii Paroling Authority

We are currently reviewing information and data to compile our first HCSOC reentry report, Per our statute, as it relates to reentry, we are mandated to:

- Work with the Department of Corrections and Rehabilitation (DCR) in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii Paroling Authority's oversight of parolees. The Commission may make recommendations to the DCR, the Hawaii Paroling Authority (HPA), and the Legislature regarding reentry and parole services. (HRS 353L-3)
- Ensure that the comprehensive offender reentry system under Chapter 353H is functioning properly to provide programs and services that result in the timely release of people in custody on parole when their minimum terms have been served, instead of delaying releases for lack of programs and services. (HRS 353L-3)

I have a few questions/data requests for HPA to assist the Commission in its mandated reentry review and report:

1. How many people were denied parole in FY23, fully or in part, due to incomplete programs (i.e., recommended programs that were not yet completed)?
2. How many people in DCR (PSD) custody maxed out without HPA supervision in FY23?
3. How many people are currently in DCR custody beyond their minimum sentence?
4. The total number of people in custody who had an initial (their first) parole consideration hearing at the expiration of their minimum term (or as the expiration was approaching) in the past 12-months?
  - Of that number, how many people were granted parole at their first release hearing?
  - Of that number, how many people were denied parole at their first release hearing?
5. As of the current date, could you please provide a list, broken down by facility, of all people in custody who have been granted parole on a chair to set basis and remain incarcerated, along with the date they were granted parole? And include a notation for anyone who is a foreign national that falls within this category. [Note: we will release names, facilities, or identify information publicly, anything reported on will be included confidentially]

# Appendix C

## State of the Reentry System: Data Review & Analysis

**STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY  
PRISON REENTRY PLAN # \_\_\_\_\_**

LAST NAME: \_\_\_\_\_ FIRST NAME: \_\_\_\_\_ MI: \_\_\_\_\_

SID#: \_\_\_\_\_ DOB: \_\_\_\_\_ CUSTODY LEVEL: \_\_\_\_\_

FACILITY: \_\_\_\_\_ ARRIVAL DATE: \_\_\_\_\_

PAROLE ELIGIBILITY DATE (PED): \_\_\_\_\_ MAX OUT DATE: \_\_\_\_\_

CASE MANAGER: \_\_\_\_\_

**PRISON INMATE REENTRY PLAN FOR THE DEPARTMENT OF PUBLIC SAFETY:**

This Reentry Plan is meant to serve as a guideline to prepare you for your eventual return into the community. Answer all questions, if possible, but if some are unknown, then write "N/A". In other words, there should be no blank spaces. This Reentry Plan should be updated when a significant change occurs (i.e. residence, employment, identification documents). Therefore, it is important that you notify your Case Manager when there are changes to your plan. Please write legibly and attach all applicable documents to this form.

     **WAIVED PARTICIPATION**

**1. PERSONAL INFORMATION**

In case of emergency, notify next of kin:

Name: \_\_\_\_\_

Address (#Street/City, State, Zip): \_\_\_\_\_

Relationship: \_\_\_\_\_ Phone: \_\_\_\_\_

**2. RESIDENCE/HOUSING**

Do you have a RESIDENCE/HOUSING waiting for you upon release?  Yes  No

If you answered **YES**, you are encouraged to contact the person you will be residing with to obtain the required information to complete this section. Attach a letter from the individual or clean and sober house to verify this living arrangement. **Also, please notify your Case Manager if your housing plans have changed**, to ensure that the information on this form **remains current and accurate**.

Name of Owner/Renter: \_\_\_\_\_

Address (#Street/City, State, Zip): \_\_\_\_\_

Relationship: \_\_\_\_\_ Phone: \_\_\_\_\_

Amount of rent: \_\_\_\_\_ Length of stay: \_\_\_\_\_

**3. EMPLOYMENT**

Do you have EMPLOYMENT waiting for you upon release?  Yes  No

If you answered **YES**, you are encouraged to contact your future employer to obtain the required information to complete this section. Attach a letter from the employer to verify this job offer. **Also, please notify your Case Manager if your employment plans have changed,** to ensure that the information on this form **remains current and accurate.**

Company Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address (#Street/City, State, Zip): \_\_\_\_\_

Contact Person/Title: \_\_\_\_\_ Hourly Wage: \_\_\_\_\_

Position Title: \_\_\_\_\_ Job Duties: \_\_\_\_\_

If you do not have a job offer at this time, list your past job experience(s) and/or interest(s):

**4. IDENTIFICATION DOCUMENTS**

Do you have a **BIRTH CERTIFICATE** readily available to you?  Yes  No

Are you a citizen?  Yes  No

What city and state/country were you born in? \_\_\_\_\_

If **YES**, where is it? \_\_\_\_\_

If **NO**, **WHEN** was it ordered? \_\_\_\_\_

If not ordered, please provide an explanation: \_\_\_\_\_

Do you have a **STATE IDENTIFICATION CARD**?  Yes  No

If **YES**, where is it? \_\_\_\_\_

If **NO**, were you given an application to submit when you are released?  Yes  No

Do you have a **SOCIAL SECURITY CARD**?  Yes  No

If **YES**, where is it? \_\_\_\_\_

If **NO**, were you given an application to submit when you are released?  Yes  No

Do you have a **DRIVER'S LICENSE**?  Yes  No  Expired  Valid

If **YES**, where is it? \_\_\_\_\_

If **NO**, were you given an application to submit when you get released?  Yes  No

---

**OTHER RELEVANT IDENTIFICATION DOCUMENTS** (Check if you have access to these documents, if applicable):

Divorce Decree  Military ID  Passport  Naturalization/Greencard Docs.

**5. SPECIAL NEEDS/ASSISTANCE REQUESTED** (check all that apply)

Bus Pass/Taxi Voucher (outer island)  Financial Assist (SNAP)  Interpreter  
 Clean & Sober Housing  SSI/SSDI  Wheelchair  
 Handivan access  Hygiene items  Cane/walker  
 Clothes/Shoes/Socks  Med Quest/Medicare/Medicaid

\*Do you need an interpreter?  Yes  No

Language: \_\_\_\_\_

**\*Staff: Attach Interpreter Form**

**6. TRANSPORTATION UPON RELEASE**

Do you have plans to be picked up?  Yes  No

If **YES**, by whom? \_\_\_\_\_

Contact #: \_\_\_\_\_ Relationship to you: \_\_\_\_\_

Plan completed by:

\_\_\_\_\_  
Inmate Date

\_\_\_\_\_  
Case Manager Date

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019



*A Comprehensive Offender Reentry Plan that outlines the Department of Public Safety's process for successful and sustainable reentry process for its offender population.*

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

## OUR MISSION:

To uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity and fairness



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019



### Message from Director Nolan P. Espinda

The Department of Public Safety has been an active partner with the Interagency Council on Intermediate Sanctions (ICIS) since 2002 whose primary mission was to reduce recidivism by 30% by implement "best practices" principles.

As we begin 2019, the Department of Public Safety (PSD) continues to be committed to working with ICIS to reduce recidivism, with what is now deemed as Evidence-Based Practices (EBP). This includes but is not limited to the use of a standardized assessment tool; to identify and to provide of services that match the risk-need of offenders.

In 2014, PSD made a conscience effort to create a Reentry Coordination Office to: 1) Fulfill the mandates of Sessions Law 2012, Revised Statues §353H-2.5: Offender Reentry Office; 2. Continue to be active and supportive of EBP identified by ICIS; 3. Insure that PSD's Correctional Program Services met the mandates of §353H-2.5 as well as the identified risk-needs of offenders transitioning back to the community.

The Offender Reentry Office, better known as the Reentry Coordination Office (RCO) has been established with positions dedicated to: overall transitional services, training and planning, risk-need assessments, victim services and restitution collection.

One of this fledgling RCO's accomplishment to date is being recognized in March of 2018, for its offender restitution program at the National Attorney General's annual winter meeting for increasing its rate of collection from a meniscal amount to upwards of 70%. This improvement was based on: 1) The decision to increase the collection amount from 10% to 25% from all funds in an offender's whom has Court Ordered restitution, 2) Implementation of direct supervision to this program, and 3) holding the offenders accountable to their Court Ordered mandates.

As a means to strategically plan for the future of the Reentry Coordination Office and the offenders it serves, I present to the community, The Department of Public Safety's Comprehensive Offender Reentry Plan (CORP). RCO considers this to be a living document with the ability to change over the course of time.

This version can be located on our website at [www.dps.hawaii.gov](http://www.dps.hawaii.gov).

Mahalo Nui Loa!

A handwritten signature in black ink that reads "Nolan P. Espinda".

Nolan P. Espinda



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

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# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### WHAT IS REENTRY & WHY IS IT IMPORTANT?

The Hawaii Department of Public Safety (PSD) defines REENTRY as: the point in which an offender begins their transition from prison or jail back to the community. Nearly all of the approximately 5,400 offenders currently incarcerated under the jurisdiction of PSD will return to the community. Since the introduction to Justice Reinvestment Investment in 2012, PSD has strived to provide effective programming and supervision is focused on those with higher risk and needs in order to reduce recidivism<sup>1</sup>:

- From FY2006 to FY2011, jail admissions remained stable but the population of pretrial felons saw an increase in admissions of 117%, which resulted in an overall growth of 47% in the total jail population<sup>2</sup>.
- From FY2000 to FY2010, the state's jail and prison population climbed by 18%, from 5,127 to 6,043<sup>3</sup>.
- During this time, the Corrections Division of PSD saw their expenditure budget increase 62.5%, from \$112 million in FY2000 to \$182 million in FY2010.
- The budget has continued to climb as the population has steadily rose 6.97%, from \$201 million in FY 2015, to \$215 million in FY 2017.
- In FY 2010, the HPA approval rate for parolees reduced from 40% in FY2006, to 34% in FY2010, primarily due to 65% of the parolees failing to complete required programming.
- Between FY2006 and FY2011, the number of offenders who remained in prison past their minimum sentence (which is determined by the Parole Board) increased 77%<sup>4</sup>.
- The number of offenders who served their maximum sentences and were released from prison without any supervision more than doubled, from 121 in FY2006 to 247 in FY2011<sup>5</sup>. In the last calendar year 2018, 343 offenders served their maximum sentences. Nearly a 38% increase in releases from FY 2011.

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<sup>1</sup> CSC Justice Center (August, 2014). *Justice Reinvestment in Hawaii: Analysis & Policy Options to Reduce Spending on Corrections & Reinvest in Strategies to Increase Public Safety*.

<sup>2</sup> CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data. Pretrial population includes: pretrial felons, pretrial misdemeanor offenders, probation violators. Sentenced jail population includes: sentenced misdemeanor offenders, sentenced misdemeanor probationers, and sentenced felon probationers.

<sup>3</sup> Hawaii Department of Public Safety, *Annual Report*; Hawaii Department of Public Safety, *Weekly Population Report*; communication with Department of public Safety staff (2009-2010).

<sup>4</sup> CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 end of year snapshot data. Pre- and post-minimum offenders include those sentenced for a new conviction or a probation revocation.

<sup>5</sup> CSG Justice Center analysis of Hawaii Department of public Safety FY2006-FY2011 annual release population data and Hawaii Interagency Council on Intermediate Sanctions data.



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

- Of the offenders that were incarcerated for felony offenses and completed their maximum prison sentence, over half were deemed eligible for parole by the HPA Board. From this population, 70% were given a parole deferral, while awaiting to complete bottle-necked, prison-based programming<sup>6</sup>.
- The State of Hawaii Interagency Council on Intermediate Sanctions (ICIS) defines recidivism as criminal arrests (most recent charge after supervision start date), revocations, technical violations, and/or criminal contempt of court. ICIS conducted its first recidivism study in 2002. This baseline study monitored probationers and parolees for criminal rearrests and revocations/technical violations over a three-year follow-up period, and reported a 63.3% recidivism rate (72.9% for parolees and 53.7% for felony probationers).<sup>7</sup>
- ICIS has since conducted nine additional recidivism update studies, for the FY 2003 and FYs 2005-2012 cohorts, all of which replicated the methodology and recidivism definition adopted in the 2002 baseline study. These update studies retain the methodological consistency required for year-to-year trend comparisons. The data revealed a 45.5% recidivism rate for probationers; a 56.1% recidivism rate for parolees; and a 65.1% recidivism rate for maximum-term released prisoners. *An increased recidivism rate for PSD prisoners compared to a decreased recidivism rate for probationers and parolees.*<sup>8</sup>

Rising prison and jail populations, increasing costs and shrinking budgets have resulted in policymakers, elected officials, and community stakeholders to take notice and seek more efficient methods to make sure that the transition process from prison and jail into the community is safe and successful. Offenders returning to communities cannot realistically, simply stop their criminal behavior immediately upon release. Therefore, comprehensive, consistent and individualized strategies are needed in order to provide offenders with the skills and resources necessary to be successful upon their return to the community. While offenders benefit from actively participating in reentry strategies, in no way does it support or approve of criminal behavior. Instead, it strives to provide and maintain long-term benefits for families, victims and the community.

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<sup>6</sup> CSG Justice Center analysis of Hawaii Department of Public Safety FY2006-FY2011 annual release population data and Hawaii Paroling Authority FY2011 sentenced felon max-outs data.

<sup>7</sup> Interagency Council on Intermediate Sanctions, State of Hawaii, FY 2012 Cohort, 2015 Recidivism Update, Timothy Wong, ICIS Research Analyst, <http://icis.hawaii.gov/wp-content/uploads/2016/05/ICIS-2015-Recidivism-Update.pdf>

<sup>8</sup> Interagency Council on Intermediate Sanctions, State of Hawaii, FY 2013 Cohort, 2016 Recidivism Update, Timothy Wong, ICIS Research Analyst, <https://icis.hawaii.gov/wp-content/uploads/2017/06/Hawaii-Recidivism-Report-2016.pdf>



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

Effective reentry strategies result in offenders returning to the community that are able to successfully compete for employment, stable and appropriate housing, support their children, their families, and become a lasting contributor to society. Additional benefits include:

- Lower rates for recidivism and victimization due to the reduction of risk factors for engaging in new criminal behavior;
- Offenders making payments for taxes, restitution and child support but still having enough for their day-to-day, out-of-pocket expenses;
- Offenders decreasing their reliance on using illegal methods to sustain a living;
- Offenders having greater opportunities to secure appropriate housing, lowering the rate for homelessness;
- Decreasing or completely ending the amount of “lag time” an offender waits for confirmation of coverage for medical and/or mental health services, leading to the decrease of or elimination for the need to self-medicate and/or commit a new crime;
- A decrease in the amount of disruptions to familial relationships caused by incarceration;
- Increasing the time offenders have with their families to get re-acquainted, mend “fences”, get stronger, secure additional support and heal from trauma;
- A decrease in the rate of intergenerational incarcerations occurring;
- A decrease in the amount of offenders being re-incarcerated in Hawaii’s jails and prisons (State’s taxpayers currently pay approximately \$190 million annually) leading to the end of overcrowding and better public spending;
- Existing research has shown that programs can significantly lower recidivism when they address the known risk factors for reoffending and are delivered with integrity.<sup>9</sup>

The safe and successful transition of individuals from jail and prison to the community benefits society as a whole.

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<sup>9</sup> Rethinking Prison: A STRATEGY FOR EVIDENCE-BASED REFORM, Grant Duwe, NOVEMBER, 2017, AMERICAN ENTERPRISE INSTITUTE, <https://www.aei.org/wp-content/uploads/2017/11/Rethinking-Prison.pdf>

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### Background

The reentry process begins upon an offender's entry into the Criminal Justice System. The State of Hawaii Department of Public Safety (PSD) has actively pursued establishment of a reentry process that enables an offender to successfully transition from incarceration to community via a Comprehensive Offender Reentry System (CORP).

In 2007, the Hawaii State Legislature established a Comprehensive Offender Reentry System under the Department of Public Safety to assist adult individuals with their reintegration back into the community. The system was supposed to offer a full continuum of services, readily accessible and immediately effective following release<sup>10</sup>. A legislative oversight committee was also established to oversee the development of this comprehensive offender reentry system and ensure its effectiveness.

In 2009, legislation introduced the idea of Reentry under the Department of Public Safety's long-established Intake Service Centers (ISC), and set the sunset date on a legislative oversight committee for July 1, 2009.

The duties of the ISCs were as follows:

- To screen, evaluate, and classify the admission of persons to community correctional centers;
- To provide for the successful reentry of persons back into the community;
- To ensure that the present and future reentry needs of persons committed to correctional facilities are being evaluated and met in an effective and appropriate manner; and
- To provide additional reentry service by working closely with the furlough programs, parole and corrections program services.

On January 1, 2010, the Reentry Commission was established to work with the Department to monitor and review the comprehensive offender reentry system, which included facility educational and treatment programs, rehabilitative services, work furlough programs, the Hawaii Paroling Authority's oversight of parolees, and legislative actions regarding reentry and parole services<sup>11</sup>.

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<sup>10</sup> Act 8, Special Session Laws of Hawaii 2007.

<sup>11</sup> Act 24, Special Session Laws of Hawaii 2009.



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

As a response to ACT 8 (Senate Bill 932), in 2011, the Department made significant efforts to implement a comprehensive reentry strategic plan as required, through the development of the Comprehensive Offender Reentry Plan (CORP) of 2009.

Realizing the need for a free-standing unit to focus entirely on offender reentry, its programs and services, legislation was passed in 2012 to remove these responsibilities from the ISCs and create a stand-alone offender reentry office within PSD. This newly formed office would oversee the development and implementation of a statewide, comprehensive reentry plan and<sup>12</sup>:

- Ensure that the present and future reentry needs of offenders committed to correctional facilities are being regularly evaluated and met in an effective and appropriate manner;
- Develop, implement and manage risk needs assessment tools to appropriately place offenders in programs and services;
- Match offenders to programs and services that address their identified risks and needs;
- Monitor and record progress made by offenders while participating in recommended programs and services;
- Identify gaps in programs and services and make recommendations;
- Provide training opportunities in assessments and evidence-based practices for staff and providers alike;
- Work closely and collaborate with faith-based, community service providers to provide additional resources for work furlough programs and the corresponding facilities.

With the introduction of Act 76, the original sunset date of the Reentry Commission would now be extended to December 1, 2015. This new legislation led PSD to act quickly to establish the positions for the newly created Reentry Coordination Office (RCO) before initiatives were lost and efforts faded.

Over the next few years, several additional legislative changes occurred, beginning in 2013<sup>13</sup> Membership of the Reentry Commission was changed and the Reentry Coordinator position within the Commission was replaced by the Director for PSD or his designee, as an ex officio non-voting member.

In 2015, the State Legislature took action to reconstitute and expand the duties of the Reentry Commission. To more effectively deliver on its mandate, the

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<sup>12</sup> Act 76, Special Session Laws of Hawaii, HRS §353H-2.5 {2012}

<sup>13</sup> Act 66, Special Session Laws of Hawaii, 2013.



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

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Commission worked to launch a planning process to develop a strategic roadmap for itself.

In 2015<sup>14</sup>, the sunset date for the Reentry Commission was extended for a third time to December 1, 2019. [This date is expected to be extended again during the next legislative session.]

The process included planning sessions held on 8/11/16, 10/6/16, and 11/10/16 with a focus on *Kuleana* (“responsibility” or “role” in the Hawaiian language), *Framework* (the Commission’s kuleana relative to the Comprehensive Offender Reentry System), *Environmental Scan* (trends, what is working, working well, and what is missing), and *Next Steps* (identify priority areas of focus and moving forward).<sup>15</sup>

The current Reentry Commission consists of ten (10) members, all of which are appointed by the Governor:

- Three members are selected by the Governor, with one of the three being an ex-offender;
- Three members are selected by the President of the Senate;
- Three members are selected by the Speaker of the House of Representatives; and
- The Director of PSD, or his designee, shall be present as an ex-officio, non-voting member.

With the new membership in place, the Reentry Commission members conducted an extensive review of current PSD practices and have affirmed the 2017-2020 REENTRY COMMISSION STRATEGIC PLAN relative to its responsibilities, roles, and relationships:

- **Purpose & Mandate** – ensure the implementation of the comprehensive offender reentry system.
- **Role & Mandate** – monitor and review the comprehensive offender reentry system, and make recommendations to PSD in the following areas:
  1. programs and services that PSD is not currently providing;
  2. changes and improvements to existing programming;

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<sup>14</sup> Act 015, Special Session Laws of Hawaii, 2015.

<sup>15</sup> Reentry Commission Strategic Plan, 2017-2020.

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

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3. cessation of programs that showed a lack of proven success; and
4. ensuring that the development and implementation of the comprehensive offender reentry system is evidenced based.
5. **Relationships** – members believe that the Commission and PSD should be complementary to each other and work together in a process of co-learning and co-creation.

The Reentry Commission identified the following actionable areas and opportunities in which to carry out its mandate and partner with the Department of Public Safety to ensure the successful implementation of the Comprehensive Offender Reentry Plan (CORP):

- Regularly Monitor & Evaluation of Key Performance Measures
- Review & Advocate for PSD Initiatives to Develop More Inmate-Centric Reentry Assessment & programs.
- Review & Advocate for Staff Support & Training to Implement the Comprehensive Offender Reentry System.
- Review & Encourage PSD Efforts to Develop Community Partnership Opportunities to increase employment & Housing Options for Ex-Offenders.
- Review & Advocate for PSD Efforts & Partnerships to Return Out-of-State Inmates.
- Encourage & Advocate for Community Awareness & Education Initiatives.



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

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### THE REENTRY COORDINATION OFFICE (RCO)

In 2016, legislative funding was provided, enabling PSD to hire staff for the RCO, dedicated specifically to address reentry efforts statewide.

Under the general supervision of the head of the Office of the Deputy Director for Corrections, the RCO is responsible to develop, implement, and maintain the comprehensive offender reentry system for individuals entering and exiting the correctional facilities in order to increase a person's potential for successful reentry into the community. In addition, the RCO shall assist in the planning, training, and coordination of programs and services that best reflect evidence-based practices to better prepare sentenced offenders as offenders transition to the community. The RCO shall collaborate with community stakeholders to bridge the gap in services, while affording the community stakeholders with enhanced opportunities to receive offenders as they reintegrate to the community.

Since its inception in 2016, the RCO's goal, while working with offenders in PSD custody or under its supervision, is to expand and improve the reentry programs and services currently available while focusing on creating a continuum of care for an offender's successful release, but still keeping in mind the overall safety of the community.

This action incorporates efforts previously made by PSD, the evidence-based practices (EBPs), and recommendations made by the US Department of Justice and The Council of State Governments, thereby providing a clear direction for the Department's Reentry Coordination Office (RCO).

The RCO currently oversees the Inmate Classification Section, Program Planning and Training Section, Risk Assessment Section, and Victim Notification/Services Section. The RCO has been working toward leading PSD in creating success for offender reentry. Multiple programs and services have been implemented within PSD facilities. Collaborative partnerships with the ICIS and Reentry Commission have grown stronger, and multiple EBP trainings have been coordinated and completed within the PSD to include LSI-R (Level of Services Inventory Revised), CBI (Cognitive Behavioral Intervention) and MI (Motivational Interviewing). A statewide training for PSD Correctional Program Staff on Inmate Classification has been completed, and a statewide training for PSD



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Correctional Program Staff on Case Management is scheduled to be completed. The VICTIM NOTIFICATION/SERVICES SECTION was expanded to include working in partnership with the Crime Victim Compensation Commission (CVCC) to develop a centralized physical location and system for restitution operations within the RCO.

For PSD to achieve the results this CORP outlines, the Department recognizes the need for a strategic reorganization of the RCO for FY 2019 to include the addition of sections vital to the implementation, maintenance, and sustainability of this CORP. This strategic reorganization lays the groundwork to provide the RCO, PSD, and its offender population the greatest opportunity for success.

The reorganization shall result in the RCO overseeing the EBP Program Evaluation & Quality Assurance Section, EBP Program Planning & Community Outreach Section, EBP Program Training & Support Section, Inmate Classification Section, Risk Assessment Management & Reentry Data Tracking Section, and Victim Notification/Services Section as follows:

### EBP PROGRAM EVALUATION & QUALITY ASSURANCE (QA) SECTION

Under the general supervision of the head of the RCO, this Section reviews reentry policies and reentry program contracts, conducts evaluations of reentry programs performance (i.e. CPC Assessments), independently monitors reentry programs and services for contract compliance, assists with grant writing, **and ensures programs are in-line with PSD's Comprehensive Offender Reentry Plan's continuous quality assurance plan**; member of the Corrections Program Checklist (CPC) Committee and CPC Assessor;

### EBP PROGRAM PLANNING & COMMUNITY OUTREACH SECTION

Under the general supervision of the head of the RCO, this Section implements and maintains the comprehensive offender reentry system program statewide and implements new evidence-based reentry programs and services; establishes a continuum of effective services that meet the offenders' needs, assists with grant writing, **and ensures the continued relevancy of the PSD Comprehensive Offender Reentry Plan's goals and objectives**; member of the Interagency Council on Intermediate Sanctions (ICIS) Working Group;



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

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### EBP PROGRAM TRAINING & SUPPORT SECTION

Under the general supervision of the head of the RCO, this Section plans, maintains, implements, coordinates, manages and monitors the Department's EBP training to ensure uniformity of the application and integration of the *ICIS EBP Core Curricula* into the operations at all correctional facilities, statewide, and provides support to staff as an *ICIS EBP Core Curricula* certified trainer; **and to ensure programs are in-line with PSD's Comprehensive Offender Reentry Plan's training goals and objectives**; conducts in-house EBP coaching, refreshers, and boosters; collaborates with the ICIS Coordinator and the ICIS Cadre to ensure the continued compliance with the ICIS Community of Practice goals and objectives; member of the ICIS Training Cadre; member of the ICIS Training Committee; member of Byrne Grant Committee (MI Coach Project);

### INMATE CLASSIFICATION SECTION

Under the general supervision of the head of the RCO, plans, develops, maintains, coordinates, and monitors the Department's inmate classification system to insure uniformity in its application and integration into the operations of all correctional facilities;

### RISK ASSESSMENT MANAGEMENT & REENTRY DATA TRACKING SECTION

Under the general supervision of the head of the RCO, this section plans, maintains, implements, coordinates, manages and monitors the Department's inmate risk assessment system to ensure uniformity of its application and integration into the operations at all correctional facilities, statewide; maintains the Department's Reentry Data; **and ensures the risk assessment system is in-line with PSD's Comprehensive Offender Reentry Plan's assessment goals and objectives**; collaboration with the ICIS Coordinator; collaboration with the UH REPS; collaboration with the SAPM Office; and

### VICTIM SERVICES & NOTIFICATION SECTION

Under the general supervision of the head of the RCO, the Victim Services/ Notification Section develops, implements, and maintains a comprehensive notification system statewide and the training associated with the services provided and monitors operational staff, vendors and service providers to ensure that the services are in accordance with policies and procedures. The 24-7 system is called SAVIN and the program offers victims and concerned citizens free anonymous, confidential access to timely information. The monitoring and consultation duties for the Victim Services/ Notification also

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creates and recommends the development of crime victim's data reporting systems. In addition, the PSD-Victim Services has received funding under the VOCA grant to work in partnership with the CVCC to develop a centralized physical location/system for restitution operations. The Victim Restitution Collections Project is a centralized, restitution collection core team that will be responsible to ensure that payments are regularly collected and disbursed to the CVCC for payment to victims, survivors or other payees, statewide; working closely with the PSD facility staff to ensure that restitution activities are being consistently managed for the duration of an offender's incarceration; and providing general information and referrals to all crime victims/payees and the general public seeking other victim-related services and programs.



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### THE COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

#### GOAL

The goal of this CORP is to outline the Department of Public Safety's overarching strategy for building a successful and sustainable reentry process for its offender population. This CORP includes the Department's goals, guiding principles, key objectives, strategic framework: Reentry Strategies for Success (i.e. phases of reentry, areas of focus, reentry strategies, objectives, and outcomes), and overall performance measures to be reported quarterly to the Reentry Commission as indicators of our success.

This CORP requires a necessary paradigm shift within the Department's philosophy on how reentry is to be viewed as, thought of, and practiced, and the newly reorganized RCO shall lead the Department in this paradigm shift by assisting in the planning, training, and coordination of programs and services that best reflect evidence-based practices to better prepare sentenced offenders as offenders transition to the community.

To have the greatest impact on an offender's successful return to the community the RCO shall collaborate with Criminal Justice Agencies, Hawaii Paroling Authority, community-based partners, faith-based partners, and community stakeholders to bridge the gap in services, creating a continuum of care for an offender's successful release, but still keeping in mind the overall safety of the community.

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### GUIDING PRINCIPLES

This CORP is based on the following guiding principles for the Department's efforts in effecting the necessary paradigm shift within the Department's philosophy on how reentry is to be viewed as, thought of, and practiced:

- Principle I: Reentry process begins upon admission to jail/prison.
- Principle II: Incarceration is not simply about punishment, but more about public safety, rehabilitation, and restoring lives.
- Principle III: An offender's behavior and attitude is the best indicator of change.
- Principle IV: The majority of offenders will be released back into the community.
- Principle V: Offender should be assessed within reasonable amount of time to determine risk/needs/responsiveness, in formulating and managing a release plan.
- Principle VI: PSD's classification system determines how an offender is processed through correctional system – offender's movement is performance driven rather than time-driven.
- Principle VII: Each offender is assigned a case manager whose role is that of the change agent.
- Principle VIII: Case manager shall collaborate with private/public agencies that provide required services and programs according to offender's release plan, during incarceration and after discharge.
- Principle IX: Clean & sober housing, a living wage, and healthy relationships are key to successful reentry.
- Principle X: Create a culture of offender success through employment readiness by promoting job readiness, conducting job readiness assessments, development of offender soft skills, vocational training, cognitive-behavioral interventions, and other structured programs targeting job-preparation needs for our offenders transitioning from the PSD to furlough, parole, and the community;



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- Principle XI: While incarcerated, each offender will, at a minimum, be provided with educational opportunities, employment training, life-enhancing skills classes, substance abuse treatment, mental health services, classes on how to restore and maintain existing relationships and/or build healthy, new ones, and other programs/classes that target their individually-identified criminogenic needs, job readiness, and maximize the likelihood of success upon release.
- Principle XII: Reentry programs shall employ evidence-based practices, and shall be made available at all correctional facilities – taking into consideration an offender’s willingness to participate.
- Principle XIII: Offenders shall be supported through a continuum of programs from admittance (intake) to release (discharge or parole).
- Principle XIV: Providing offenders with a, “success-oriented” approach to reach their goals should reduce victimization and increase public safety.
- Principle XV: A reentry coalition shall be established to promote partnerships and collaboration that support positive change and successful offender reentry.

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### REENTRY PROCESS

Within the context of this CORP, "reentry" is not a specific program, but rather a process that begins when the offender is incarcerated (pre-release) and ends with his or her reintegration into the community (post-release).

This process should provide the offender with appropriate evidence-based services, including reentry planning, that address individual criminogenic needs identified through empirically validated risk and needs assessments. Results from these assessments should also reflect the risk of recidivism for each individual.

The reentry plan should reflect specific and ongoing pre-release and post-release needs, and a strategy for ensuring that these needs can be met throughout the duration of the reentry process.

The reentry process should address the following key areas:

- Individualized Risk Assessment, Case Planning, and Release Planning
- Collaboration and Partnerships
- Workforce Development

#### Individualized Risk Assessment, Job Readiness Assessment, Case Planning, Re-Assessment, and Release Planning

Obtaining quality offender data is crucial to maintaining safe facilities and formulating proper case management decisions:

- Provide appropriate, timely risk & needs assessment, and job readiness assessment;
- Engage offender in evidence-based programs that address offender's risk and needs; and
- Engage offender in soft skills (communication, teamwork, adaptability, problem solving, conflict resolution, leadership, etc.) development, vocational training, and other structured programs that target job-preparation needs.

Changes occur over time and offender's risks, needs, and appropriate levels of service are also dynamic in nature; therefore:

- Reassessments and monitoring and recording offender progress are vital to assist case managers and offenders in making well informed decisions affecting reentry.

Creating an accurate, individualized transition plan requires that each case



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manager utilize their EBP Motivational Interviewing (MI) Skills to illicit useful information to appropriately assess an offender's risks and needs.

A Release Plan will be given to the offender containing pertinent information such as contact information for community-based programs, pre-scheduled appointment dates and times, and a list of support services. Along with any personal items, the following will also be given to the offender at the time of release:

A two-week supply of medication (if applicable);

- All identifying documents accumulated while incarcerated, crucial for securing employment and housing; and
- Copies of all applicable pages from the Reentry Resource guide.

Obtainable goals can then be introduced in order to satisfactorily address the identified areas of risk and needs that are listed for each offender currently incarcerated via Collaboration and Partnerships with EBP programs, services, and treatment providers. Such as cognitive behavioral therapy, Thinking for a Change, Anger Management, Therapeutic Community, Relapse Intervention Program, RDAP, KASHBOX, Family Reintegration, Life Skills, etc. to assist the transitioning offender with building and maintaining **healthy relationships**.

### Collaboration and Partnerships

- Coordinate needed services to ensure a seamless transition;
- Offender provided opportunities to develop coping skills to deal with the challenges of transition;
- Job readiness assessment, soft skills development, vocational training, and other structured programs targeting job-preparation needs for our offenders transitioning from the PSD to the community;
- Link to community-based organizations or other entities to facilitate a smooth transition into the community;
- Creation of the Hawaii State Reentry Coalition, a network involving departments associated with criminal justice, other government agencies, and community-based organizations, will be critical in developing a continuum of programs and services for individuals transitioning back into the community such as **clean & sober housing**;
- Improve and increase the current rate of success for offenders will require that these agencies work collaboratively to ensure that gaps in services are filled, while most importantly, making sure that community safety is maintained; and
- Working with providers outside the department, to create an effective and

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- efficient way to leverage limited resources and funding to ensure that projected outcomes can be met.

A key focus of the Department's CORP outlines a strategy that partners PSD with State, County, community, and faith-based agencies in order to establish a solid resource base of work development programs that include educational, vocational and employment opportunities for the transitioning offender to earn **a living wage**.

### Workforce Development

- Facilitate a successful transition in to the community ensuring that all barriers have been addressed
- Discharge planning to ensure that offenders are stable and not engaging in high-risk behaviors;

Such as a partnership with the Workforce Development (WD), a division of the Department of Labor and Industrial Relations (DLIR), would assist with linking exiting offenders with employment and vocational training opportunities. Contacts to WD and other educational, vocational, and employment opportunities are included in a statewide workforce development resource manual that was first created in 2013, and has since been updated as of 2017.

We have incorporated these key focus areas of the reentry process while adhering to our guiding principles listed above, into the CORP's Strategic Framework. The CORP's Strategic Framework is to be introduced statewide as the Department's Reentry Strategies for Success.



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### STRATEGIC FRAMEWORK: REENTRY STRATEGIES FOR SUCCESS

As mentioned above, we have incorporated the key focus areas of the reentry process while adhering to our guiding principles, into the CORP's Strategic Framework, to be introduced statewide as the Department's Reentry Strategies for Success.

The CORP's Strategic Framework: Reentry Strategies for Success has various essential pieces that collectively, provides the Change Agent (the offender's Case Manager) a system of reentry strategies to incorporate into his/her offender's individualized case plan and reentry plan during her/his transition from admittance (intake) to release (discharge or parole).

*The Reentry Strategies for Success includes four phases of reentry, six areas of focus, and a total of 51 reentry strategies that should follow four specific objectives, and produce four desired outcomes for Reentry Success.*

The Department and the RCO shall ensure implementation of the CORP's Strategic Framework: Reentry Strategies for Success, statewide. The following sections describe each of the essential pieces of the CORP's Strategic Framework. A table of this framework is provided on pgs. 32-36.

#### THE FOUR PHASES OF REENTRY

##### *PHASE I: INTAKE PHASE OF REENTRY*

The reentry planning process begins the day of admittance at intake. In order to establish an individualized reentry plan for each offender, the department must assess risk and needs from the onset, integrate case management for the offender's individualized case plan, and prepare a release plan, once housing has been assigned.

##### *PHASE II: PRISON AND JAIL CASE PLANNING PHASE OF REENTRY*

Incarceration efforts should focus on creating educational opportunities and job readiness to assist an offender in earning a livable wage, employment teachings that promote self-sufficiency and accountability, EBP programming based on risks and needs, and cognitive-behavioral therapy to shift criminal thinking and behavior.

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### *PHASE III: TRANSITION & RELEASE PLANNING PHASE OF REENTRY*

The barriers affecting an offender when they are transitioning from incarceration to community is the key area of focus for the Department and RCO. Offenders have several basic needs to address immediately following their release:

Cash: Offenders are usually released without any cash, as “gate money” is no longer provided. Instead, they typically have to wait for a check to be issued at a later date, after the facility has determined that all outstanding debts incurred while incarcerated are fulfilled;

Clothing: Many offenders leave the facilities only with the clothes on their back;

Community Support: Typically, an offender has no one assisting them in the beginning, which is often the most stressful, traumatic and frightening moment, losing the “walls” that previously “protected” them, which ends up being when the offender is at the greatest risk to recidivate;

Food: Many offenders don’t have access to this very basic human need immediately following their release nor do they usually know where their next meal will come from;

Identification Documents: Offenders are usually released without the proper documentation necessary to secure employment, housing, services, etc.

Resources Information: Each offender at the time of release, should be provided with a resource guide of where to go to secure much needed housing, goods, and services; and

Transportation: Many offenders need to find a way to get around on a regular basis – be it their job, mandatory check-ins, medical appointments, community groups, after-care treatment, etc.

### *PHASE IV: PAROLE & POST-RELEASE PHASE OF REENTRY*

Community support is all about connections. When creating an effective network of resources, the key factor lays in the development and maintenance of new partnerships between other agencies, service providers, PSD, and the Reentry Coordination Office.



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### THE SIX AREAS OF FOCUS

The following are the six areas of focus for each of the four phases of reentry:

#### *SUPPORT FOR VICTIMS*

Victims have a right to information, notification, consultation, restitution, and protection. Reentry should be as much about the victim as it is about the offender.

#### *PUBLIC SAFETY*

Public safety is paramount. Established reentry processes will reflect evidence-based practices in offender management and recidivism reduction.

#### *HOUSING*

Offenders exiting Hawaii's jails and prisons need to live somewhere by securing appropriate housing. Often, "home" means a homeless shelter, the streets, or living with family or friends in subsidized housing that already prohibits anyone from living within the structure that has a criminal record. Successful transition back into the community will always have a component that depends on the ability to secure stable but appropriate housing. Working with the local housing authority, shelters and community agencies will be critical in quickly identifying safe but appropriate housing options for returning offenders.

#### *HEALTH CARE*

Jails and prisons are among the largest providers of physical and mental health care in the country, providing services to millions of offenders with medical, dental and mental health issues, or suffering from a chronic or infectious disease. Demographic trends show increasing rates of aging inmate populations of which are also infirmed. Healthcare professionals within correctional facilities can build bridges that promote continuity of care, reduce health care disparities, and advance public health priorities. Providing a continuum of care to offenders transitioning back into the community is crucial not only for their success, but for the safety of the community.

A critical component of ensuring a continuum of care will be to ensure that timely and complete applications for benefits have been processed, or at the very least, initiated and that offenders are supplied with a standardized amount of required medications upon release.

#### *EDUCATION, EMPLOYMENT, AND VOCATIONAL TRAINING*

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Offenders exiting Hawaii's jails and prisons without employment skills or a plan to somehow secure some form of employment, make up a significant portion of the unemployed. Whether unskilled, uneducated, or simply unmotivated, working with public employment agencies, private and community agencies and job training services will be necessary to increase opportunities for permanent employment. While incarcerated, offenders should be allowed access to classes, training or treatment programs that can advance their educational and vocational skill levels. In order to succeed, offenders need to be able to earn a decent living wage.

### *FAMILY & COMMUNITY SUPPORT*

Transitioning offenders will require a positive support system that encourages a healthy lifestyle, healthy relationships, positive behaviors, and self-sufficiency. Whether the offender has a family member, friend, or mentor to help them at the time of release, they should not be released without first having someone immediately available to provide support<sup>16</sup>. The strength of family support has been shown to predict success upon release<sup>17</sup>. During incarceration and upon release, programs should encourage the building and sustaining of healthy relationships, and support safety nets. These efforts should also include assisting family members and community support systems in preparation to receive the returning offender in such a way that everyone involved gets a feeling of being valued and offenders have a real opportunity to contribute to their communities.

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<sup>16</sup> National Academies. 2007. Chapter 4: Services and programs for releases. From *Parole, Desistance from Crime and Community Integration*. Washington, DC: National Research Council.

<sup>17</sup> Nelson, Marta, Perry Deess, and Charlotte Allen. 1999, September. *The First Month Out: Post-Incarceration Experience in New York City*. New York, NY: Vera Institute of Justice.



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TABLE 1: THE CORP'S STRATEGIC FRAMEWORK

The following table depicts the CORP's Strategic Framework: Reentry Strategies for Success, to be implemented statewide:

REENTRY STRATEGIES FOR SUCCESS	
PHASE I: INTAKE PHASE OF REENTRY	
<p>The reentry planning process begins the day of admittance at intake. In order to establish an individualized reentry plan for each offender, the department must assess risk and needs from the onset, integrate case management for the offender's individualized case plan, and prepare a release plan, once housing has been assigned.</p>	
Focus Area	Reentry Strategy
Support for Victims	<ul style="list-style-type: none"> <li>• Ensure that information about victim or victims' interests are protected as well as supported;</li> <li>• Provide opportunities for crime victims and victim advocates to inform offender plans and programming when appropriate;</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>• Assess individual strengths, risk and needs of offender; and</li> <li>• Integrate Case Management by developing an individualized case plan for offender based on information acquired, and formulate a release plan;</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• Ask questions regarding the type and appropriateness of housing, if secured prior to admittance and its availability upon release; and</li> <li>• Determine if offender has outstanding lease/rental <u>contractual obligations</u> (activated prior to admittance);</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>• Screen offenders for mental and medical health issues and determine whether further assessment, care and programming is recommended;</li> <li>• Conduct both PREA and ADA screening; and</li> <li>• Determine if offender's future plans will sufficiently address any medical or mental health issues identified during intake;</li> </ul>
Education & Vocational Training	<ul style="list-style-type: none"> <li>• Use objective &amp; validated instruments to assess offender's job readiness, employment history, education level, literacy rank, vocational aptitude; and</li> <li>• Determine if offender's plans will adequately address any educational, training, or employment deficiency discovered during the interview;</li> </ul>
Family & Community Support	<ul style="list-style-type: none"> <li>• Assess offender's family and cultural strengths, and identify any special needs, including dependent care responsibilities, child support debt, domestic violence history, and any significant relationships;</li> <li>• Make arrangements for services and supports to be provided to family members and children of offenders;</li> <li>• When appropriate, help to establish/re-establish these relationships while also providing resources to help in strengthening these bonds; and</li> <li>• Healthy relationships afford the offender greater opportunities for success;</li> </ul>
<b>Objective</b>	<b>Provide timely assessments using evidence-based practices.</b>
<b>Outcome</b>	<b>Accurately assess risk and needs and foster motivation for change.</b>



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### PHASE II: PRISON AND JAIL CASE PLANNING PHASE OF REENTRY

Incarceration efforts should focus on creating educational opportunities and job readiness to assist an offender in earning a livable wage, employment teachings that promote self-sufficiency and accountability, EBP programming based on risks and needs, and cognitive-behavioral therapy to shift criminal thinking and behavior.

Focus Area	Reentry Strategy
Support for Victims	<ul style="list-style-type: none"> <li>• Provide and encourage offenders to attend victim impact panels, crime impact classes, and other programs involving victims and/or victim advocates designed to "bring home" how crime impacts everyone;</li> <li>• Submit any necessary offender information for the management of the Statewide Automated Victim Information and Notification (SAVIN) system;</li> <li>• Follow-up on offender's restitution and fee collections;</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>• Enforce policies and procedures to ensure the safety and well-being of incarcerated offenders; and</li> <li>• Continue Case Management by updating the offender's individualized case plan and release plan, including any new information acquired;</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• Review &amp; regulate the appropriateness of housing assignments within facility;</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>• Provide mental health care, medical health care, and evidence-based treatments while incarcerated to address identified risk and needs;</li> <li>• Provide cognitive behavioral therapy (CBT), peer support, mentoring, and basic living skills programs while incarcerated to improve an offender's behaviors, attitudes, motivation and ability to live independently and maintain a crime-free life; and</li> <li>• Provide trauma-informed care that is gender and culturally sensitive;</li> </ul>
Education & Vocational Training	<ul style="list-style-type: none"> <li>• Identify and cultivate offender's educational &amp; employment goals &amp; talents;</li> <li>• Teach offenders functional, educational, vocational competencies, and soft skills based on identified needs, goals, employment market demand, and public safety needs; and</li> <li>• Provide individuals with opportunities to participate in work assignments and skill-building programs towards earning a livable wage in the community for successful reentry;</li> </ul>
Family & Community Support	<ul style="list-style-type: none"> <li>• Increase availability of services and supports for offender family members and their children that afford offenders opportunities to connect and strengthen relationships with family members &amp; loved ones; and</li> <li>• Facilitate efforts of faith-based organizations, peer support groups, and service providers to interact with offenders, build healthy relationships, and to improve trust and confidence on both ends;</li> <li>• Healthy relationships afford the offender greater opportunities for success;</li> </ul>
<b>Objective</b>	<b>Engage offender in evidence-based programs that address his or her identified individual risk and needs.</b>
<b>Outcome</b>	<b>Develop positive changes in offender's attitude and behavior.</b>



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### PHASE III: TRANSITION & RELEASE PLANNING PHASE OF REENTRY

The barriers affecting an offender when they are transitioning from incarceration to community is the key area of focus for the Department and RCO. Offenders have several basic needs to address immediately following their release:

Cash: Offenders are usually released without any cash, as "gate money" is no longer provided. Instead, they typically have to wait for a check to be issued at a later date, after the facility has determined that all outstanding debts incurred while incarcerated are fulfilled;

Clothing: Many offenders leave the facilities only with the clothes on their back;

Community Support: Typically, an offender has no one assisting them in the beginning, which is often the most stressful, traumatic and frightening moment, losing the "walls" that previously "protected" them, which ends up being when the offender is at the greatest risk to recidivate;

Food: Many offenders don't have access to this very basic human need immediately following their release nor do they usually know where their next meal will come from;

Identification Documents: Offenders are usually released without the proper documentation necessary to secure employment, housing, services, etc.,

Resources Information: Each offender at the time of release, should be provided with a resource guide of where to go to secure much needed housing, goods, and services; and

Transportation: Many offenders need to find a way to get around on a regular basis – be it their job, mandatory check-ins, medical appointments, community groups, after-care treatment, etc.

Focus Area	Reentry Strategy
Support for Victims	<ul style="list-style-type: none"> <li>• Coordinate protection for and the support of victims, determining the need and appropriateness; and</li> <li>• Structure reentry plans to provide for the safety of victims;</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>• Prior to release, assist staff in coordinating with community-based health, treatment, and faith-based providers, for offenders to receive services that provide a continuum of care thus, benefiting communities;</li> <li>• Communicate &amp; collaborate with community supervision agencies and community-based providers, and organizations to facilitate continuity of care upon release; and</li> <li>• Provide offenders with a copy of the resources guide, and other resources information on where to acquire assistance;</li> </ul>
Housing	<ul style="list-style-type: none"> <li>• Assist offenders in accessing resources to secure stable and appropriate housing prior to release; and</li> <li>• For those offenders with substance use history, Clean &amp; Sober Housing is essential;</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>• Prior to release, work with offenders and community-based health and treatment providers to prepare/receive exiting offenders assuring services and support continue uninterrupted and eligibility is immediate; and</li> <li>• Work with offenders and community-based partners to confirm that offenders upon release, possess correct forms for identification;</li> </ul>



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Education & Vocational Training	<ul style="list-style-type: none"><li>• Work with Correction Program Services and outside providers to promote the employment of newly released individuals and facilitate the creation of job opportunities; and</li><li>• Work with community-based partners to create connections for offenders to meet with employment services prior to release;</li></ul>
Family & Community Support	<ul style="list-style-type: none"><li>• Work with community-based partners to organize service and support systems for an offender and his family to strengthen their relationship;</li><li>• Work with offenders in preparing family and community members for an offender's return, by providing a protected environment, counseling, services, and support, as needed; and</li><li>• Work with offenders and community-based partners to include family members on the development and implementation of a community supervision strategy.</li></ul>
<b>Objective</b>	<b>Coordinate needed services to ensure a smooth transition, addressing post release needs such as housing, employment, and healthy relationships.</b>
<b>Outcome</b>	<b>Establish relationships between individual and community-based providers.</b>

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### PHASE IV: PAROLE & POST-RELEASE PHASE OF REENTRY

Community support is all about connections. When creating an effective network of resources, the key factor lays in the development and maintenance of new partnerships between other agencies, service providers, PSD, and the Reentry Coordination Office.

Focus Area	Reentry Strategy
Support for Victims	<ul style="list-style-type: none"> <li>Provide "bridges" between the facilities and service providers to connect victims with a network of support services so that they are heard and protected;</li> </ul>
Public Safety	<ul style="list-style-type: none"> <li>Work with staff, other agencies and community service providers to display a concerted effort for directing offenders towards living a prosocial and productive lifestyle;</li> </ul>
Housing	<ul style="list-style-type: none"> <li>Provide guidance &amp; resources information in connecting offenders with outside resources to secure stable and appropriate housing for exiting offenders;</li> </ul>
Health Care	<ul style="list-style-type: none"> <li>Work with facility medical staff and community-based service providers to ensure the enrollment of all offenders in a health care plan best suited for their needs, prior to release;</li> </ul>
Education & Vocational Training	<ul style="list-style-type: none"> <li>Collaborate with other agencies and service providers to assist exiting offenders with opportunities to continue and/or advance their educational and vocational skill levels;</li> </ul>
Family & Community Support	<ul style="list-style-type: none"> <li>Provide guidance for offenders to follow up with mentors and community support groups to facilitate lines of effective communication between exiting offenders and their families; and</li> <li>Healthy relationships afford the offender greater opportunities for success;</li> </ul>
<b>Objective</b>	<b>Facilitate a successful transition into the community ensuring that key barriers have been addressed.</b>
<b>Outcome</b>	<b>Sustained post-release participation in treatment after care, stable offender employment with living wage, and procurement of clean &amp; sober housing.</b>



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### IMPLEMENTATION OF THE CORP

Implementing new strategies within government institutions can be a daunting task. Any change in program procedures or policy will require the full commitment of all levels of administration and staff in order to succeed.

Over the past several years, PSD has developed a foundation to continue building upon, which can include the implementation of the above strategies. But the ability to sustain a successful reentry program for exiting offenders is not an issue for PSD to address alone. It is an issue with significant challenges that will require a collective effort from PSD, other agencies and various service providers within the community in order to effectively address. Therefore, it's imperative that the Reentry Coordination Office work to enlist the help and commitment from these other agencies, community-based and faith-based organizations to build lasting connections and community partnerships.

We must effectively incorporate the CORP Strategic Framework: Reentry Strategies For Success into the Department's reentry process, and integrate Evidence-Based Practice (EBP) programs, services, and treatments that effectively assess and address an offender's greatest, critical criminogenic risk and need factors, supported by effective case management, individualized case planning, supervision and viable transition planning.

The RCO shall review current policies and existing programs within institutions and the community to identify strengths, address gaps and determine if changes for improvement are needed. In doing so, the RCO can increase the amount of opportunities and resources for offenders to turn to, so that they may succeed in living a pro-social lifestyle and avoid reincarceration.

The RCO shall work on maximizing all available resources by integrating community-based programs and service providers into each PSD Correctional Facility, and by partnering and collaborating with the Hawaii Paroling Authority, Criminal Justice Agencies, and community-based service providers.

The following Action Steps provide a clear direction for the newly reorganized RCO to begin the groundwork toward implementing this CORP:

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### Action Step #1

Identify all current existing reentry programs, services, treatments, and practices from intake to discharge;

### Action Step #2

Evaluate them to determine which are impactful on successful offender reentry vs. those that are ineffective;

### Action Step #3

Based on the data provided, decide which programs to eliminate, replace, improve upon, or maintain and duplicate throughout all of the PSD facilities, while identifying any resulting gaps in services, and implementing EBPs where the gaps in services exist;

### Action Step #4

Coordinate, procure, and implement EBP programs & services training and support for all staff, statewide to implement new EBPs and to maintain continuous quality improvement, with consideration for the following Reentry Commission principles:

- a. Trained staff are supportive of individuals' growth as well as safety;
- b. All staff working towards one mission to make reentry successful;
- c. Ongoing support & resource commitments for staff training and support;
- d. More staff training on understanding of:
  - i. mental health issues;
  - ii. trauma; and
  - iii. changing culture to real rehabilitation where staff is crucial to incarcerated person's successful reentry;

### Action Step #5

Form and co-chair a Collaborative Working Group to develop and maintain a plan that specifically targets the special needs of the infirmed and aged offender population that is paroling and releasing from the custody of PSD. The working group co-chairs should be the Administrator of the RCO for PSD Corrections Division and the HCD Administrator of the PSD. The working group members should include:

- a. HPA Parole and Pardons Administrator, PSD
- b. Representative from UH REPS
- c. Representative from State of Hawaii, DOH/Executive Office of Aging



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

- d. Representative from Hawaii Aging and Disability Resource Center
- e. Representative from Policy Advisory Board for Elder Affairs (PABEA)
- f. Representative from Hawaii County Office of Aging (HCOA)
- g. Representative from Waikiki Health Center
- h. Representative from Pū'ā Foundation
- i. Representative from Catholic Charities
- j. Representative from Hawaii Public Housing Authority
- k. Representative from State Homeless Outreach Programs
- l. Representative from Emergency Solutions Programs (i.e. emergency shelters, rapid re-housing, etc.)
- m. Representative from United Self-Help
- n. Representative from HCORP
- o. Representative from community partner/provider of short-term/long-term housing, assisted living, elderly care and services, etc.

### Action Step #6

Form and chair a Reentry Coalition to encourage and advocate for community awareness and education. This coalition shall meet quarterly to develop broad support in the community for the reentry process. Some issues to be discussed and addressed:

- a. Education and commitment of the community for the reentry process;
- b. Volunteerism and the faith based organizations to raise public awareness and support;
- c. Mentorship Program with help from community residents;
- d. Housing: Increase community beds and services;
- e. Employment: Increase job opportunities;
- f. Medical and Mental Health Services for offender population with special needs; and
- g. Clean & Sober housing for offender population with substance abuse needs.

### Action Step #7

Establish a continuous quality improvement plan that is also data-driven, to ensure we are addressing ongoing gaps and critical issues, taking into consideration initiatives from other existing reentry programs that have demonstrated successful outcomes, and to maintain program fidelity further enhancing our CORP for long-term sustainability.

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### INDICATORS OF SUCCESS

The RCO shall serve as the planning and evaluation unit, and shall play an ongoing role in monitoring the reentry process, and reporting progress towards goals and objectives. The RCO shall also analyze reasons for any shortfalls in accomplishments. The overall performance measures listed below shall be reported quarterly to the Reentry Commission as indicators of success:

#### Recidivism Rate

- Recidivism rate defined by the Interagency Council on Intermediate Sanctions (ICIS) as criminal arrests (most recent charge after supervision start date), revocations, technical violations, and/or criminal contempt of court.<sup>18</sup>

#### Restitution

- Adjusted, court-ordered restitution totals collected on a monthly basis from offenders currently and not currently participating in a furlough program.

#### Education

- Statistics & percentage rates on education programs completed by offenders.

#### SA Treatment

- Statistics and percentage rates of offenders completing recommended substance abuse treatment.

#### EBP CBT & Other

- Statistics and percentage rates of offenders completing EBP Cognitive Behavioral Therapy (CBT); and other EBPs.

#### Population

- Statistics and percentage rates of offenders with special needs releasing and paroling to the community.

#### Offender Civil Identification Documents (CID)

- Statistics and percentage rates of offenders releasing to community with and without CIDs (i.e. Civil ID Card, Birth Certificate, or Social Security Card).

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<sup>18</sup> Interagency Council on Intermediate Sanctions, State of Hawaii, FY 2013 Cohort, 2016 Recidivism Update, Timothy Wong, ICIS Research Analyst, <https://icis.hawaii.gov/wp-content/uploads/2017/06/Hawaii-Recidivism-Report-2016.pdf>



# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

## CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019

### CONCLUSION

PSD recognizes that prison recidivism is a serious issue that impacts facilities and communities. We further believe that by actively addressing the risks and needs of incarcerated offenders and providing a continuum of care once they are released, we provide an environment that empowers them to make choices that maximize successful reentry, and thus enhance the public's safety.

Our commitment to fostering ongoing communication and collaboration with the Hawaii Paroling Authority, State Criminal Justice Agencies, community partners, and stakeholders will enable an ongoing partnership toward building and maintaining an effective continuum of reentry services for all incarcerated offenders releasing from the custody of the PSD to the community.

# COMPREHENSIVE OFFENDER REENTRY PLAN (CORP)

CONNECTING THE DOTS: CREATING SUCCESS FOR OFFENDER REENTRY

STATE OF HAWAII, DEPARTMENT OF PUBLIC SAFETY (PSD), 2019



**§353H-7 Return of out-of-state inmates.** (a) The director of corrections and rehabilitation 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 corrections and rehabilitation 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. [L Sp 2007, c 8, pt of §2; am L 2022, c 278, §29]

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF PUBLIC SAFETY**  
*Ka 'Oihana Ho'opalekana Lehulehu*  
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Deputy Director  
Administration

**Sanna Muñoz**  
Deputy Director  
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**Mark Hanohano**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

December 14, 2023

The Honorable Ronald D. Kouchi,  
President and Members of the Senate  
Thirty-second State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker  
and Members of the House of the  
House of Representatives  
Thirty-second State Legislature  
State Capitol, Room 431  
Honolulu, HI 96813

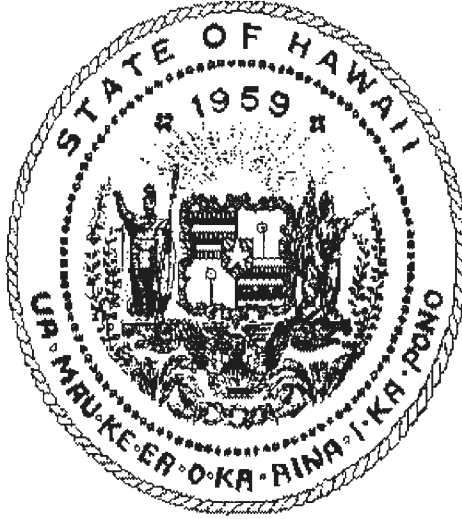
Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the **Annual Report on the Return of Out-of-State Inmates**, in response to Act 8, Session Laws of Hawaii 2007, Special Session, Part 1, Section 7(c). In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: [Department of Public Safety | 2023 Reports to Legislature \(hawaii.gov\)](https://www.hawaii.gov/dps/2023-Reports-to-Legislature)

Sincerely,

  
Tommy Johnson  
Director

Enclosure



DEPARTMENT OF PUBLIC SAFETY  
REPORT TO THE 2021 LEGISLATURE

ACT 8 (2007)

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

November 2023

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

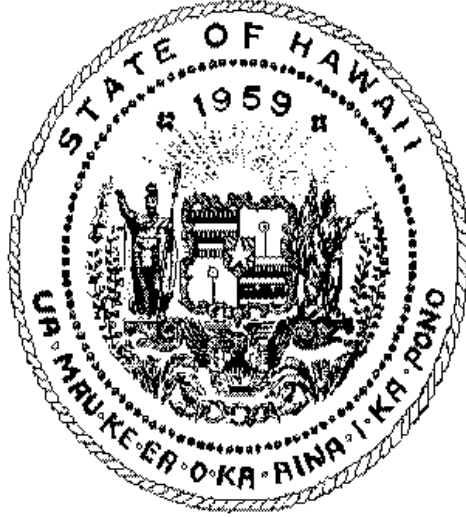
Department of Public Safety (PSD) continues to make every effort to comply with the requirement in Act 8 to return inmates housed in contracted private facilities on the mainland within one year of their parole or release date. PSD has implemented screening mechanisms to ensure that qualified inmates are returned to Hawaii’s correctional 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 2022 to October 2023, PSD brought 294 qualified inmates back to Hawaii for parole, Sex Offender Treatment program or work furlough participation.

The following table shows the inmates that are within 1 year of their parole hearing date and have not been returned in 2023:

Non-compliance in programs (i.e. Refuse programs, termination of programs) resulting in Medium Custody	97
High/Greatest category misconducts within last 18 months resulting in Medium Custody	135
Escape history within past 7 years from community/ minimum custody facility, resulting in higher custody level	19
Detainers (i.e. Immigration, Federal, State) that precludes minimum custody housing	24
Refuse to work furlough programs & parole; wants to max out resulting in Medium Custody	51
Pending parole release to another state other than Hawaii (Interstate)	5
Pending available bed space at furlough program	0
<b>TOTAL</b>	<b>331</b>

PSD continues to return inmates back to Hawaii from the mainland facility. From the previous count of 996 inmates (Beginning of 2023), the count of inmates has dropped to 876 inmates current housed at the out-of-state facility. Public Safety continues to strive to comply with ACT 8 by encouraging inmates to complete their recommended programs to transition back thru the work furlough program and achieve the goals and objectives of Act 8.



DEPARTMENT OF PUBLIC SAFETY  
REPORT TO THE 2023 LEGISLATURE

ACT 8 (2007)

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

November 2023



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


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	<b>DEPARTMENT OF PUBLIC SAFETY</b>	<b>EFFECTIVE DATE:</b> June 14, 2021	<b>POLICY NO.:</b> COR.18.08
	<b>CORRECTIONS ADMINISTRATION</b> <b>POLICY AND PROCEDURES</b>	<b>SUPERSEDES (Policy No. &amp; Date):</b> COR.18.08 & 05/01/2020	
	<b>SUBJECT:</b> <b>TRANSFER OF ADULT INMATES</b>		Page 1 of 9

## 1.0 PURPOSE

To ensure that inmate transfers are conducted in an appropriate and expeditious manner.

## 2.0 SCOPE

This policy and procedure applies to all correctional facilities, including the Mainland Branch, and all assigned personnel. To the extent any individual facility's policy conflicts with the statewide policy, COR.18.08 shall control.

## 3.0 REFERENCES, DEFINITIONS AND FORMS

### .1 References

- a. Department of Public Safety (PSD), Policy and Procedures (P & P), COR.13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- b. PSD, P & P, COR. 14.03, Prescriptive Program Plans.
- c. PSD, P & P, COR. 14.15, Inmate Furlough Program.
- d. PSD, P & P, COR. 14.22, Electronic Monitoring Service (EMS).
- e. PSD, P & P, COR. 14.26, Offender Assessment Protocols.
- f. PSD, P & P, COR. 14.27, Inmates with Disabilities.
- g. PSD, P & P, COR. 14.30, Communication Access.
- h. PSD, P & P, COR. 16.07, Return of Inmate to Island of Commitment.
- i. PSD, P & P, COR.18.01, Inmate Classification System.
- j. PSD, P & P, COR.18.04, Reclassification of Prison Inmates.
- k. PSD, P & P, COR.18.07, Exception Case.
- l. PSD, P & P, COR.18.09, Prison Program Committee.

**NOT-CONFIDENTIAL**

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- m. Hawaii Revised Statutes (HRS) § 26-14.6, Department of Public Safety, Function and Authority.
- n. HRS § 353-16, Transfer of Prisoner to Federal Institution.
- o. HRS § 353-16.2, Transfer of Inmates to Out-of-State Institutions.
- p. HRS § 353C-2, Director of Public Safety, Powers and Duties.
- q. HRS Chapter 353H, Comprehensive Offender Reentry System.
- r. HRS Chapter 355, Western Interstate Corrections Compact.
- s. HRS Chapter 355D, Interstate Corrections Compact.
- t. HRS Chapter 706, Disposition of Convicted Defendants.
- u. HRS § 706-672, Relating to Place of Imprisonment.
- v. Intergovernmental Agreement, State of Hawaii, ICA # 1GA-152-0.
- w. Intergovernmental Agreement between Hawaii Department of Public Safety and United States Department of Justice Federal Bureau of Prisons, Federal Detention Center, IGA Number 1GA 661-02.

**.2 Definitions**

- a. Adult Substance Abuse Survey (ASUS) – A 64-item self-report survey designed to assess an individual’s perceived alcohol and other drug use.
- b. Custody Changes - Increases or decreases in custody levels, which may be indicative of a need to transfer to a higher or lower security facility.
- c. Emergency Condition - A situation or occurrence of a serious nature, developing suddenly and unexpectedly, and demanding immediate action. Exists when, in the facility administration’s discretion, there is reasonable cause to believe that there is a threat to 1) life or limb, 2) the security or good government of the facility, and/or 3) the community.
- d. ICO - Inmate Classification Office.

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- e. Initial Prescriptive Plan (IPP) – A report, generated by the RAD unit for all newly-sentenced felons that identifies programs and activities (using the LSI-R, ASUS and Pre-Sentence Investigation (PSI) report) in preparation to satisfy parole eligibility requirements and that which is appropriate to their needs and custody classification.
- f. Interstate Compact or Dual Jurisdiction Cases – Where a convicted felon is placed in a state/federal facility that differs from the jurisdiction his criminal offense was originally set.
- g. Jail Inmate - Any individual who is convicted of a crime and committed by the courts for a period of LESS THAN one (1) year (this includes probation violators awaiting adjudication of their violation hearings, pretrial detainees, Federal/other State holds).
- h. Level of Service Inventory-Revised (LSI-R) – A predictive risk and needs scale that assesses an offender’s propensity for further unlawful and rule-violating behavior based upon criminal history and dynamic risk factors.
- i. Mainland Branch (MB) - The office designated to monitor the care and custody of inmates located on the Mainland.
- j. Prison Inmate - Any individual who is convicted of a crime and sentenced by the courts for a period of MORE THAN one (1) year (this includes CONSECUTIVE terms of more than one (1) year combined) and parole violators returned to custody.
- k. Reception, Assessment, Diagnostic (RAD) – A separate unit that temporarily houses all newly-admitted, sentenced felons for evaluation to determine initial programming and custody designation, using tools such as the LSI-R, ASUS, PSI and any other relevant sources.
- l. Recommended Treatment Level (RTL) – An offender’s substance abuse treatment level as determined by the LSI-R and ASUS.
- m. Summary Score Sheet – Scoring sheet that combines the LSI-R score with the ASUS disruption score to determine a Recommended Treatment Level (RTL).

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.3 Forms

- a. PSD 8203 – Inmate Transfer Request form (attached).
- b. PSD 8802 – Inmate Reentry Case Plan Checklist (Prison).

**4.0 POLICY**

Transfer of inmates under an Interstate Compact Agreement, intra-state (between facilities), or between branches or other agencies, shall be based on the inmate's classification, individual needs, resources and facilities available to the Department of Public Safety (PSD), the exigencies of the community, and in consideration of the provisions of HRS Chapter 353H.

In emergency situations, facility Wardens may recommend and initiate immediate transfer of an inmate. It is also possible for the receiving facility to refer back to the department's Inmate Classification Office (ICO) on any newly transferred inmate that is believed to be inappropriate for their facility.

**5.0 PROCEDURE**

.1 Transfer Criteria

- a. Transfer of inmates to other facilities may be initiated as a result of change in classification as indicated by the computed custody level on the appropriate classification forms, and/or as part of the sequential phasing process to begin, and/or complete appropriate institutional rehabilitation, educational, vocational and furlough programs, and in consideration of the provisions of HRS Chapter 353H. Transfer preclusions may occur and can include the consideration of parole violators who recently absconded from parole. ICO will consider how recent the abscond incident occurred, and how long the period of absconding was.
- b. Transfers may also be initiated through PSD, P & P, COR.18.07, Exception Case.
- c. Transfer of an inmate may be warranted in instances when an inmate's single act (such as those in the Greatest or High categories on the Institutional Misconduct Severity Scale, refer to PSD, P & P, COR.13.03), indicates the inappropriateness of the current place of confinement, regardless of computed custody level.

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.2 Intra-State Transfer Actions

- a. The inmate should fall into one of the above categories. Form PSD 8203, Inmate Transfer Request along with materials outlined below b.1) through b.8), shall be initiated and forwarded to the Warden or designee for review.
- b. Upon completion of the review by the Warden or designee, the following materials will be included when submitting a transfer request packet to the ICO for final review and approval/disapproval:
  - 1) Form PSD 8203, Inmate Transfer Request, briefly describing the reasons for transfer.
  - 2) The current classification instrument (summary form).
  - 3) The initial or most recent update of the Prescriptive Program Plan, and any certificate of program completion.
  - 4) Documents substantiating active convictions (CJIS, eCourt, Judgments)
  - 5) Documentation verifying that any outstanding felony charge (within two (2) years on CJIS) has been dismissed or dropped (documentation shall include case manager's case notes on conversations he/she has had with the police department and/or prosecutor's office detailing content of conversation, and the date and time of said conversation).
  - 6) Relevant forms as needed (e.g.: Sex Offender Custody Level Review (SOCLR), Recommended Treatment Level (RTL) overrides, etc.).  
**[Forms included in transfer packet requests without being signed, and final decisions rendered shall be rejected.]**
  - 7) LSI-R, ASUS, and Summary Score sheet – LSI-R to be within six (6) months of transfer request submission.
  - 8) Health Status Classification Report (HSCR) or Medical Clearance to be within twelve (12) months of transfer request if move is to a minimum facility.

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- 9) Updated Inmate Reentry Case Plan Checklist (Prison), Form PSD 8802, when moving an inmate to a minimum custody facility or furlough. PSD Form 8802 will not be required when increasing an inmate's custody **and**, the inmate's maximum expiration date is greater than 6-months. If the inmate's maximum expiration date is 6-months or less from the date of the transfer request, Form PSD 8802 will be required.
- c. ICO shall review the material and render a decision on PSD 8203, Inmate Transfer Request form, within ten (10) working days of receipt.
- d. If transfer is disapproved, written notification shall be forwarded to the referring branch with reasons for disapproval.
- e. Should the ICO disapprove the request for transfer of a case, the Warden may appeal this decision by submitting PSD 8203, Inmate Transfer Request Form with the appeal for re-determination to the Deputy Director for Corrections (Dep-C).
- f. Should the ICO approve the request for transfer of a case, ICO shall forward all pertinent documents to the sending and receiving facilities/branch upon approval. The sending and receiving Wardens shall be responsible for arranging the transfer of the inmate upon receipt of the final decision. Actual movement shall be dependent upon available vacancy, and assessments based on priority considerations.
- .3 Interstate (Compact Agreement Transfer Action) State Transfers
- a. Inmate should fall under one of the categories listed in Section 5.0.1 above, "Transfer Criteria." The Warden shall create a satellite file containing the following documents and forward it to the ICO:
- 1) The current classification instrument.
  - 2) The initial and the most recent update of the Prescriptive Program Plan, including a description of the commitment offense, criminal history, institutional adjustment and any certificate of program completion.
  - 3) Form PSD 8203, Inmate Transfer Request, documenting reasons for transfer.

**NOT-CONFIDENTIAL**



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- 4) The Judgment and Mittimus document for all offenses.
- 5) The Order Fixing Minimum Terms and the most recent parole document.
- 6) Misconduct Hearing results from the last 24 months, including any High or Greatest misconduct that is still active.
- 7) Program Hearing results (if applicable).
- 8) Detainer(s) if applicable.

- b. Upon approval by ICO, all materials and accompanied by a letter to the selected facility requesting that it consider the transfer, shall be submitted to the Director through the Dep-C.
- c. Upon formal acceptance of transfer, ICO shall inform the respective facility to make all arrangements and forward written confirmation of travel back to the PSD.

**.4 Out-of-State Transfer Actions**

- a. Inmate should fall into, but not limited by, the categories listed in Section 5.0.1 above, "Transfer Criteria." In addition, the MB shall further review the eligibility status of each inmate screened for out-of-state transfer based on the following qualifications:
  - 1) Time left to serve on sentence.
  - 2) Program refusals, non-clinical discharge, or misconducts incurred.
  - 3) Parole violators with more than twelve (12) months to serve.
  - 4) No pending criminal charges.
  - 5) Medical or mental health factors which may preclude an inmate from being transferred to PSD's contracted agency of private prisons for a particular transport.
  - 6) Inmates that volunteer and have cleared all facility holds.

**NOT-CONFIDENTIAL**

COR  P & PM	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT INMATES</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
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7) Consideration of the provisions of HRS Chapter 353H.

- b. Upon selection of inmates for out-of-state transfer, PSD's contracted agency of private prisons shall complete the final screening and selection, in accordance with the appropriate state statutes.
  - c. MB shall make all transfer arrangements with the contracted agency.
  - d. For out-of-state transfers, the receiving facility shall make all necessary accommodations/reasonable modifications for inmates with a disability, in accordance with PSD, P & P, COR.14.27, Inmates with Disabilities and PSD, P & P, COR.14.30, Communication Access.
- .5 Emergency Transfers
- a. In the case of emergency transfers, the personal appearance of the inmate is not necessary.
  - b. All courtesies will be made to ensure that movement in an emergency condition, occurs within 24-hours of making the request.
  - c. The requesting Warden shall contact PSD's Institutions Division Administrator (IDA) or the Dep-C by phone requesting emergency transfer.
  - d. The requesting Warden shall confirm with IDA or Dep-C that the provisions of HRS Chapter 353H were considered.
  - e. IDA or Dep-C shall approve or disapprove the request.
  - f. IDA or Dep-C shall designate and inform the receiving facility that the inmate shall be placed in that facility.
  - g. The Warden initiating the request shall make all transfer arrangements with the receiving facility.
  - h. Due process safeguards shall be provided to the inmate as soon as possible following the transfer.

**NOT-CONFIDENTIAL**


COR  P & PM	<b>SUBJECT:</b>  <b>TRANSFER OF ADULT INMATES</b>	<b>POLICY NO.:</b> <b>COR.18.08</b>
		<b>EFFECTIVE DATE:</b> <b>June 14, 2021</b>
		<b>Page 9 of 9</b>

.6 Notification of Transfer


- a. All inmates shall be given written notification of their transfer, this includes inter-facility and out-of-state transfers. At a minimum the written notification shall include the following:
  - 1) Name and location of the facility the inmate will be transferred to.
  - 2) Reasons for the transfer.
  - 3) A statement that the provisions of HRS Chapter 353H were considered in the transfer decision.
- b. In accordance with PSD, P & P, COR.14.30, Communication Access, inmates with communication disabilities shall be provided with notice of transfer in an appropriate and understandable mode of communication.
- c. At the discretion of the Warden, written notification of transfer may be given to the inmate prior to or after the transfer. A post-transfer notification shall be given to the inmate **no later than five (5) working days** after the transfer is completed.

.7 Wardens, in coordination with the Department Inmate Classification Office, will have the responsibility of administering this policy.

APPROVAL RECOMMENDED:

  
\_\_\_\_\_  
Deputy Director for Corrections                      June 14, 2021  
Date

APPROVED:

  
\_\_\_\_\_  
Director    June 14, 2021  
Date

**NOT-CONFIDENTIAL**

**STATE OF HAWAII  
DEPARTMENT OF PUBLIC SAFETY**

**INMATE TRANSFER REQUEST**

DATE: \_\_\_\_\_

INMATE NAME: \_\_\_\_\_ SID: \_\_\_\_\_

SENDING FACILITY: \_\_\_\_\_ RECOMMENDED TRANSFER FACILITY: \_\_\_\_\_

CUSTODY LEVEL: \_\_\_\_\_ POINT TOTAL: \_\_\_\_\_ DATE COMPLETED: \_\_\_\_\_

REASON FOR TRANSFER: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Classification Committee Chair or UTM/Designee: \_\_\_\_\_  
Signature Date

Review by Branch Administrator/Designee: \_\_\_\_\_  
Signature Date

MAIL OR FAX (587-3481) TO CENTRAL INMATE CLASSIFICATION

---

RECOMMENDATION OF CLASSIFICATION OFFICER:  APPROVED  DISAPPROVED

Classification Committee Chair or UTM/Designee: \_\_\_\_\_  
Signature Date

Sending Facility Notified  Yes  No Receiving Facility: \_\_\_\_\_

Receiving Facility Notified  Yes  No Transfer Date: \_\_\_\_\_

COMMENTS:

NAME: \_\_\_\_\_ SID #: \_\_\_\_\_ DOB: \_\_\_\_\_

INMATE REENTRY PLAN FOR THE DEPARTMENT OF PUBLIC SAFETY #: \_\_\_\_\_

This form shall be completed with the inmate while going through RAD and updated **every six months** in conjunction with the Reclassification Instrument or when significant changes occur, but especially if the offender has been designated minimum custody. Please **PRINT legibly and attach** all required documents to this form. **Inmates are to be informed that they will be responsible** for obtaining letters to confirm residence or employment and notify staff of any changes. Do not leave any blank spaces; if unknown, write "N/A" but the inmate will need to continue his/her efforts to fill in ALL BLANK SPACES. This and any other subsequent forms are to become part of the offender's Institutional Record and filed accordingly.

Facility: \_\_\_\_\_ Date: \_\_\_\_\_ Custody Level: \_\_\_\_\_

**1. RESIDENCE**

Things to consider when filling out this section:

- Is the residence and where it's located, appropriate?
- Are there geographical restrictions preventing you from living where you want?

The inmate shall be held accountable for contacting the person (responsible for the rent/mortgage) at the place they want to live, or whom they will ask to help them financially, in order to obtain the information needed to complete this form. **It will be the responsibility of staff** to confirm that the information on this form **is always current and correct**.

Name of Contact: \_\_\_\_\_ Address: \_\_\_\_\_  
(#Street/City, State, Zip Code)

Relationship to inmate: \_\_\_\_\_ Phone: \_\_\_\_\_

Number of people that will live there: \_\_\_\_\_ Ages: \_\_\_\_\_

Number of bedrooms/baths: \_\_\_\_\_ / \_\_\_\_\_ will you be renting a room? Yes/No (circle one)

What will be your share of the rent and utilities: \_\_\_\_\_ How long do you plan to live here? \_\_\_\_\_

If you plan to stay less than six months, what is the reasoning? What are your alternatives? \_\_\_\_\_

Is a letter verifying residence attached?

No changes to existing information.

**2. EMPLOYMENT**

Things to consider when filling out this section:

- Is there a job waiting for you upon release? **If yes**, fill out the sections below.
- If you lack specialized job skills, what type of job would interest you?

Assigned case managers are to assist in researching programs, work lines and classes available in the facility. Acquiring a skill set and saving money prior to release is the first step towards avoiding returning to custody and being independent.

Name of Company: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact person/Title: \_\_\_\_\_ Job duties: \_\_\_\_\_

If you don't already have a job waiting for you, do you at least have a job offer? Yes/No (circle one)

Company Name: \_\_\_\_\_ Address: \_\_\_\_\_ Phone: \_\_\_\_\_

Contact Person/Title: \_\_\_\_\_

Job duties: \_\_\_\_\_ Starting salary: \_\_\_\_\_

If you have nothing set up, what types of job or vocational training or schooling would you be interested in? \_\_\_\_\_

Is a letter verifying employment attached?

No changes to existing information.

**3. PROGRAM PARTICIPATION**

- List all programs you have **completed** and the date of completion.
- Attach copies of certificates of completion and/or achievement. Copies help with keeping track of your accomplishments.

Inmate Name: \_\_\_\_\_ SID #: \_\_\_\_\_

Indicate recommended programming you haven't completed to date or programs you are interested in attending:

\_\_\_\_\_  
\_\_\_\_\_

Are letters/certificates verifying completion attached?  No changes to existing information.

4. **FINANCIAL RESOURCES**

Things to consider when filling out this section:

- Have all financial assets been listed (inmate account, outside bank accounts, trusts, etc.)?
- Have all debts been listed (restitution, court fees, fines etc.)?
- How do you plan to support yourself upon release? Have you ever received financial assistance before? If yes, what type (SSDI, Food Stamps, etc.) and when? \_\_\_\_\_
- Are you interested in learning how to create and maintain a budget?

You will be charged rent wherever you choose to live, this includes residing at a furlough program. You will be required to have in your spendable/restricted accounts, enough funds to pay for documents you will require but don't already have in order to secure employment/go to school, etc. and also to live on when placed on extended furlough or paroled. You are responsible for monitoring your own finances, in order to prepare yourself to live on your own and reenter society. Restitution orders that are attached to any of your convictions will be automatically deducted from your account while you are incarcerated, on furlough or on parole.

**Current balances:**

Spendable account: \_\_\_\_\_ Restricted Account: \_\_\_\_\_ Personal: \_\_\_\_\_  
Restitution owed? \_\_\_\_\_ Court Fines? \_\_\_\_\_ CVCC? \_\_\_\_\_ Current Balance Owed? \_\_\_\_\_

Business Office verification form attached?

If you have less than \$100 in all of your accounts combined, do you have a plan in mind in order to avoid being homeless?

Do you plan to apply for financial assistance (e.g.: SSI or SSDI benefits, food stamps, etc.) or will family members provide financial assistance? Are you a beneficiary for a cash settlement or trust fund? (Circle all that apply)

Is a letter verifying benefits attached?  No changes to existing information.

5. **SPECIAL NEEDS/ASSISTANCE REQUIRED (check all that apply)**

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> Outside Identification (Driver's License, etc.) | <input type="checkbox"/> Bus Pass/Taxi Voucher (outer island) | <input type="checkbox"/> Citizen [Yes/No]                                |
| <input type="checkbox"/> Birth Certificate                               | <input type="checkbox"/> Social Security Card                 | <input type="checkbox"/> Clean & Sober House                             |
| <input type="checkbox"/> Divorce Decree                                  | <input type="checkbox"/> Wheelchair                           | <input type="checkbox"/> Language Interpreter:<br>(what language?) _____ |
| <input type="checkbox"/> Handivan access                                 | <input type="checkbox"/> Different Medical Plans              | <input type="checkbox"/> Sign Language Interpreter                       |
| <input type="checkbox"/> Cane/Walker                                     | <input type="checkbox"/> Hospice                              | <input type="checkbox"/> Other Accommodation:<br>_____                   |
| <input type="checkbox"/> SSI/R   | <input type="checkbox"/> Med Quest/Medicare/Medicaid          |  |
| <input type="checkbox"/> Financial Assist (EBT/Food Stamps)              | <input type="checkbox"/> SNAP                                 |  |

Other concerns: \_\_\_\_\_

No changes to existing information.

6. **TRANSPORTATION UPON RELEASE**

Do you have plans to be picked up? If yes, by whom? \_\_\_\_\_ Contact # \_\_\_\_\_

Relationship to you: \_\_\_\_\_

No changes to existing information.

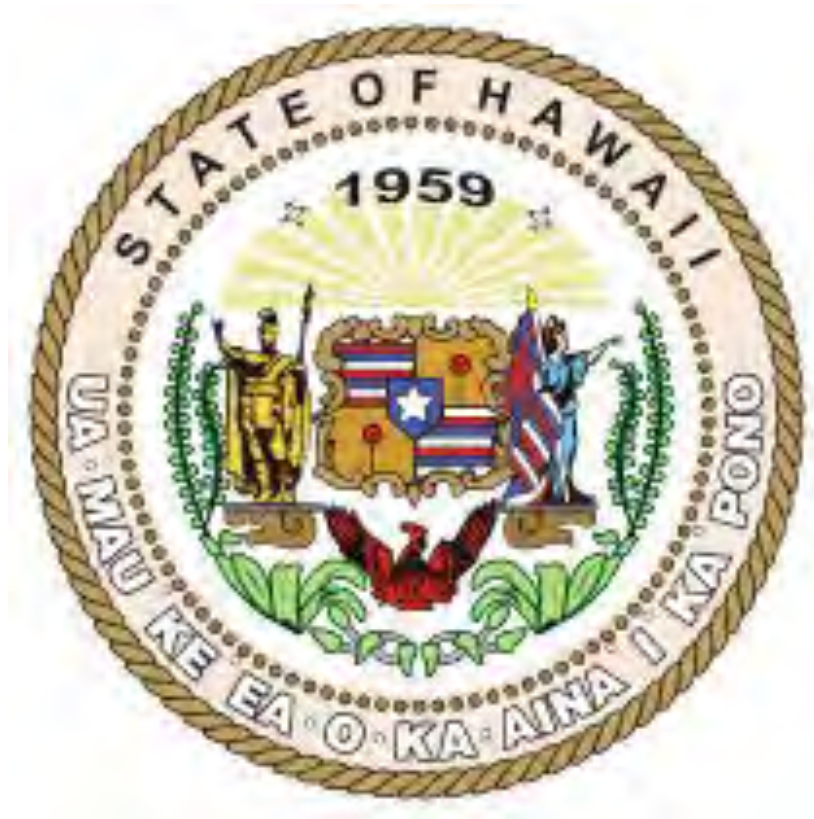
\_\_\_\_\_  
Inmate Name [PRINT & Sign] Date Assisted by [Print & sign] Date

# Appendix D

## DCR 2023 Annual Report



# State of Hawaii Department of Public Safety



# Annual Report FY 2023



# Mission Statement

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## DEPARTMENT OF PUBLIC SAFETY

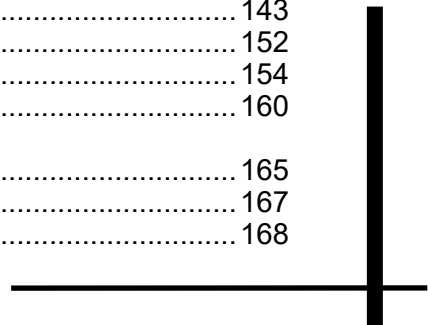


**The mission of the Department of Public Safety is to uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity and fairness.**



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# Director's Message



Tommy Johnson  
Director,  
Public Safety Department

To the Governor, Legislators, and citizens of the State of Hawaii:

Together with the Public Safety Department staff, I am proud and honored to present to you the Fiscal Year 2023 Annual Report for the Department of Public Safety (PSD). This report reflects our commitment and focus as we work on improvements within the Department that enhance our operational efficiency and service delivery. This report describes the administrative and planning activities of the department, which follow the current mission statement to uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity, and fairness.

Big changes are coming in January! The Department of Public Safety will change to the Department of Corrections and Rehabilitation (DCR). The Department of Law Enforcement will split off officially as the State's 19th state government department. With the coming redesignation, we will also change our focus from what some may see as a punitive incarceration model to one that is focused on rehabilitation and successful reentry of those sentenced to our custody and care.

Planning for the redevelopment of the new Oahu Community Correctional Center remained a top priority as well as the completion of new housing and administrative offices at the Women's Community Correctional Center, and additional housing at the Maui Community Correctional Center and Hawaii Community Correctional Center to address overcrowding issues. These major construction projects will assist us in meeting the housing and other needs of offenders while simultaneously improving the living conditions for those in custody and the working conditions of our dedicated staff.

The Department continues to make recruiting, hiring, and training of new staff a priority and we are making every effort to fill all vacant positions, including increasing the number of emergency hires while we seek to permanently fill positions.

I continue to be impressed with and extremely proud of this Department's dedicated staff. Through their dedication and with help from our partners in the criminal justice community, PSD (soon to be DCR) is moving forward to implement initiatives and strategies highlighted in this report.

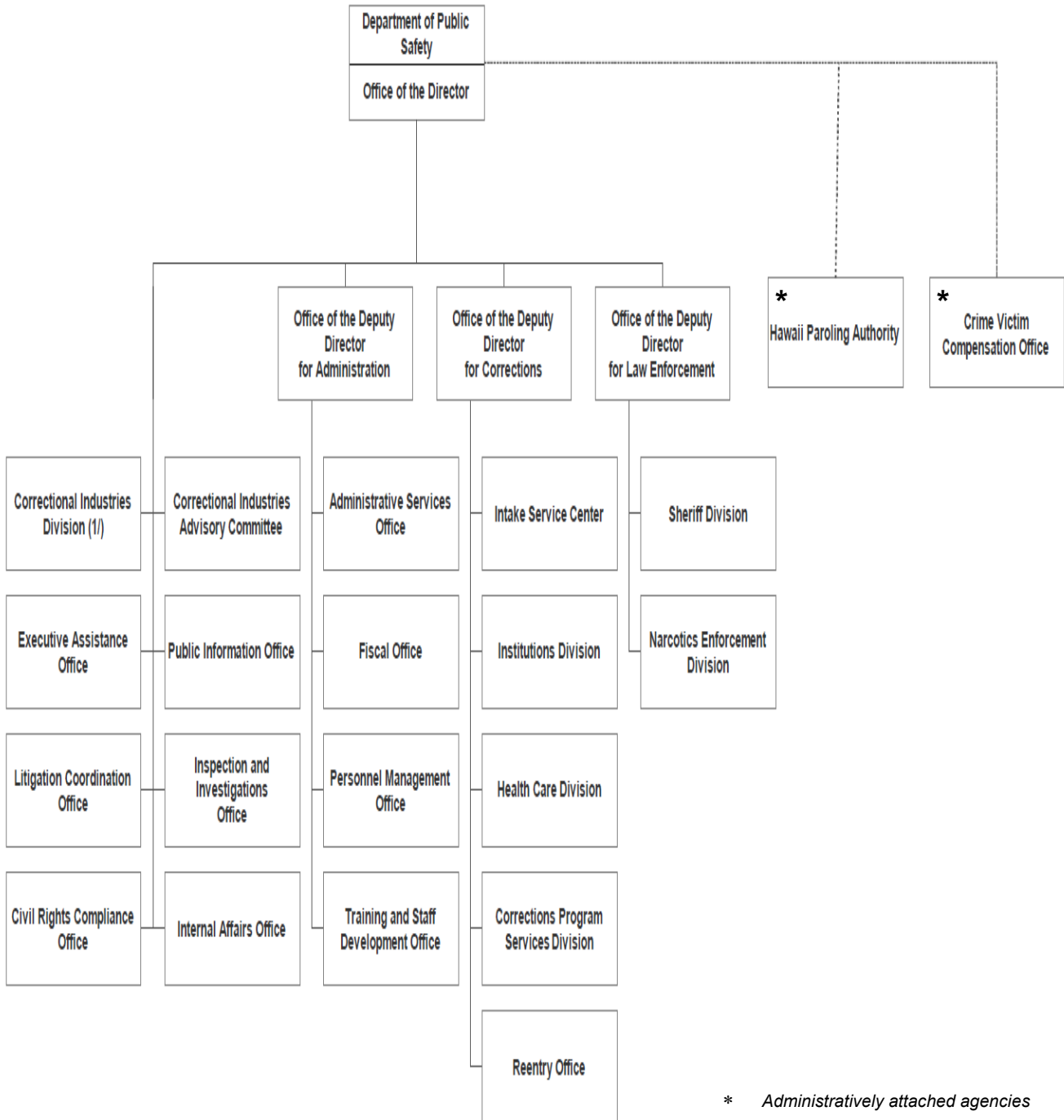
We thank the people of Hawaii for their continued support of the Department.

Mahalo Nui Loa!

Tommy Johnson  
Director  
Department of Public Safety



# Organizational Structure



\* *Administratively attached agencies*

1/ Hawaii Correctional Industries relocated to the Office of the Director from Deputy Director for Corrections. Delegated authority effective on 10.22.2019.

2/ Act 179 created the Correctional Oversight Commission, consolidating both the Corrections Population Management Commission (CPMC), and the Reentry Commission effective 7.2.2019.



# Office of the Director

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Several employees and staff offices, which have an administrative function, fall under the direct supervision of the director. These include the Civil Rights Compliance Office, the Internal Affairs Office, Inspections and Investigations Office, Executive Assistance Office and the Litigation Coordination Office.







# Civil Rights Compliance Office

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Under the general supervision of the Director, the Civil Rights Compliance Office (CRCO) advises departmental managers, supervisors, and employees on compliance with statutes ensuring equal employment opportunity, disability access, and language access; monitors departmental compliance with relevant statutes, policies, and procedures; investigates alleged violations; issues findings and recommendations for changes and corrective action; and responds to Hawaii Civil Rights Commission and federal Equal Employment Opportunity Commission charges and complaints. CRCO ensures compliance with, among others, Hawaii Revised Statutes Chapter 378, Titles VI and VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), Section 504 of the Rehabilitation Act, the Age Discrimination in Employment Act, and the Religious Freedom Restoration Act.

CRCO also conducts compliance review and submits written analyses to the United States Department of Justice (DOJ) and Department of Labor and other government agencies as needed.

The list below summarizes the number of complaints processed by CRCO in Fiscal Year 2023 by protected class.

- Age - 0
- Arrest & Court Record – 1 (resolved)
- Breastfeeding- 0
- Child Support - 0
- Citizenship Status - 0
- Color/Race - 2 (1 resolved)
- Credit History/Report - 0
- Disability – 3 (1 resolved)
- Gender Identity/Expression– 1 (1 resolved)
- Genetic/Medical Information – 0
- Marital Status – 0
- National Guard Service - 0
- National Origin/Ancestry– 1 (1 resolved)
- Pregnancy - 0
- Religion - 1 (1 resolved)
- Sex – 3 (1 resolved)
- Sexual Orientation—1
- Uniformed Service - 0
- Victim of Domestic/Sexual Violence - 0

CRCO processes Departmental applicant and employee religious and ADA reasonable accommodation requests and requests for medical or religious exemption from the Department's now-rescinded COVID-19 vaccination requirement. In FY23 CRCO received 13 and resolved 12 applicant/employee non-COVID religious and ADA reasonable accommodation requests. In FY23 CRCO received and resolved 17 applicant/employee COVID-19 vaccination exemption requests.

CRCO ensures compliance with the ADA as it applies to inmates under Departmental supervision. CRCO is assigned primary responsibility for the Corrections ADA program including to work with designated Departmental staff, , the DOJ, and the Hawaii State Attorney General.

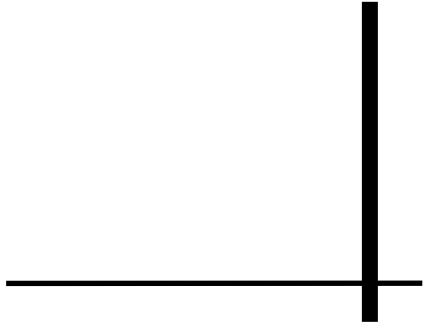


## Civil Rights Compliance Office

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As part of this effort CRCO tracks and assists with processing inmate ADA reasonable accommodation requests and ADA-related inmate grievances. In FY23 CRCO helped resolve 45 inmate ADA reasonable accommodation requests and grievances.

As part of its Corrections ADA responsibilities, CRCO monitors compliance with the State of Hawaii's settlement agreement with the DOJ on behalf of inmates with ADA-qualifying disabilities. CRCO monitors the inspection, removal, and design and construction of the repair of, architectural barriers to facility access for inmates with disabilities.





# Inspections & Investigations Office

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The Inspections and Investigations Office (IIO), under the general direction of the Director, administers several programs to ensure the departmental operations fully comport to all applicable laws, rules and regulations, policy and procedures, adopted standards, and directives. This is done through the following IIO staff offices: Pre-Disciplinary Hearings, Audit and Compliance, Security Planning, Complaints and Grievances, and the office of the Hawaii Emergency Management Agency Coordinator.

Functions of the IIO include:

1. Plan, organize, and coordinate comprehensive and integrated directives and maintain a management control and assessment (MCAS) system to enforce, measure and be responsive to corrective actions.
2. Recommend, adopt, formulate, maintain, and promulgate for the Director rules, regulations, standards, and directives to assure correctness and consistency in the operation of the Department.
3. Conduct ongoing monitoring of the Director's directive and the management control and assessment (MCAS) system to assure that the directives are being carried out efficiently and effectively; and recommend changes and adjustments when deviations are noticed.
4. Prepare budget justifications and operational expenditure plans.
5. Ensure the Department is properly and continuously engaged in the State of Hawaii Coordinated Emergency Response for Natural and Man-made Disasters.

## **AUDIT AND COMPLIANCE OFFICE**

Under the general supervision of the head of the Inspection and Investigations Office, assumes a focal point for researching, adopting, formulating, maintaining, and promulgating departmental standards, guidelines, rules and regulations, and directives relative to the operations of the Department and coordinates and monitors the application and compliance of such; plans for and coordinates all operational fire safety requirements of institutions and other public structures.

1. Researches, recommends, and adopts standards and guidelines applicable to Federal, State and local governments, and agencies and associations.
2. Directs the development and promulgation of departmental standards, rules, and regulations and directives relative to the operations of the Department.
3. Coordinates the development and maintains a documented system for recording all standards, rules and regulations and directives relative to operations.
4. Conducts ongoing reviews of the documented system; advises and assists operators on the compliance of such.
5. Conducts random or periodic analyses and evaluations as to the implementation and the applicability of the standards, rules and regulations and directives.
6. Prepares reports relative to accreditation on court decree compliance, and any other reports as required.



# Inspections & Investigations Office

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7. Maintains liaison with Federal, State, local governments, agencies, and associates.
8. Develops plans, policies and procedures for the implementation of health, safety, and sanitation which meet requirements of court decrees as well as other applicable Federal, State, local government laws, rules, ordinances, and acceptable standards.
9. Provides advisory, consultative and technical support services to operations to meet safety, health and sanitation standards and requirements.
10. Assists in determining equipment and staff resources to carry out health and safety programs.
11. Conducts studies, inspections, audits, and prepares reports on various issues concerning the environmental safety and health conditions of facilities and work sites.
12. Monitors all programs including those carried out by contracted vendors; analyzes and evaluates findings; prepares reports and other documentation regarding environmental health and safety, program access and performances, management, and general administration.
13. Modifies program plans and priorities to meet deficiencies.
14. Coordinates with the Training and Staff Development Staff and other agencies in the training of departmental personnel.
15. Conducts regular and special audits of field operations such as resource and inventory management, inmate and facility accounting systems, inmate property management, commissary management, and any other fiscal or management audits relative to the operations of facilities, or the regulatory functions of the Department.
16. Prepares independent reports of findings and recommends steps for corrective actions; conducts follow-up to assure compliance.
17. Participates in any special studies or investigations conducted by the Inspections and Investigations Office or central agency auditors; may assist departmental accounting staff in systems review, installing changes, or other functions and projects.
18. Serves as an Authority Having Jurisdiction (AHJ) on operational fire and life safety issues for all PSD facilities.
19. Conducts annual inspections at all correctional facilities in accordance with applicable fire protection standards. Identifies areas of deficiencies and assist facilities in the development of abatement plans.
20. Develops plans, policies, and procedures for the implementation of fire safety programs for facilities which meet requirements of court decrees as well as all other applicable Federal, State, and local governmental directives and standards.



# **Inspections & Investigations Office**

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21. Provides advisory, consultative, and technical support services to operations; conducts studies and maintains continuous awareness of state-of-the-art fire safety technologies.
22. Establishes fire safety equipment standards; identifies resource requirements.
23. Coordinates and monitors fire safety programs; evaluates performance of operations in carrying out fire safety programs and standards.
24. Periodically meets with all designated Safety Officers within the Department to ensure all practices conform to prescribed policies and procedures.
25. Coordinates the development and implementation of continuing in-service and new training for designated PSD Safety Officers with the Training and Staff Development Office.
26. Monitors programs carried out by contracted vendors; analyzes and evaluates findings; prepares reports and other documentation regarding operational Fire Safety issues.
27. Participates in the planning and execution of the Department's coordinated Emergency Response Plan.

## **INMATE COMPLAINT AND GRIEVANCE OFFICE**

The Complaint and Grievance Office, under the general supervision of the head of the Inspections and Investigations Office, plans for, coordinates, and monitors all inmate complaint and grievance programs within the correctional institutions.

1. Plans and develops an Inmate Complaint/Grievance system, including implementation guidelines and standards.
2. Coordinates and monitors grievance programs and institutes instructional and informational materials, workshops, and other means to train grievance program operators.
3. Conducts special studies of heavily grieved areas, and reports on operational deficiencies for necessary follow-up.
4. Evaluates the effectiveness of the grievance programs and recommends changes, as necessary.
5. Maintains liaison with the Department Litigation Coordination Office, Ombudsman, State Attorney General, U.S. Attorney General on matters concerning the "Civil Rights of Imprisoned Persons Act."
6. Monitors all programs inclusive of those carried out by contracted vendors; analyzes and evaluates findings; prepares reports and other documentation regarding the maintenance of a credible administrative remedy process for inmates.

## **SECURITY PLANNING OFFICE**

Under the general supervision of the Head of the Inspections and Investigations Office,

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plans for and coordinates all internal and external security requirements of institutions and other public structures under the jurisdictional control of the Department, including planning for man-made and natural disasters and other emergencies; and assures that all security units are prepared at all times to provide security to the offender, staff, institutions and the public.

1. Assesses current security operations, including resources usage; identifies problems, needs and requirements; and conducts pertinent research.
2. Develops strategic and operational plans in response to normal and ideal security operations; plans to respond to institutional and public disturbances such as riots, lockdowns, shakedowns, evacuations of offenders, labor strikes, and any other provisional planning for man-made and natural disasters.
3. Formulates standards, guidelines, rules and regulations, and directives for the implementation of security plans, including standards for the procurement of security equipment and the use, storage, and maintenance of such.
4. Monitors security program requirements to ensure compliance. Evaluates security program efficiency and effectiveness; modifies plans and priorities to address requirements or deficiencies.
5. Periodically meets with PSD Chiefs and Security and Law Enforcement Division and Branch Administrators to provide technical and consultative assistance on security operations.
6. Coordinates with Training and Staff Development Office on the training of employees related to security operations; conduct specialized security training as may be required.
7. Monitors all programs inclusive of those carried out by contracted vendors; analyzes and evaluates findings; prepares reports and other documentation regarding security operations.
8. Assists in the planning and execution of the Department's coordinated Emergency Response Team.

## **EMPLOYEE PRE-DISCIPLINARY HEARINGS OFFICE**

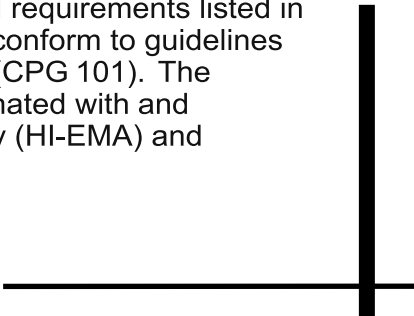
Under the general supervision of the Head of the Inspections and Investigations Office, represents the Director at statewide pre-disciplinary hearings and renders findings in formal written recommendations to the Director to affirm, reverse, or modify pre-disciplinary charges alleged by administrators and supervisors within the department against employees for violations of the departmental Standards of Conduct, policies, procedures, rules, statutes, laws and other misconduct provisions.

1. Supervises staff statewide on developing, planning, directing, controlling, and coordinating the personnel functions related to investigations, legal requirements, the disciplinary process, and enforcement of collective bargaining unit provisions, laws, statutes, rules, and policies.

2. Responsible for final decisions concerning the direction or decision of work and changes related to investigations, legal requirements, and the disciplinary process. Represents the Director statewide at quasi-judicial hearings on all matters related to the disciplinary process, investigations, due process, and the relevant appeals process.
3. Develops new standards, guidelines, practices and makes recommendations for implementation in problem solving issues related to investigation, legal obligations, the disciplinary process, and the appeals process.
4. Renders formal written decisions which affirm, modify or reverse the allegations by setting forth the facts of the case, reasons, for the decision, applicable provisions of law, rule, agreement or policy and the decision reached for the Director's approval.
5. Provides direction to administrators, supervisors, investigators, and personnel staff on investigations, due process rights, disciplinary matters, and collective bargaining agreement requirements as needed. Makes presentations and conducts training on investigations, legal issues, and disciplinary matters for administrators, supervisors, investigators, and all departmental employees.
6. Represents the Director statewide in judicial or quasi-judicial proceeding related to disciplinary decisions and discharge actions. Appears on the Directors behalf in court, arbitration hearings, worker's compensation hearings, unemployment hearings, labor appeals hearings, and Merit Appeal Board hearings.

## **PSD OFFICE OF THE HAWAII EMERGENCY MANAGEMENT COORDINATOR**

Under the general direction of the Director, the Emergency Management Officer (EMO) is the primary contact and liaison for the department with the Hawaii Emergency Management Agency (HI-EMA) and is responsible for implementing the department's emergency preparedness activities. The Emergency Management Officer shall have direct access to the Director in order to ensure disaster-related information is received, disseminated, and acted upon rapidly.

1. Serve as the Department's Emergency Management Officer. Coordinates and maintains emergency response and preparedness plans.
  2. Assist the Director with developing /updating the Departmental Emergency Operations Plan (EOP). This plan will be coordinated with, and complement, the State Emergency Operations Plan, the State Catastrophic Hurricane Plan, and the Emergency Support Functions Annex. The Departmental Emergency Operations Plan will, at a minimum, identify key departmental functions that must be maintained throughout the disaster, identify emergency roles and responsibilities, and explain how the department will fulfill requirements listed in the Emergency Support Function Annex. The plans will conform to guidelines set in FEMA's Comprehensive Preparedness Guide 101 (CPG 101). The Departmental Emergency Operations Plan will be coordinated with and reviewed by the Hawaii Emergency Management Agency (HI-EMA) and updated annually.
- 





## Inspections & Investigations Office

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3. Assist the Director with developing /updating the Department Continuity of Operations Plan (COOP). The Continuity of Operations Plan outlines how the department will continue its critical functions under adverse impacts. Department Continuity of Operations Plans for most state agencies was developed by a contractor in 2012. Departments are responsible for maintaining these plans. The Department Continuity of Operations Plans will be reviewed, updated and signed by each Director annually.
4. Participates with the Hawaii Emergency Management Agency (HI-EMA) during the annual state-wide exercise conducted during the first week of June.



The Internal Affairs Office (IAO), under the general supervision of the IAO Chief Investigator, conducts administrative, civil, and criminal investigations of the employees of the Department of Public Safety (PSD) and the unlawful use and disposition of departmental resources. The IAO presently consists of six (6) full time investigators with all the powers of police officers in the conduct of departmental investigations throughout the state, including all correctional facilities, and departmental employees. IAO support staff includes one (1) full time secretary.

The IAO serves as the departmental centralized designated authority for the intake and processing of all complaints involving PSD and its employees. All IAO Investigators are trained and authorized to accept and process into written format complaints for review and decision making by the Director of Public Safety.

As a multi-faceted investigative unit, IAO Investigators work closely with many outside agencies, including all County, State and Federal Law Enforcement, Police Departments, Attorney General Investigators, and various Correctional Facilities, enhancing the IAO's ability to attack the various complex problems within the purview of PSD. The conclusion to these investigations normally requires the investigator to participate in the indictment and prosecution phases by testifying in criminal trials, and administrative or civil hearings.

IAO Investigators have direct participation throughout complex investigations, including crime prevention, field work, undercover activities, gathering and custodial care of evidence, case preparation, service of subpoenas and warrants, making arrests and other phases of public assistance in accordance with policies and procedures, State and federal laws, and departmental standards established by the Director of Public Safety.

The unique composition of PSD in having armed personnel in both the Law Enforcement and Corrections Divisions, requires specialized investigative response to critical incidents in the Department. It is specifically noteworthy to mention that IAO responds to and investigates shootings and/or death cases involving departmental personnel or facilities, including officer involved shootings (OIS), in-custody deaths including murder and/or suicide, medically related, and other suspicious or unattended deaths.

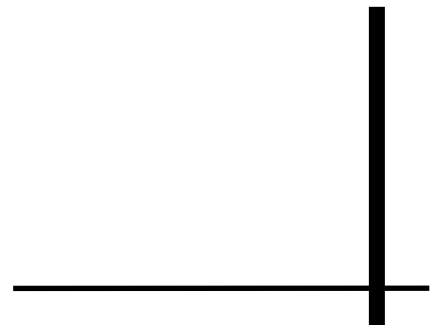
IAO also incorporates truth verification in its investigations, by utilizing the Computer Voice Stress Analysis (CVSA) testing instrument to further enhance investigative methods and techniques in determining the focus or direction of the investigation. Additionally, the CVSA continues to be utilized in the pre-employment testing process of applicants for all Law Enforcement Officers including Deputy Sheriffs and Investigators, and also Adult Correctional Officers within PSD.

Continuing the trend from previous years, the IAO Investigations Staff has been involved in proactive, coordinated, joint investigations with other agencies, addressing serious violations including the smuggling of prison contraband and/or sale of illegal narcotics, terroristic threatening, physical assault, money laundering, criminal enterprise, and criminal gang activity.

Additional investigations included: employee misconduct, unprofessional conduct, fraud, theft, physical assault, PREA sexual assault, falsification of records, terroristic threatening, inmate escapes, harassment, workplace violence, favoritism, intimidation, discrimination, hostile work environment, bullying in the workplace, civil rights violations, white-collar fraud crimes, public corruption, falsifying government records, fraudulent abuse of family leave, weapons violations and negligent discharges, motor vehicle collisions, lewdness, administrative complaints, improper practices, calls for assistance, and misuse of government property.



The IAO also aided outside agencies who requested the conduct of independent investigations of a highly confidential nature that required priority completion.



# Litigation Coordination Office

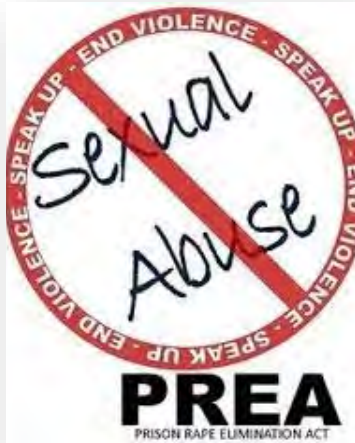
The Litigation Coordination Office (LCO) was created through restructuring at the end of FY 2013. The LCO incorporates regulatory requirements such as the Uniform Information Practices Act (UIPA), managing the Department of Public Safety's Civil Litigation, administrative remedies under the Tort Claim process, Sex Offender Registration, DNA Collection, Departmental Policy Development, and the application of the Prison Rape Elimination Act (PREA).



LCO works with the Department of the Attorney General on all tort and civil rights litigation, where the Department of Public Safety (PSD) or an agent of PSD is named as a party in the litigation. In FY 2022-2023, PSD received 32 new lawsuits inclusive of appeals for the denied of tort claims, the Medical Inquiry and Conciliation Panel and litigation tendered to the Corrections Corporation of America.

LCO is the department's liaison for all requests for information based on the Hawaii Revised Statutes, Chapter 92F, Uniform Information Practices Act. In FY 2022-2023, there were 56 requests based on the UIPA and about 200+ informal requests that were processed. LCO is the department's liaison for the tracking and management of administrative tort claims filed with the Risk Management Office (RMO) of the Department of Accounting and General Services. In FY 2022-23, PSD received 48 new tort claims filed through RMO.

LCO provides technical assistance to PSD Correctional Facilities related to the sentence computation for calculating the pre-sentence credits of a convicted person remanded to the custody of the PSD. Sentence computation involves assessing court documents, an individual's history of arrest and detention, and other statutory requirements affecting sentence computation.



LCO is tasked with overseeing and updating PSD's policies and procedures. P&Ps are analyzed using legal based standards.

LCO has been designated as the lead office to ensure compliance by the Corrections Division and Law Enforcement Division with the PREA National Standards, which were finalized in June 2012. LCO conducts internal audits to ensure that PSD's prisons, jails, and lockups are preventing, detecting, monitoring, and investigating allegation of sexual abuse and sexual harassment of offenders as dictated by PSD policy and the PREA National Standards. PSD has three certified DOJ PREA Auditors and one Auditor in training. PSD is a part of the Western State PREA Consortium (WSC), which provides circular auditing between various States, as a cost containment measure. Currently the department is in the second year of the fourth PREA audit cycle. PSD's eight (8) correctional facilities received full compliance findings (in the full third circle) based on DOJ PREA audits conducted by the WSC. The WSC consists of: California, Colorado, Hawaii, Los Angeles County, Montana, Nevada, New Mexico, North Dakota, Oregon, Washington and Wisconsin.



# Executive Assistance Office

The Executive Assistance Office assists the Director by performing various complex staff functions in order to facilitate the Director's oversight of departmental systems and operations; assists the Director in inter-division, inter-agency and other external relationships having consequences affecting all programs or broad aspects of departmental administration; primarily responsible for the internal and external coordination, oversight, and processing of legislative requirements.

The office advises the Director on the physical layout, reporting systems, filing systems, and other administrative aspects of the operations of the Office of the Director, ensuring that department-wide policies, priorities, and schedules are communicated and implemented through staff briefings, written memorandum, follow-up, completed staff work, or program action.

This office maintains an ongoing awareness of departmental operations, coordinates and oversees inter-division initiatives, coordinates and provides data, research, and analysis to assist the Director and the Governor's office in matters of corrections and law enforcement, and prepares reports of findings and recommendations for consideration by the Director; follows through on all submittals, liaison, and other requirements to coordinate departmental efforts to ensure successful completion of assigned projects.

The office also assists the Director by conducting task force meetings to initiate administrative problem solving; plans and organizes departmental efforts to address major issues or recurring problems throughout the department, assists the Director in conducting ongoing or special studies of departmental operations, including field visits on behalf of the Director and appropriate liaison with other agencies and jurisdictions in order to resolve major issues and ensure that all relevant aspects are addressed.

The office also assists with coordination, development, and drafting of action plans for the development and implementation of special studies, strategic plans, new programs, and projects in the department and with various external agencies, executes liaison activities, including special community task forces and community projects in coordination with government agencies, legislators, private organizations, and public communities on matters relating to public safety and conducts appropriate studies to identify gaps and problems within federal, state, and county laws, rules, plans and policies, and provide recommendations for action by department to take action, as appropriate, in resolving these problems and deficiencies.

This office also provides legislative coordination services with the Governor's Office and departmental liaison services at the Legislature; tracks legislation; and directs coordination and mechanism for development of the departmental legislative packages and assists departmental programs in grant development, locating resources, obtaining grant information, and in drafting grant applications.

# CORRECTIONS DIVISION



Michael "Mick" Hoffman, Acting  
Deputy Director of Corrections



The Corrections Division is comprised of six divisions and offices, which encompasses the vast majority of the department's personnel and budget.

Those divisions and offices include:

- Correctional Industries Division
- Corrections Program Services Division
- Health Care Division
- Institutions Division
- Intake Service Centers Division
- Reentry Coordination Office

The State of Hawaii is unique in that the community correctional centers (jails), which are normally the responsibility of the county, are managed by the state. There are six (6) states, including Hawaii, who have a unified system (integrated state prison and jail system): Alaska, Connecticut, Delaware, Rhode Island, and Vermont. The State of Hawaii has four (4) jails: Hawaii Community Correctional Center (HCCC), Kauai Community Correctional Center (KCCC), Maui Community Correctional Center (MCCC), and Oahu Community Correctional Center (OCCC). These centers house pretrial detainees and convicted offenders who are serving sentences of one (1) year or less. The centers are also responsible for the delivery of furlough programs to assist long-term sentenced inmates with their transitional return to the community.

Hawaii also has four (4) prisons: Halawa Correctional Facility (HCF), Waiawa Correctional Facility (WCF) and the Women's Community Correctional Center (WCCC) on Oahu, and Kulani Correctional Facility (KCF) on Hawaii island. These facilities house **convicted** felons with sentences greater than one (1) year. Except for the WCCC, all the facilities house male inmates. The WCCC is designated as a community correctional center, but it functions primarily as a prison for female offenders. This facility houses female pretrial detainees and female inmates serving sentences of one (1) year or less, in addition to housing female convicted felons sentenced to prison (more than one (1) year).



# HRS 353H - Performance Indicator Reporting

Under Hawaii Revised Statutes §353H: Performance Indicators, the Department of Public Safety submits this report to the 31<sup>th</sup> Legislature of 2022. Below you will find the data captured as requested. Note that the performance indicator data that has been collected from November 1, 2022 to October 31, 2023.

**"§353H-Performance indicator reporting. (a) The department of public safety shall develop performance measures that accurately reflect progress toward specific goals, including:**

(1) Improving recidivism rates.

The Interagency Council on Intermediate Sanctions (ICIS), is a partnership between several criminal justice agencies Statewide, including PSD, and defines recidivism as any new arrest, or the revocation of probation or parole, within three (3) years of the start of supervision, release to parole, or prison release date. To reduce Hawai'i's rate of recidivism, the decision was made to track sentenced felons at 1-, 2-, and 3-year post-release and use that data to assist the members of ICIS in determining the effectiveness of assessment tools and programs created to address the identified needs/level of service of the offender.

The membership limited the study to tracking the max-out population, parole releases and offenders placed under Adult Probation supervision, and began collecting data in 2002, to create a baseline. In 2019, a report was released using the methodology and recidivism definition from this 2002 baseline and the data collected starting from the Fiscal Year 2015 (July 1, 2015, through June 30, 2016). This study culminated in the ICIS's 2019 Recidivism Update report, which was released in March 2021, and is available for viewing at,

<https://icis.hawaii.gov/wp-content/uploads/2021/05/2019-Hawaii-Recidivism-Update.pdf>

To decrease the different factors that might lead an inmate to re-offend, the Reentry Coordination Office (RCO) created a reentry checklist form to identify an inmate's areas of risk and needs prior to release. This form identifies factors that staff and inmate can work together on, towards eliminating potential roadblocks prior to release.<sup>1</sup> To continue with care after release, the RCO makes this form checklist available to the Adult Probation Office (APO), community service providers and the Hawai'i Paroling Authority (HPA) upon request.

Research has shown that the more items' staff can assist the inmate with checking off their discharge plan prior to their release from custody, the greater chance an inmate has for success.<sup>2</sup> One of the items quickly identified, as that inmates have the most difficulty with securing housing. Inmates returning to the community quickly find out that they don't typically make enough to afford a place of their own. With having to save for security deposit the first and last month's rent, an acceptable credit score and be able to present a list of suitable references, inmates find that trying to find and secure a suitable place for themselves to live in, is an almost impossible task without assistance.

Having a criminal history that disqualifies an inmate from applying for and securing subsidized housing, also eliminates any chance for an affordable alternative. The housing challenges, and the usual roadblocks inmates face, like securing gainful employment, all contribute to why an inmate's chances of recidivating and returning to custody, increases.<sup>3</sup>

<sup>1</sup> Department of Public Safety, Reentry Coordination Office, Reentry Checklist (2018).

<sup>2</sup> U.S. Department of Justice, Office of Justice Programs, "Preventing Homelessness: Discharge Planning from Correctional Facilities, August 2002.

<sup>3</sup> Andrews, D.A. & Bonta, J. (1995) the Level of Service Inventory-Revised.



## HRS 353H - Performance Indicator Reporting

That's why the RCO has continued its contracts with programs that provide "clean and sober" dwellings for furloughees, creating an affordable alternative to decrease an inmate's anxiety and breakdown one of the roadblocks to success. As parolees face similar obstacles, the RCO's contracts for clean and sober housing includes language in its contracts to accommodate referred parolees with affordable housing.

Despite pandemic restrictions from July 1, 2022, to June 30, 2023, these programs collectively housed furlough participants and parolees alike:

- Makana O Ke Akua (MOKA or Gift of God) (for males only) - 72
- Women in Need (WIN) (for females only) - 25

In 2023 the Hawai'i State Legislature realizing the difficulty parolees face, awarded HPA, additional funding (\$180,000) to increase their community housing. With the latest contract, HPA collaborated with the RCO to use this additional funding to increase the number of community housing beds for parolees.

Evidenced-based practices and data collected have shown that lack of suitable housing and not having a marketable skillset plays a role in preventing an inmate from creating a stable environment for themselves, thereby, contributing to a higher risk of re-offending.<sup>4</sup> To address employment issues, the RCO has continued its contract with the GOODWILL agencies Statewide. During the last Fiscal Year, GOODWILL provided employment guidance and training reentry support for one hundred eighty-two (182) parolees and furloughees combined.

The introduction of COVID-19 impacted the number of furlough and parole participants enrolled in community programs Statewide. To protect the community and maintain the safety and good government of the facilities Statewide, PSD imposed restrictions to protect the population. With PSD only recently relaxing these restrictions, the number of participants involved in community programming is projected to rise. In anticipation of this growing need, the RCO has increased its collaborative work with other agencies and non-profits, to identify available housing, create more employment opportunities, and increase assistance for basic items such as work tools, footwear clothing and hygiene items.<sup>5</sup>

Community partnerships play a vital role with regards to an offender's reentry process and one of those non-profits, Waikiki Health Center (WHC,) has been working with the Department of Public Safety for several years. WHC has helped numerous inmates as they exited from incarceration jail and prisons, providing assistance with the application process to receive the different benefits such as, Med Quest coverage, SNAP, Medical and Behavioral Health assistance, and rehabilitative counseling. WHC has also helped inmates with obtaining documents of identification: Birth Certificates, Social Security Cards, and REAL ID State IDs, while also providing bus passes, clothing, cell phones and a mailing address in case one is required, to receive mail until they secure permanent housing. During the last Fiscal Year (July 1, 2022 to June 30, 2023) WHC worked with three hundred fifty-three (353) sentence felons, to meet their identified needs.

There are other contributing factors that lead to re-arrests like mental health and cognitive behavior issues and age at time of incarceration. RCO, through its work with other reentry offices nationwide, found a gap in the department's reentry services for Hawai'i inmates, which

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<sup>4</sup> Ramekers, A., Nieuwbeerta, P., Wilsem, J.V. & Dirkzwager, A. (2016), "Not any job will do: A study on employment characteristic and recidivism risks after release"; International Journal of Offender Therapy and Comparative Criminology).

<sup>5</sup>Department of Public Safety, Resource Guide (2021).



## HRS 353H - Performance Indicator Reporting

was the mandatory service enrollment for males eighteen to twenty-five (18-25) years of age. To meet this mandate, the RCO has begun identifying and registering those newly admitted sentenced felons who meet the age requirements but had yet to register. Statewide, the population at the time of incarceration, has shown in studies, to be getting younger than in previous years and the RCO is committed to expand its efforts to meet the reentry needs of this younger population too.<sup>6</sup>

The RCO also assists veterans (another targeted population), regardless of their discharge status, with the resources to meet their needs upon release. Maintaining contact with the Veterans Administration and the Steven A. Cohen Military Family Clinic at Child and Family Services, the RCO works with facility staff to assist veterans to avoid homelessness upon release and set up a means to address any mental health challenges they may have because of their experiences. The RCO has also recently begun working with the Department of Labor and Industrial Relations (DLIR), and the Education division within PSD, to create ways to blend educational programming with job opportunities for continuum of care upon release. The RCO is also working with the State's Child Protective Services Agencies to address outstanding child support payments prior to release. With CPS assistance, RCO hope to adjust payment amounts, to better reflect an inmate's current financial situation. This effort, in turn, offers the inmate hope of getting some financial relief, thereby reducing feelings of being overwhelmed financially, once they begin working.

With the department moving towards a rehabilitative model, the RCO will continue working with the Hawai'i Correctional Industries (HCI) to identify avenues that increases employment opportunities paying inmates a higher wage while incarcerated and help take that skillset forward, to securing gainful employment upon release.

To address those, "other contributing factors", the RCO will continue its efforts, working with the Department's Health Care Unit, HPA and other community service providers and facility staff to identify and address those identified needs

To address those, "other contributing factors" mentioned earlier, the RCO will continue its efforts, working with the Department's Health Care Unit, HPA and other community service providers and facility staff to identify and address those identified needs. The RCO's goal continues to be to identify and address gaps in reentry programming. By expanding current partnerships while forging new collaborations, RCO hopes to effectively meet the needs of a changing population and thereby reduce the recidivism rate.

### (2) Decreasing prisoner assaults on correctional staff.

From November 1, 2022, through October 31, 2023, statewide correctional facilities have had an increase in inmate-on-staff assaults. There were thirty-nine (39) reported inmate assaults on staff. Managing the inmate population continues to be challenging as an inmate's behavior is unpredictable, impulsive, lacking self-control, and in many cases violent, depending on his/her mental health history, behavioral history and/or substance abuse history. Of the thirty-nine (39) incidents reported include liquids and urine being thrown on officers, actual physical altercations and others incidents involving serious pervasive mentally ill offenders.

Corrections believe efforts being made to decrease inmate assaults on staff will attribute to

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<sup>6</sup> *Interagency Council on Intermediate Sanctions (ICIS), 2015 Recidivism Update.*



## HRS 353H - Performance Indicator Reporting

a decline over the next year. Keeping inmates busy with work line jobs, programs, and services, and managing the overcrowding issues, as well as running recreational opportunities consistently will alleviate stress and tension on the inmate population. As we move further out from the pandemic, there are fewer days of medical isolation, quarantine and lockdown for offenders alleviating the stress of having to endure long-term confinement and boredom. Programs/services and in-person visitation have been reinstated, which will foster a better environment attributing to less stress on the inmate population. PSD has also implemented use of tablets allowing inmates to access and view programs and visitation within the housing units. Transfers have resumed to institutions of lower custody, i.e., minimum and community furlough settings.

(3) Reducing correctional staff turnover; and

The Department continues to experience a high volume of vacancies in its Corrections Division due to high turnovers, burn-out, promotion, resignation, retirement, and transfers to other job markets. The aftermath of the COVID-19 pandemic and high vacancies exasperates the situation causing a significant number of correctional officers and staff not reporting to work. The Department continues to provide staff with support and training to include taking a proactive approach to recruitment to fill its vacancies. PSD has implemented EH hiring, regularly attends job fairs, runs back-to-back BCRC classes and has continuous open recruitment. We are recruiting at colleges, high schools, and military bases. The agency has placed recruitment ads on the bus and the rail. We have awarded a contract to a PR firm to assist in developing robust messaging to a greater audience to recruit, educate and draw in more interested candidates. The firm will also assist in promoting the new Department of Corrections and Rehabilitation as a professional career. For the period of November 1, 2022, to October 31, 2023, we have been able to bring in forty-nine (49) new Adult Correctional Officer recruits, with twenty-three (23) more expected to graduate in two (2) weeks (December 8, 2023) for a total of seventy-two (72) new Adult Correctional Officer recruits before the end of 2023 calendar year. (NOTE: The total number of December 8, 2023, recruit graduates will be included in next year's report.)

(4) Improving departmental efficiencies in staffing, budgeting, and data management and analysis

From November 1, 2022, through October 31, 2023, the Department of Public Safety has continued to rely on emergency hiring of Adult Correctional Officers to address the chronic staff shortages. Corrections departments across the country, are struggling to hire and retain employees, and the strain on Hawaii's correctional facilities is no exception. When the COVID-19 pandemic ended, it transformed the labor market whereby workers are wanting a work-life balance, more competitive wages, flexible schedules, etc. It has impacted all levels of our operations statewide, and due to a smaller workforce; the Department has had to utilize excessive overtime.

Notwithstanding the staffing shortage, the Department is continuing its efforts to streamline processes, increase efficiencies in data management, and develop innovative recruitment strategies "outside of the box."

(b) The department shall develop key performance indicators, which shall include:

(1) The number of individuals enrolled in and who have completed a general education diploma or competency-based diploma.

During Fiscal Year 2023, there were thirty-five (35) High School Equivalency diploma recipients: thirty-three (33) GED and two (2) HiSET graduates. From November 1, 2022, through October 31, 2023, there were twenty-nine (29) GED and two (2) HiSET graduates, a total of thirty-one (31) high school equivalency diplomas issued during

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that time period. The Department's Education Branch utilizes the AMS (Academic Management System) Database to collect this information.

- (2) The number of individuals for whom a reentry plan is filed and the number of individuals who exit jail or prison with a reentry plan.

	# OF INDIVIDUALS FOR WHOM A REENTRY PLAN WAS FILED (11/1/2022 – 10/31/2023)	# OF INDIVIDUALS RELEASED WITH A REENTRY PLAN (11/1/2022- 10/31/2023)
<b>JAIL</b>	1608	134
<b>PRISON</b>	1493	474
<b>TOTAL</b>	<b>3101</b>	<b>608</b>

RELEASED W/BIRTH CERTIFICATE	RELEASED W/O BIRTH CERTIFICATE
JAIL 172	JAIL 5952
PRISON – 554	PRISON - 233
<b>TOTAL 726</b>	<b>TOTAL 6185</b>

REELEASED W/ VALID ID	RELEASED W/O VALID ID
JAIL 181	JAIL 5943
PRISON – 375	PRISON - 412
<b>TOTAL 556</b>	<b>TOTAL 6355</b>

In an effort to not forget the jail population, the RCO is continuing to make changes in their procedures to increase support. The RCO recently adjusted the parameters for the jail staff in an effort to provide more support to the jail inmates. The population at the jails are admitted and released with such frequency, because with most of those in custody are detainees rather than sentenced inmates. As a result, normal operations to assist persons prior to release, have been too great for the staff to keep up with. But by adjusting its focus to the sentenced population who have at least thirty (30) days left to serve on their sentence, the staff at the jails Statewide have made small but significant strides in their efforts. The jail staff statewide now have time to at least, identify some of their needs and begin their reentry process. The RCO then has worked with the community service providers to follow up with what has been started following release.

RELEASED W/SSA	RELEASED W/O SSA
JAIL 151	JAIL 5973
PRISON – 340	PRISON - 447
<b>TOTAL 491</b>	<b>TOTAL 6420</b>

RELEASED W/BUS PASSES (PRISON ONLY)
HCF – 96
WCCC - 48
WCF - 38
KCCC - 8
MCCC - 4
<b>TOTAL - 194</b>
Total amount of monthly bus passes handed out: 27
Total amount of daily bus passes hand out: 160
Total amount of 26-day bus passes: 7

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The discrepancies from past reports regarding the number of jail inmates being released with an reentry plans should improve with the newest changes made on what population staff will focus on. Although the numbers are promising, the RCO is aware that more needs to be done for the jail population overall and tirelessly working to address to identify and address the different needs. The RCO will continue its efforts to improve validity in its reentry practices to try to reduce the recidivism rate. But with grant funding for non-profits reducing and the shortage of correctional staff continuing to rise, efforts will be difficult.

(3) Drug test failure rates of inmates while incarcerated and while on parole.

In accordance with its drug detection policy, PSD collected seven thousand seven hundred thirty-seven (7,737) urine specimens from the inmate population for FY23, from July 1, 2022, through June 30, 2023. During this period, three hundred ninety-three (393) specimens or 10.40% failed.

During the period of November 1, 2022, through October 31, 2023, data indicates seven thousand five hundred twenty-two (7,522) urine specimens were collected statewide. The number of positive results for substances targeted totaled four hundred fifty-eight (458) or 6% of all samples collected.

For inmates on parole, the average number of positive urinalysis tests during the period of November 1, 2022 through October 31, 2023 was four hundred thirty-six (436) or 2.4%. (Note: this is based on an average monthly parole population of one thousand eighty-six (1,086) during the period specified.)

(4) The number of inmates currently enrolled in and who have completed drug treatment programs provided by the Department of Public Safety.

Substance Abuse Program data indicates there were four hundred sixty-eight (468) in Hawaii and two hundred eighty-four (284) inmates at Saguaro (Arizona) that participated in substance abuse treatment during FY23 with two hundred forty (240) Hawaii and one hundred sixty-four (164) Saguaro inmates completed substance abuse treatment. All programs combined recorded approximately seven hundred fifty-two (752) admissions into treatment and approximately four hundred four (404) completions (54% completion rate).

For the period spanning November 1, 2022, through October 31, 2023, PSD has enrolled approximately six hundred twenty-seven (627) inmates (three hundred sixty-three (363) in Hawaii; two hundred sixty-four (264) in Saguaro) into substance abuse treatment programming with approximately three hundred forty-seven (347) inmates or 55% completing programming requirements.

(5) The number of inmates currently enrolled in and who have completed restorative circles.

There were six (6) women at the Women’s Community Correctional Center (WCCC) who completed the Restorative Justice Huikahi Circle.

(6) The number of inmates who have applied for a reduction of their minimum sentence, the number of applications approved and denied, and, when applicable, the reasons for the denial of a parolee’s application.

# inmates applied for reduction of their minimum sentence	# inmates approved for a reduction of their minimum sentence	# inmates denied a reduction of their minimum sentence	List of reasons for denial
142	19	123	Minimum sentences deemed appropriate.

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- (7) The number of parole revocation hearings and the results of parole revocation hearings that, when applicable, explain why the parolees' revocation was denied;  
 (Note: parole revocation hearings approved is the number of parolees revoked. The number of revocation hearing denied is the number of parolees who were continued on parole following their parole revocation hearing and/or the revocation of their parole was deferred for various reasons.)

# parole revocation hearings	# parole revocation hearings approved	# parole revocation hearings denied	List of reasons for denial
348	203	44	Parolee deemed appropriate to return to the community on parole.

- (8) The cost of incarceration per inmate, per day, per facility;

The average daily cost per inmate per day is \$253.00.

- (9) Offender demographics, including gender, race, age, and type of offense;

Please see Attachment A.

- (10) The number of individuals who received vocational training or rehabilitation services and type of vocational training or rehabilitation services received.

There was a total of seven hundred twenty-seven (727) Career and Technical Education training (CTE) program participants, four hundred nineteen (419) of them, or 57% completed the programs. These account for participants in programs such as: Sustainable Crop Production- Ag. Technician, Construction Trades- Carpentry, Forklift Operator Training, Forklift Simulation Training, ServSafe (Safety and Sanitation), Culinary Arts Program, Digital Literacy, Keyboarding, Blender 3-D Animation, Altino Coding, TEAM WorkHawaii, and Goodwill Job Readiness Services.

The RCO continues to work to address the rehabilitative service needs exiting inmates face upon release. The RCO has begun discussion with other agencies and community service providers to determine how to also address the mental health needs and continuum of care a majority of inmates are missing upon release. The office is also working with DLIR and the Education Division to inform and educate the other agencies of the need to develop work programs for inmates to increase success rates upon release and reduce the rate of recidivism. The office is also working with the Hawai'i Correctional Industries (HCI) office to develop new products/ programs to advance the skills of inmates while in custody and translate those skill into living wage job opportunities upon release.

- (11) The total number of inmate intakes, by month, including the number of intakes each month within the past year and past five years;

See Attachment B.

- (12) The total number of inmates released, by month;

See Attachment C.

- (13) The number of inmates with substance abuse problems, including the type of dependence or addiction, and the number of inmates with no reported substance abuse problems;

For the period spanning November 1, 2022, through October 31, 2023, PSD enrolled





## HRS 353H - Performance Indicator Reporting

approximately six hundred twenty-seven (627) inmates (three hundred sixty-three (363) in Hawaii; two hundred sixty-four (264) in Saguaro) into substance abuse treatment programming to address substance abuse problems. Approximately three hundred forty-seven (347) inmates or 55% of participants are recognized for completing programming requirements. Inmates were in substance abuse treatment to address multiple substance use disorders touching upon the different levels of severity including but not limited to mild, moderate, and severity levels for specific substances matched to the appropriate level of treatment i.e., outpatient, intensive outpatient, and residential treatment modalities.

Per data captured by PSD's urinalysis software, substances most present in drug detection screenings are #1- Amphetamines/Methamphetamines, #2- Buprenorphine, and #3- Fentanyl.

- (14) The median length of incarceration, excluding inmates who have received life sentences or been paroled;

See Attachment D.

- (15) The prison population forecast for the next decade;

There is insufficient data to make an accurate projection currently, in large part due to the previous unprecedented COVID-19-related inmate population reductions and court releases. A projection is expected next year

- (16) The total number of pretrial detainees and the number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age;

See Attachment E

- (17) The number of pretrial detainees released or discharged each month and the reason for the release or discharge by type of crime, bail amount, risk assessed, gender, race, and age;

See Attachment F. (Note: 0=No assessed risk level due to incomplete assessment; 1=low risk; 2=moderate risk; 3=high risk.)

- (18) The average length of stay for pretrial detainees by reason for release or discharge, type of crime, bail amount, risk assessed, gender, race, and age;

See Attachment G.

- (19) The number of pretrial detainees held on cash bail by type of crime, bail amount, risk assessed, gender, race, and age;

See following pages for graphs.



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## Pretrial detainees held on bail—Type of Crime

Severity of Offense	
Felony A	385
Felony B	919
Felony C	1949
Misdemeanor	1492
Petty Misdemeanor	1101
Violation	21
Other	61
Total	5928

## Pretrial detainees held on bail—Bail Amount

Bail Group	
0	7
1 to 99	158
100 to 499	979
500 to 999	418
1,000 to 4,999	1345
5,000 to 9,999	538
10,000 to 49,999	1409
50,000 to 99,999	336
100,000 to 499,999	255
500,000 to 999,999	85
1,000,000 or more	94
None Entered	304
Total	5928

## Pretrial Detainees held on bail—Risk Assessed

Risk Level	Gender (5 unknown)		Total
	Female	Male	
None	397	1546	1943
Low	12	65	77
Moderate	181	1203	1384
High	365	2154	2519
Total	955	4968	5923

## Pretrial Detainees held on bail—Race

Race	
American Indian	30
African American	383
Caucasian	1336
Chinese	68
Filipino	487
Guam	36
Hawaiian	1537
Hispanic	473
Japanese	151
Korean	51
Micronesian	134
Samoaan	227
Tongan	59
Other	159
Unknown	797
Total	5928

## Pretrial detainees held on bail—Age

Age Group	
18 to 19	76
20 to 24	507
25 to 29	782
30 to 34	1075
35 to 39	964
40 to 44	776
45 to 49	571
50 to 54	448
55 to 59	337
60 to 64	213
65 and older	179
Total	5928

# HRS 353H - Performance Indicator Reporting

(20) The average amount of time for completing and verifying pretrial risk assessment by type of crime, bail amount, risk assessed, gender, race, and age; and

## Average Time for Completing & Verifying Pretrial Risk Assessment by Type of Crime

Severity of Offense	Risk Assessments	Average/Days
Felony A	385	4.59
Felony B	919	2.25
Felony C	1949	3.65
Misdemeanor	1492	1.60
Petty Misdemeanor	1101	0.83
Violation	21	3.05
Other	61	1.20

## Average Time for Completing & Verifying Pretrial Risk Assessment by Bail Amount

Bail Group	Risk Assessments	Average/Days
0	7	1.57
1 to 99	158	1.31
100 to 499	979	1.00
500 to 999	418	1.54
1,000 to 4,999	1345	1.66
5,000 to 9,999	538	3.34
10,000 to 49,999	1409	3.75
50,000 to 99,999	336	4.07
100,000 to 499,999	255	2.36
500,000 to 999,999	85	3.68
1,000,000 or more	94	3.61
None Entered	304	3.30

## Average Time for Completing & Verifying Pretrial Risk Assessment by Gender

Gender	Risk Assessments	Average/Days
Female	955	1.76
Male	4968	2.56

# HRS 353H - Performance Indicator Reporting

## Average Time for Completing & Verifying Pretrial Risk Assessment by Race

Race	Risk Assessments	Average/Days
American Indian	30	6.47
African American	383	2.95
Caucasian	1336	2.81
Chinese	68	3.56
Filipino	487	2.50
Guam	36	3.25
Hawaiian	1537	3.11
Hispanic	473	1.37
Japanese	151	1.60
Korean	51	3.10
Micronesian	134	1.56
Samoan	227	0.46
Tongan	59	1.68
Other	159	4.41
Unknown	797	0.99

## Average Time for Completing & Verifying Pretrial Risk Assessment by Age

Age Group	Risk Assessments	Average/Days
0	7	1.57
1 to 99	158	1.31
100 to 499	979	1.00
500 to 999	418	1.54
1,000 to 4,999	1345	1.66
5,000 to 9,999	538	3.34
10,000 to 49,999	1409	3.75
50,000 to 99,999	336	4.07
100,000 to 499,999	255	2.36
500,000 to 999,999	85	3.68
1,000,000 or more	94	3.61
None Entered	304	3.30

(21) The number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age.

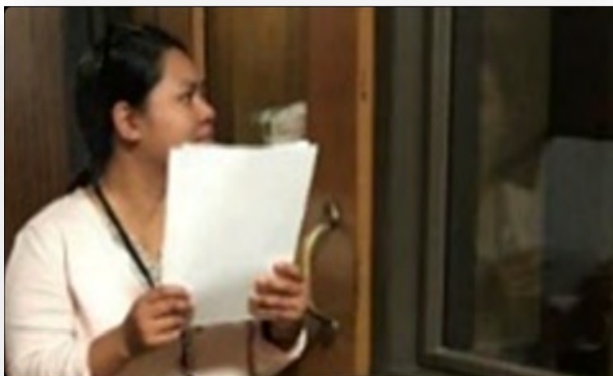
At the time of this report period, the Department did not receive data from the Hawaii Criminal Data Justice Center (HCDJC).

# Intake Service Centers Division

The Intake Service Center Division (ISCD) provides casework services to assist accused and convicted persons entering Community Correctional Centers (CCC) on the islands of Hawaii, Kauai, Maui, and Oahu. ISCD is also responsible for conducting pretrial bail evaluations on persons unable to afford bail and provides recommendations for alternative placement in appropriate diversionary programs. When individuals are placed under supervision, as granted by the courts in lieu of bail, ISCD manages those individuals in the community pending their final court disposition.

ISCD provides statewide services with sixty-one (61) authorized positions, identified as forty-four (44) professional human service staff and supervisors, eleven (11) office services staff, and six (6) Administrative support staff. ISCD's branch offices include the Hawaii Intake Service Center (HISC), located in Hilo and Kona; the Kauai Intake Service Center (KISC), located in Lihue; the Maui Intake Service Center (MISC) located in Wailuku; and the Oahu Intake Service Center (OISC), located in Honolulu. OISC is the only branch that is located within the secure area of a Correctional Facility, while branches on Hawaii, Kauai, and Maui rent office space in the community. Hawaii, Kauai, and Maui branches perform intake functions within the relevant CCC. All ISCD staff operate within county police cellblocks and various Judiciary Courthouses.

The first major function of ISCD is facility intake. In FY 2023, statewide intake screenings were performed for 6,177 new admissions.



The intake process includes a face-to-face interview to collect personal information and document the data. Other components of the process require gathering security information to complete an Initial Jail Classification instrument to ensure proper housing placement at the CCC; a medical/mental health screen to identify if there are

urgent medical and/or mental health needs; and a Prison Rape

Elimination Act (PREA) screening to assesses for victimization and predatory variables. Additionally, U.S. Armed Services veteran status and Citizenship data is captured.

The second major function of ISCD focuses on bail evaluations. All persons being held on bail by the county police or within a CCC are eligible for a bail evaluation. A bail investigation starts with ISCD staff assessing the detainee using the Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT).

The ORAS-PAT will score the detainee as low, moderate, or high risk for pretrial failure. Pretrial failure is a result of

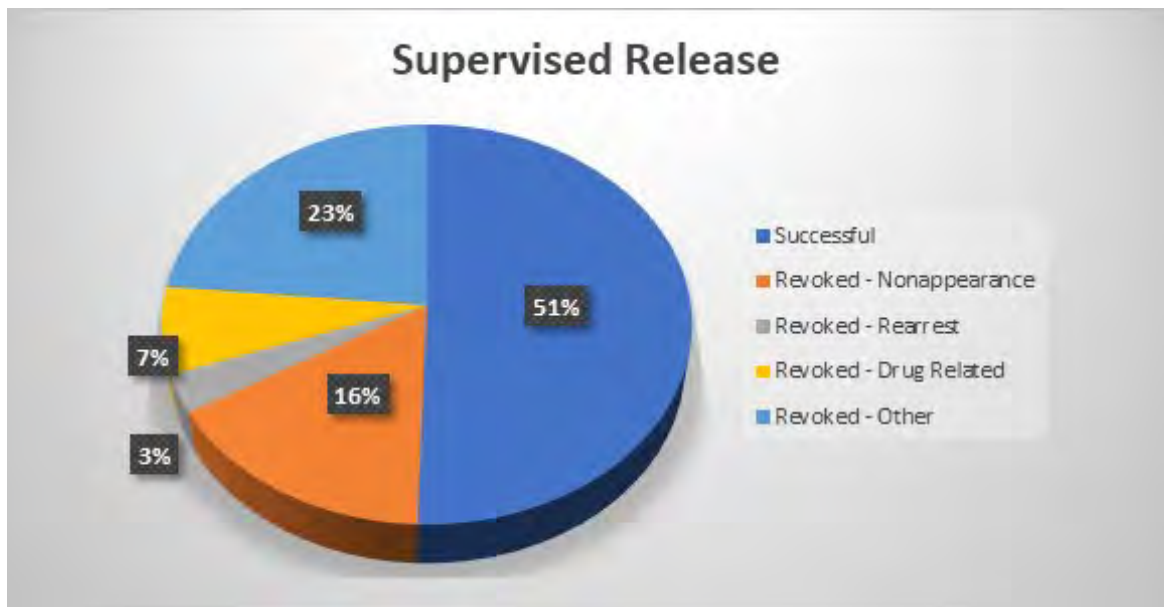


# Intake Service Centers Division

incurring a new arrest, failing to appear for court as scheduled, and/or not complying with supervision conditions set by the court. The bail evaluation is submitted to the court with a recommendation for some form of pretrial release or that the person be held pursuant to the Court's order, which may include bail. In FY 2023, ISCD completed 8,230 bail investigation reports.

The third function of ISCD is to supervise persons released by the court on pretrial supervision. In FY 2023, ISCD had a total of 1,944 new cases placed under supervision. Over the course of the year, an average of 965 cases a month were actively monitored statewide. Supervision services center around regular in-person contact to gauge compliance with court-ordered conditions and to provide notifications of when and where to appear for court hearings. Other supervision activities focus on addressing assessed risk factors for pretrial failure and assisting defendants in securing services, like substance abuse treatment, that would increase a person's successful compliance.

In FY 2023, there was a total of 1,839 cases closed. Of those cases, 929 were successful and 910 cases were unsuccessful. The cases that were closed unsuccessfully were due to arrests for new offenses, failure to appear to court, illicit drug use and other court condition violations.



Emerging from the COVID-19 Pandemic, intake interviews increased by 4%, bail evaluations increased by 18%, and new supervision cases dropped by 18%. Despite the decrease in supervision cases, ISCD realized a savings of 281,166 bed-days for the Department.



The Hawaii Intake Service Center (HISC) is comprised of two Operational Sections – East and West Hawaii, and an Office Services Staff Section. The Branch provides casework services to assess felony and misdemeanor defendants for release alternatives pending trial, supervises and monitors pre-trial and pre-sentence felony and misdemeanor offenders as ordered by the Courts, conducts intake screening and security classifications for HCCC admissions, and manages the electronic monitoring of pretrial defendants in the community.

An important function of the branch is the intake screening of offenders upon admission into the HCCC. HISC workers interview each new inmate upon admission including gathering personal information, a medical and mental health screening, PREA screening, and the security classification. Inmates are classified by HISC staff for proper housing and facility management. In FY2023, the HISC conducted 1262 intake screenings.

The primary function of HISC is pretrial services including pretrial release assessments, pretrial supervision, and the use of evidence-based strategies to increase pro-social behavior and reduce pretrial failure. The agency also manages electronic monitoring for pretrial defendants ordered by the Courts.

HISC is required by law to conduct a pretrial assessment on each pretrial detainee meeting eligibility criteria, within 3 days of admission into the community correctional centers. HISC exceeds this standard by conducting pretrial interviews at the Hawaii County Police Department and completing most assessments prior to a defendant's first court appearance. The Ohio Risk Assessment System - Pretrial Assessment Tool (ORAS-PAT) is the tool used statewide to evaluate a defendant's appropriateness for pretrial release. The ORAS-PAT is used to guide HISC's recommendation relative to a defendant's release from custody, and this information is used in the completion of a bail report that HISC submits to the Court for consideration. In FY 2023, the branch completed 2341 bail evaluation reports, and a total of 1946 individuals were diverted from incarceration during this fiscal year, saving the department a total of 124,909 bed days.

During this fiscal year, the HISC implemented sequential pretrial reviews of pretrial defendants at HCCC. Every pretrial inmate eligible for a bail assessment is reviewed every 3 months for release, with updated information provided to the Courts for release consideration. In FY 2023, the branch completed 302 pretrial reviews at HCCC.

Pretrial defendants released into the community by the Court are often ordered to HISC for pretrial supervision and monitoring. HISC pretrial officers work with defendants to mitigate pretrial risk and increase pretrial success. We work closely with community agencies and refer defendants for supportive services such as mental health treatment, substance abuse treatment services, anger management counseling, and housing services. We also work with the Courts to keep defendants informed of upcoming court hearings. In FY2023, HISC supervised a monthly average of 508 pretrial defendants in the community.

HISC manages the electronic monitoring program for pretrial defendants ordered by the Courts. The program offers various types of supervision such as location monitoring, house arrest, and curfew monitoring. HISC utilizes radio-frequency and GPS technology to monitor participating defendants. During FY2023, HISC supervised 97 defendants on the program.



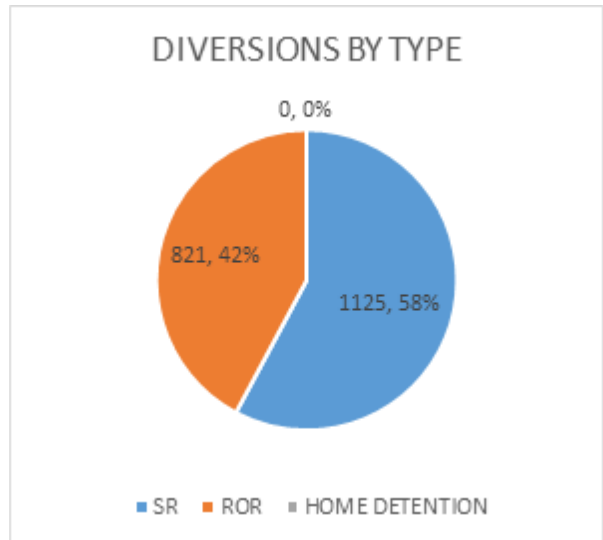
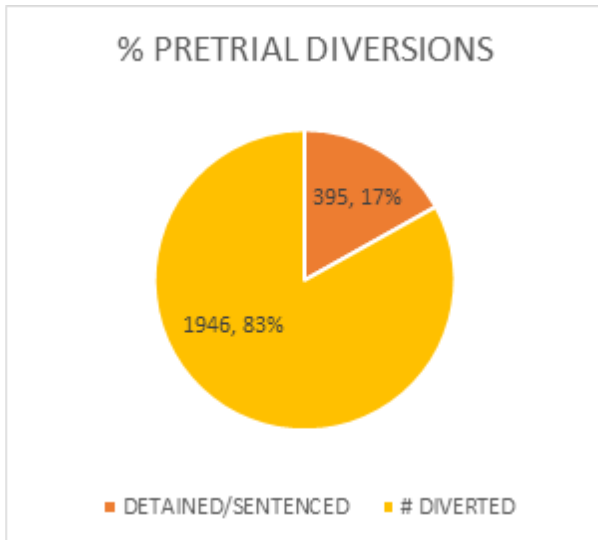


# Hawaii Intake Service Center

The following table represents the annual and monthly caseload by function during FY 2023.

FY23	ANNUAL CASELOAD	MONTHLY CASELOAD
HCCC ADMISSIONS	1262	105
BAIL STUDIES	2341	195
TOTAL SUPERVISION	6106	508
TOTAL REVOCATIONS	493	41
TOTAL SUCCESSFUL COMPLETIONS	513	43

The following graphs illustrate the rate of pretrial diversions and the diversions by type during FY23.





## Kauai Intake Service Center

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After more than 30 years of service at 3-3100 Kuhio Highway, the Kauai Intake Service Center (KISC) relocated to 2870 Kele Street, remaining “central” in Lihue and within walking distance from the former location. This should shield the public from unnecessary confusion and having to absorb additional hardship(s) if we were to relocate outside of this central location on our island. This will especially benefit our indigent population as we continue to be within walking distance of our State and County Buildings, as well as the Judiciary Complex.

As its main function within the Department of Public Safety, KISC continues to initiate the admission process for all individuals admitted at the Kauai Community Correctional Center (KCCC) pre and post adjudication. KISC conducts interviews and assessments to determine one’s classification and placement within our facility.

Following the decision of the court to detain and confine by sentence or the setting of bail, KISC staff interview detainees at the Kauai Judiciary Complex shortly after being taken into custody. The admission process involves completing the Initial Intake Information Form, Medical/Mental Health Screening, and assessing for the Federally mandated Prison Rape Elimination Act (PREA). Once the intake interviews are concluded, staff prioritize and complete the Initial Security Classification and PREA screening instruments in Offendertrak to assist KCCC security staff in determining housing assignments for all admitted.

Additionally, KISC provides all courts with critical demographic information and an assessed level of risk in the form of a Pretrial Bail Report to assist Judges in making an informed bail decision for pre-trial detainees. These reports provide detailed information about a specific individual’s current status within the community (location, employment, source of income, criminal conviction history, substance abuse issues if any, etc.) who is being held in custody on bail. This is intended to release individuals from pre-adjudication detention who are assessed and determined to be at low or moderate risk of non-appearance, recidivism, and do not pose a direct threat to the safety of the community. There are numerous ways in which an individual could be released from custody pre-adjudication. One of the ways is defined as Supervised Release (SR). For individuals who are granted SR by the court under specific conditions, KISC provides and enforces supervision until the conclusion of one’s case.

When granted SR, an individual is required to abide by specific terms and conditions set by the court. KISC is responsible for monitoring and enforce those court-ordered conditions. Should an individual violate any condition of their release, KISC notifies the court through a verified application process requesting a revocation/modification to the terms of their release. The philosophy and priorities of the Department of Public Safety continue to focus on the health and safety of the community first and foremost.

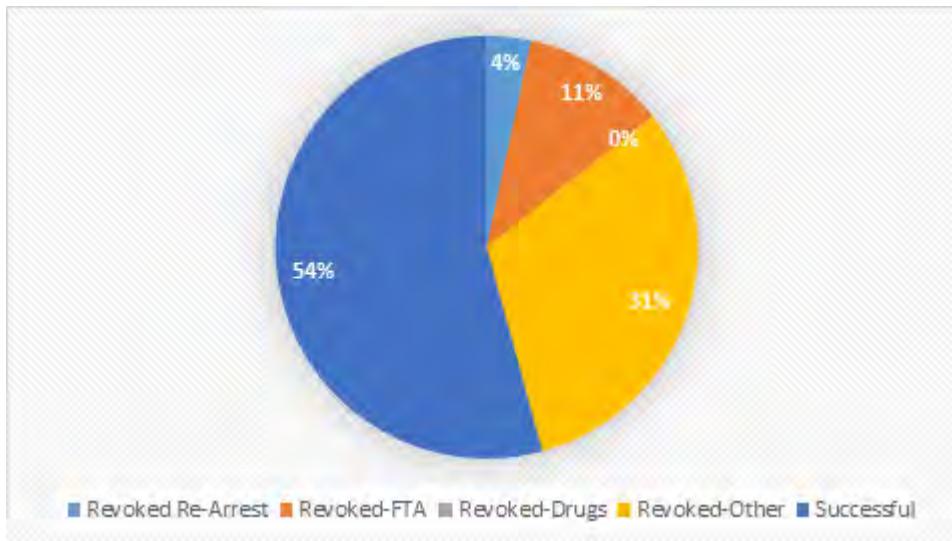
In Fiscal Year 2023, KISC has screened 542 individuals for admission and completed 571 Pretrial Bail Reports that directly diverted 136 individuals from having to await trial while incarcerated.

# Kauai Intake Service Center

Month	Completed Bail Reports	Released on SR	ROR	GPS Monitoring	Residential Treatment	Bail with Conditions	Admissions	Total Released	Percentage
22-Jul	106	10	2	0	0	2	57	14	15%
22-Aug	87	11	1	0	2	0	58	14	24%
22-Sep	46	11	0	0	2	0	35	13	37%
22-Oct	36	13	4	0	2	0	41	19	46%
22-Nov	35	5	4	0	0	1	34	10	29%
22-Dec	30	8	2	0	2	0	36	12	33%
23-Jan	35	7	2	0	2	0	39	11	28%
23-Feb	46	4	0	0	0	0	42	4	10%
23-Mar	43	8	0	0	1	0	51	9	18%
23-Apr	47	11	0	0	1	0	53	12	23%
23-May	31	8	2	0	1	0	49	11	22%
23-Jun	29	7	0	0	0	0	47	7	15%
<b>Totals</b>	<b>571</b>	<b>103</b>	<b>17</b>	<b>0</b>	<b>13</b>	<b>3</b>	<b>542</b>	<b>136</b>	<b>26%</b>

AVERAGE

KISC relies upon evidence-based practices attempting to motivate compliance, reduce recidivism/re-arrest, and provide guidance in locating community services that assist with any social and/or economic hardship. Not all that are presented with this opportunity are receptive when awarded. Many do not remain in the community throughout the pendency of their case(s) and may need to be returned to custody if found in violation of the terms of release. As previously mentioned, of the 136 released, four (4) individuals were revoked because of re-arrest, 13 for non-appearance in court, zero (0) for continuously testing positive for substance abuse, and 37 for other compelling reasons, likely for failing to appear at multiple scheduled meetings and/or maintaining contact with KISC. There were 64 individuals that were compliant and have been adjudicated with no incident.

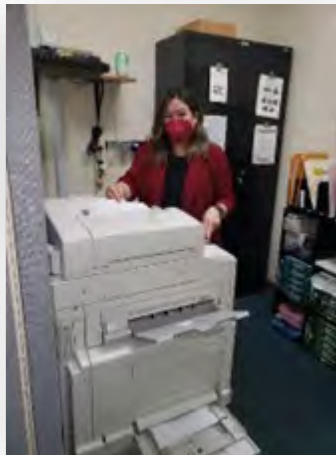
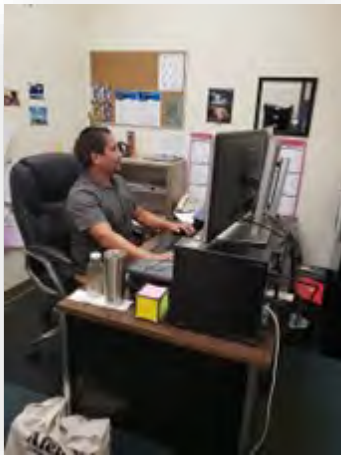


As with previous years of reporting, KISC continues to see roughly half of the individuals released on SR to be compliant and able to resolve their cases without incident. Unfortunately, for the other half that were returned to custody for violating the conditions of SR, it appears that there remains a significant portion of our population that require much

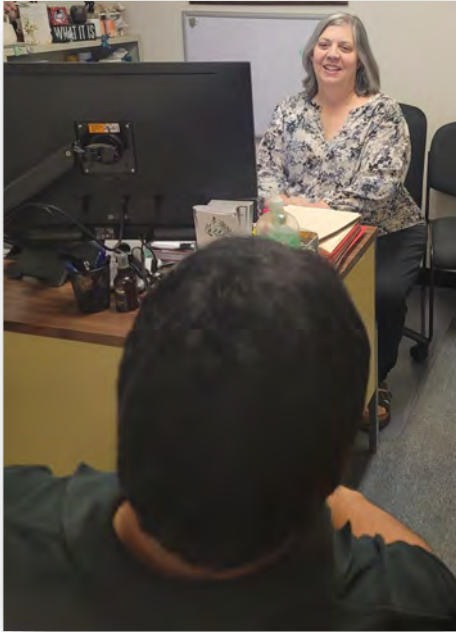
# Kauai Intake Service Center

more services and assistance than is currently provided within our community.

Kauai continues to be the lone jurisdiction in the State that has a “Project Contempt” program. Unfortunately, there continues to be a significant decrease in referrals being received from the District Court. KISC continues to be an advocate for this program, that allows for contacting individuals who have missed court hearings and are charged with specific low-level offenses, in lieu of the court immediately issuing a bench warrant for their arrest. If KISC successfully establishes contact with the individual, they report to KISC to sign a “Notice to Appear” document and are provided with a return court date. When they appear on the day of their continued court date, the court will simply continue with the proceedings and require no explanation as to the missed court appearance. This program specifically targets individuals who are being charged with offenses that have no confinement provision within that statute (i.e., Violations, County Ordinance, Traffic citations, etc.). There remains high optimism that this program can and should be utilized much more than it has been in the last few years. KISC will continue to reach out to the Judiciary to influence an increase in referrals for the Project Contempt program as an alternative to issuing unnecessary bench warrants for individuals charged with minor, non-violent, non-jailable alleged offenses.



# Maui Intake Service Center

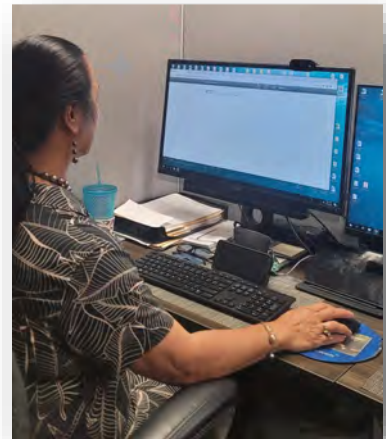


The Maui Intake Service Center (MISC) provides valuable criminal justice services to pretrial Defendants on Maui, Molo-kai, and Lanai. MISC is located in Central Maui and has unique geographic challenges by servicing clients on all three Islands. MISC promotes offender re-entry at the earliest possible opportunity by providing a variety of services, which include pre-trial supervision. In cooperation with government agencies and community organizations, MISC strives to provide services to defendants and offenders throughout the County of Maui to reduce recidivism and attempt to promote healing of the clients and ensure public safety. MISC staff confront challenges presented by individual client situations and needs with compassion, empathy, and services offered by the County of Maui.

MISC processes intake screening for newly admitted individuals who are detained or committed to the Maui Community Correctional Center (MCCC). MISC screens these individuals and identifies any medical and mental health issues and for-

wards it to MCCC's Medical Unit for further evaluation and treatment, if warranted. The individual is also screened for any PREA (Prison Rape Elimination Act) concerns that are brought to the attention of the proper staff specialized in dealing with these issues. MISC incorporates the Ohio Risk Assessment System-Pretrial Assessment Tool (ORAS-PAT) to interview and produce Pretrial Bail Reports for the Judiciary within three (3) days of admission. MISC completes the Initial Jail Classification and the PREA assessments for inmates to ensure proper placement into appropriate housing, work lines, and programs in MCCC. In FY 2023 MISC screened a total of 1024 defendants.

MISC completes assessments for defendants who are referred to the District, Circuit, and Family Courts in the Second Circuit. Defendants are interviewed, the ORAS-PAT instrument is applied, and the bail reports are electronically filed in a strict timeline to ensure that the least restrictive conditions of bail are recommended to those that are in custody to allow them to possibly be released from custody into the community and minimize the amount of time the defendant is in jail custody. In FY 2023 MISC initiated 489 bail reports and completed 375 of them.



MISC also provides supervision for defendants that have posted bail/bond or have been placed on supervised release by the Courts with conditions. In FY 2023, 89,410 bed days were saved through MISC supervision. Integrating best practices into case management, applying motivational interviewing, cognitive behavioral techniques, and providing community and government treatment resources the MISC staff strive to encourage changes in defendants to improve the chances for increased compliance, reduction in recidivism, and offering services to address the defendant's issues. In FY 2023 there were 412 new cases placed under pretrial supervision.

When it is determined that the defendant is in violation of the Terms and Conditions, Verified Applications for Revocation of Release are completed and electronically sent to the respective court-rooms for the Judge's approval/disapproval to issue a Bench Warrant. In FY 2023, 224 Bench



# Maui Intake Service Center

Warrants were issued because of the Verified Applications submitted by MISC. In FY 2023 there were 197 successful completions. In FY 2023, defendants that violated the Terms and Conditions of supervision were held accountable for their actions and behavior in the community.

PTO's work closely with the Department of Health Staff and the CARE Hawaii staff in addressing the mental health and addiction issues that a substantial number of defendants under MISC supervision have. MISC supervised a monthly average of 256 pretrial defendants in the community with 106 on supervised release and 150 defendants who posted bail with conditions.



# Oahu Intake Service Center



The Oahu Intake Service Center (OISC) is located at the Oahu Community Correctional Center (OCCC). In fiscal year 2023, the facility averaged 323 new admissions a month. OISC's Assessment and Classification Unit (ACU) interviewed and screened 92% of the new admissions on the day of arrival to ensure appropriate referrals for services in a timely manner. The intake process includes an in-person interview, medical and mental health screening, Prison Rape Elimination Act screening, and security classification scoring. The Ohio Risk Assessment System Pretrial Assessment Tool (ORAS-PAT) is completed for persons admitted with eligible pretrial charges.

Due primarily to COVID-19 isolation procedures within the facility, ACU was not able to complete the intake process on the day of arrival for 2% of new admissions and 6% were released before an intake interview was completed.

Following the issuance of Governor Ige's Emergency Proclamation for the COVID-19 pandemic in March 2020, OISC saw a downward trend in the number of admissions to OCCC. Prior to the pandemic ACU averaged 576 admissions a month. Admissions continued to drop in FY 2021 and in FY 2022, facility admissions averaged 296 a month. Since the expiration of the Emergency Proclamation, there have not been any major changes to the number of new admissions but FY 2023 monthly admissions increased slightly to 323.

The Assessment and Classification Unit also completed bail investigations at a monthly average of 125 Pretrial Bail Reports, which provides the courts with an objective individualized assessment



of a defendant's risk for non-appearance and/or recidivism. The ORAS-PAT scored approximately 28% of pretrial defendants as moderate or low risk, recommending release into the community. However, any recommendations for release to a third-party (appropriate sponsor or program) was impacted by the shortage of community clean and sober beds and residential treatment beds for defendants with serious substance abuse or dual diagnosis treatment needs.

OISC has partnered with the Honolulu Office of the Prosecuting Attorney as part of the Weed & Seed initiative since July 2021. OISC's role is to screen defendants who have been arrested within the designated Weed & Seed area and make direct referrals to the Department of Health's Hawaii CARES for a substance abuse assessment and placement into a treatment program. In FY 2023, OISC made 34 referrals to Hawaii CARES. Unfortunately, none of the direct referrals affected a release under the Weed & Seed initiative.

OISC's Court Unit (CU) interviews and completes Pretrial Bail Reports for persons held at the Honolulu Police Department (HPD) on eligible misdemeanor/petty misdemeanor charges. After interviewing defendants at HPD, CU staff, based at the Honolulu District Court, submitted approximately 332 pretrial release recommendations a month to District Court Judges to assist with determining release options at the Arraignment hearing. A majority of these cases are disposed of at the time of arraignment; therefore, CU's efforts greatly reduced the number of misdemeanant defendants admitted to OCCC by diverting an average of 184 persons a month.





# Oahu Intake Service Center

CU saw a downward trend in the number of Pretrial Bail Reports completed following the onset of the Emergency Proclamation for COVID-19; however, since its expiration, there has been an increase in the number of reports being completed.

As a large part of the misdemeanor population has mental health concerns, CU works with the Department of Health's Jail Diversion Program to screen eligible defendants for mental health treatment planning and services, as a condition of diversion from Court and incarceration at OCCC. CU also works with the District Court Clinician, referring mentally acute defendants for evaluation under the Hawaii Revised Statutes § 704-404, for 1-panel examinations. If the Court orders that a defendant be held in custody pending a 1-panel examination, CU facilitates notification between the Court and OCCC's Mental Health Unit.

OISC Program Services Unit (PSU) provided community supervision of approximately 238 defendants a month. In FY 2023, there were 514 new defendants placed under supervision. During this period, PSU had a success rate of 49% for defendants being actively monitored, that appeared for court hearings as scheduled, did not incur any new arrests, and generally complied with the terms and conditions of release. In 51% of the cases closed by PSU the reasons for non-compliance was due to a new arrest, failure to appear for court, testing positive for illicit drug use and not entering substance abuse treatment, or failure to comply with court-ordered conditions of release.



Across the Division the focus is on public safety, which is why PSU continues to utilize electronic monitoring and randomized drug/alcohol testing to monitor defendants' compliance with court-ordered conditions of release. When it is determined that public safety is compromised, PSU utilizes the Verified Application for Revocation of Release process through the Courts to have a Bench Warrant issued. In FY 2023, PSU requested the courts to issue roughly 225 warrants. All together, PSU saved 73,558 bed days through community supervision of defendants.



OISC staff strives to interview new admissions on the day of arrival; reduce overcrowding by completing bail assessments in a timely manner and recommending release when appropriate; and effectively provide community supervision of pretrial defendants. OISC works to attain the underlying goals of the bail process to maximize release, maximize court appearance, and maximize public safety.

The logo for the Re-entry Coordination Office features the text "Re-entry Coordination Office" in a blue, stylized font with a red outline. To the left of the text is a graphic consisting of several overlapping squares in shades of blue and white, arranged in a grid-like pattern. A thick black horizontal line runs across the page below the logo.

## Re-entry Coordination Office

The Reentry Coordination Office (RCO) is under the general supervision of the Deputy Director for Corrections (DEP-C) focusing its efforts to identify, and address gaps in reentry programming for inmates and to standardize those efforts Statewide. The RCO is tasked with evaluating current reentry efforts, during and post-incarceration and to develop new reentry programming to address the changing reentry needs of the population. The RCO provides referral services for victims/survivors of crime and manages the collection of court-ordered restitution payments. The RCO also manages the department's staff usage of risk assessment instruments, coordinating its training and booster training on these instruments, with other justice-involved agencies, to maintain baseline fidelity measurements statewide. The RCO manages the Inmate Classification Office (ICO) which oversees all inmate classification actions Statewide to ensure that inmates are classified in the least restrictive environment consistent with their risk to self, others, staff and the good government of facilities statewide.

### **PROGRAM DEVELOPMENT**

When implementing any new programming, the RCO refers to the Comprehensive Offender Reentry Plan (CORP) as a guideline for developing, managing and maintaining the department's offender reentry system. However, being a "living document", the RCO annually evaluates the CORP, to ensure that the focus of the RCO remains relative to changes in its population. When developing new reentry program and services, the RCO seeks and takes into consideration, recommendations from interagency collaborations, discussions between other divisions of the Department, other State, Federal agencies, and community service providers. In doing so, the RCO provides collaborative opportunities for community service providers to aid in an inmate's rehabilitative efforts. The RCO is also responsible for informing, guiding and assisting facility staff on the directives stated in Chapter 353H - Comprehensive Offender Reentry System. The RCO is tasked with introducing reentry concepts and processes to facility staff to help them understand that, as a course of their regular duties, staff need to begin to address the reentry needs of all adult inmates, males and females, to "arm" and prepare them with the tools they'll need to succeed upon release. The philosophy of the department and the RCO is that reentry is not one specific program but rather a lifetime process that first begins when the inmate is admitted to a correctional facility and ends with that inmate's hopefully successful reunification back into the community. The goal of this office remains to develop, implement and manage an effective and sustainable reentry system for exiting inmates, from intake to discharge, through interagency collaboration and community agency partnering.

The RCO is also charged with maintaining the Department's Resource Guide, regularly updating the information contained within, to ensure the content is accurate and current. This reentry tool is available to inmates, staff and their families, is found in hardcopy form and online 24-7. The Guide provides information on services and programs within the community, identifies different programs and non-profits willing to help the exiting inmate get back on their feet and to continue their care. The RCO works closely with the Corrections Program Services (CPS) division, which includes the departments such as Education and Substance Abuse, to create and help fund programs for inmates to begin while in custody, and then to transition to living wage jobs and a continuum of care upon release. The RCO also works with CPS to update annually, the department's program matrix which lists and describes various programs and services that are currently being provided in facilities statewide. Staff are then instructed to use this matrix and resource guide when creating a case plan for the inmate. Inmates can then use this plan as a guide as they progress through the system, and as it gets updated whenever they complete a recommended task. The following is a general description of the responsibilities for each section within the RCO, staffed by Correctional Program Specialists, and managed by the section head of the RCO.

### **INMATE CLASSIFICATION (ICO)**

Specialists manage and monitor the Department's inmate classification system to ensure uniformity in its application and standardization of its integration into the operations of all correctional facilities. The goal is to ensure that inmates are housed in the least restrictive environment according to the risk they pose to themselves, other inmates, staff and the good government of the facility. A revised jail and prison classification instrument was introduced in 2018, to address systemic changes within the population that affected all parts of the classification system. To ensure the changes made were not detrimental to the management of correctional facilities statewide, and that inmates continued to be housed in the least restrictive environment relative to their custody level designation, a vendor was selected to validate the revised instruments. This validation study was also initiated to identify if any of the changes made in 2018 were detrimental to an inmate's forward progression through the System.

The Team provides staff with training and guidance on all classification decisions. The Team also assists the Administration with information and clarification whenever responding to outside inquiries.

### **RISK ASSESSMENT & TRAINING**

When managing the risk assessment instruments for the department, specialists take care to ensure the validity of the department's inmate risk assessment process. Specialists track all training sessions associated with the instrument's usage, and coordinate with other justice-involved agencies to administer new and booster trainings on evidenced-based instruments like the Level of Service Inventory-Revised (LSI-R) and the Adult Substance Use Survey (ASUS). Specialists work to ensure continued uniformity and standardization of its application and integration into the daily operations at all correctional facilities, statewide. Specialists are also responsible for assisting with drafting, implementing and managing the policy and procedures governing the training of staff when changes to existing occur. Specialists are responsible for conducting training for staff whenever new reentry programs are developed and introduced, and to also periodically check with staff to ensure validity. If re-training is recommended, specialists coordinate that training with all facility supervisors, to maintain standardized procedures.

### **VICTIM NOTIFICATION/SERVICES**

A designated SAVIN Coordinator is assigned to manage these specialists and is responsible to ensure that the services and data the Department provides, through the 24/7 VINE link system, follow policies and procedures, provides accurate and timely information and hand-off opportunities for other agencies and community providers involvement.

Victim Notification and Services includes the Restitution and Victim Services (RAVS) unit, which is charged with the collection of restitution payments Statewide from each facility. The Statewide Automatic Victim Notification (SAVIN) system and VINE link is a free, confidential service that provides crime victims/witnesses, their family members, and victims' advocates confidential notification of changes in an inmate's custody status. All these programs collaboratively and separately, work to manage the comprehensive, statewide, 24/7 notification system (SAVIN). The Team provides staff with training on new and existing victim-related programs and restitution collection processes, introduced to address concerns from victims of crime within justice-involved fields. Specialists work with community services providers and other agencies, to identify, create and manage a system of continuum care for victims of crime that will include services from vendors and providers.

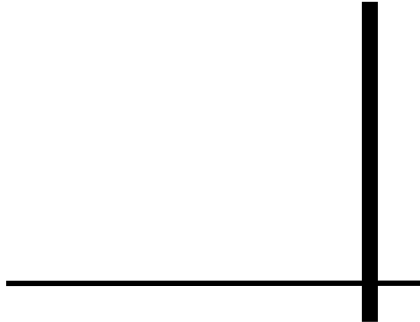


The Institutions Division consists of jails, prisons and the Mainland and Federal Detention Center (FDC) Branch. Hawaii jails provide for the secure incarceration of our pretrial and short-term sentenced misdemeanor population. Jails are locally situated on each major island. The jails also provide programs for the transitional sentenced felon population, those who have nearly completed their felony sentences, and are returning to the community. The jail population consists of both male and female detainees and inmates.

Hawaii prisons provide for the care, custody, control and appropriate programs for inmates according to their assigned classification. Those who need more controls based on their risk to other inmates, staff and the community, are placed at the Halawa Special Needs or Medium Security Facility. Those who present less risk are placed in minimum security prisons such as the Waiawa and Kulani Correctional Facilities. Most of their recommended rehabilitative programs are received at these facilities.

Female felons are assigned to the Women's Community Correctional Center for programming. This population includes the newly sentenced felon cases and those continuing transitional programming prior to their release into the community.

The primary responsibilities of the Mainland and FDC Branch include custody, programming, and the fiscal responsibility for our inmates placed in private facilities. This includes inmates housed in private contract facilities on the Mainland and for those placed at the Hawai'i FDC. The Mainland contract facilities provide programs for inmates as required by PSD. The private prison contract facility is located in Arizona.





# Hawaii Community Correctional Center



The Hawaii Community Correctional Center (HCCC) is one of two facilities on the Island of Hawaii that is in the District of Hilo, just above Downtown Hilo and below Rainbow Falls. Also, in the District of Hilo, is Kulani Correctional Facility (KCF), which resides on the eastern slopes of Mauna Loa, at the 6000 feet elevation. HCCC is a 226-bed facility, which is comprised of five (5) housing units that is situated on two sites: Punahale site and the Hale Nani Annex site. The Punahale (main) site has three (3) housing units whose names are adjacent to the street that it resides on. Punahale Special Needs Housing Unit, Komohana Pretrial Male Housing Unit and Waianuenue Sentenced Male Housing Unit.

## **PUNAHELE**

Punahale Specials Needs Housing Unit consist of inmates that are not capable of being in general population. Inmates with acute mental illness, serving lockdown confinement for misconduct violations, inmates with severe health problems, new admissions serving 14-day quarantine and inmates on medical isolation for an active positive case of COVID-19. This housing unit also houses female inmates that are not suited to be with our general population inmates at Hale Nani - Makai Annex Female Housing Unit. Most of the inmates housed in this unit are Medium to Max custody. This building also consists of the Administration Office (Warden, COS, Secretary and Office Assistant), Watch Commanders Office, Health Care Unit which includes Medical and Mental Health, Intake Processing, Records Unit, Trans Unit, and the video conference room for virtual court hearings.



# Hawaii Community Correctional Center

**Intake/Records Remodel** – construction is on-going, and contractor Stans Contracting continue to ahead of schedule.

**Telephone/Data Line Upgrade** – Telephone lines installed at Punahale completed. CCSI – installed missing outlets for court booths for each housing unit

## KOMOHANA

Komohana Pretrial Male Housing Unit houses pretrial general population inmates that have been medically cleared and are awaiting their court hearings. These inmate's custody status ranges from community to medium. This building also consists of the Mental Health Office, Warden Select Office (Mail & Visitation, Policies & Procedures, Safety & Sanitation, Key Control & Armory, and Training Sergeant), and court video conference room for virtual court hearings.

**Expansion Unit** – construction is on-going and does not affect the facility's operations. This expansion unit will be able to provide our HCCC with 48 additional beds for our inmates.

## WAIANUENUE

Waianuenue Sentenced Male Housing Unit houses sentenced inmates who are awaiting transfer to Halawa Correctional Facility to start their incarceration sentence of a 1 year or more. Also, inmates whose sentence is a year or less with a custody status of Minimum to Close. This building also consists of the Grievance Officer and the Administrative / PREA Officer. Attached to the outside of this building is the Waianuenue Education / Law Library Building.



## HALE NANI

HCCC's Hale Nani Annex site is located approximately 7 to 8 miles south of the Punahale site, off Highway 11. Located on that site is two (2) dormitory style housing units. Hale Nani – Mauka Annex Sentenced Male Housing Unit and Hale Nani – Makai Annex Female Housing Unit. Also located at that site, is our Offender Services Office, our Going Home Program Building, Business and Personnel Office, Operations and Maintenance, Laundry Service Building and Facility's Food Service Kitchen.



# Hawaii Community Correctional Center

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## **MAUKA**

Hale Nani – Mauka Annex Sentenced Male Housing Unit houses inmates that are community status, serving an incarceration of a year or less. Inmates participate in our furlough program, work lines to take care of the facility grounds, HCI work lines, inhouse work lines duties (i.e., kitchen, laundry, food service, etc.) and community work lines that helps other State and County agencies as well as non-profit organizations.

## **MAKAI**

Hale Nani – Makai Annex Female Housing Unit houses sentenced and pretrial female inmates. Sentenced inmates whose incarceration is a year or more will be transferred to WCCC on the Island of Oahu. Any inmates with a year or less, will remain in our custody and will have the opportunity to participate in our furlough program and the facility female work line. Pretrial inmates await the outcome of their court proceedings.

**Telephone / Data Line Upgrade** – Telephone lines installed at Mauka, and Makai completed. CCSI installed missing outlets for court booths for each housing unit. Hale Nani site – telephone lines and equipment installed. Outlet for data installed but pending equipment.

The primary function of our entire facility is to ensure public safety by maintaining an effective security and reintegration program.

- Focuses on the rehabilitative programs designed to support the inmate's adoption of a productive and law-abiding lifestyle.
- Interventions include substances abuse programs, basic education classes (GED), community work lines, inhouse work lines, work, and education furlough program.
- These programs give our inmates the opportunities that emphasize on re-socialization back into our communities.
- HCCC employ up to 50 inmates through our work line program that are critical to our daily operations. The facility's work line is incorporated into reintegration and restitution programs.



# Kauai Community Correctional Center



## ABOUT KCCC

Nestled approximately 4 miles northeast of the town of Lihue, on the island of Kauai, the Kauai Community Correctional Center is situated on 9.5 acres of pastoral land, against the lush backdrop of Kauai's landscape, directly across from the island's municipal golf course. Constructed in 1977, the Kauai Community Correctional Center has undergone a transformative journey, evolving from a county jail to Kauai's prison. The facility serves a multifaceted purpose, holding up to 128 individuals including pre-trial misdemeanants, pre-trial felons, sentenced misdemeanants, felons, those on probation, and parole violators.

## WHO WE ARE

We are Adult Corrections Officers with 61 authorized positions with 18 vacancies (1 COS, 2 Sgt.'s, 15 ACO's). We also have 6 civilian clerical staff and a Warden that works in the Administration Department. Our program staff includes 3 social workers, an education specialist, and a librarian. We have 2 building maintenance workers who manage the physical plant of the facility and 7 cooks, including a Food Service Manager. The medical unit consists of 2 mental health therapists, 5 nurses, 1 state medical provider, and 6 temporary agency nurses.

## FACILITY DESIGN AND OPERATIONAL COUNT

The Kauai Community Correctional Center is designed to house 128 inmates. Initial construction of the facility was designed for a capacity of a dozen inmates. The facility's lack of space and efforts to expand over the decades has been well-chronicled with the construction of only one module (Module A) and 3 holding cells. In 1984, the recreation yard was converted into another module, (Module B). In 1993 and 1995, temporary housing units were donated by the county of Kauai, which in turn were converted to our Cabins A, B, and C. In 1997, Module C, an 80-bed prefabricated dormitory unit was added leaving the operational capacity unchanged since then. Both the Cabins and Module C are designated for men and women who participate in the KCCC Lifetime Stand.

## BUDGET

FY23 total budget - \$5,843,927 of which \$4,982,994 was allotted for Personal (A) funds and \$860,933 for Operating (B) funds.

Personnel - Actual personnel expenditure was \$4,798,059.31, a saving of \$184,934.69 which we requested to move to our operating funds.

Operating - We were allotted \$860,933 for operating expenses and expended the entire amount. Total spending for Operating in FY23 was \$1,298,447.21, this includes the surplus funds moved from Personnel as well as the funds allocated by the department for a security electronics contract.

## CONSTRUCTION AND REPAIR PROJECTS

The most significant of our repair projects this fiscal year is the restroom and shower repairs to meet ADA compliance standards and to accommodate the needs of the inmate population.

Phase I of the project – The new ADA showers, and the showers and bathrooms for Module A bedrooms 3 and 9 have been modified to specifications. But the project is still ongoing pending the completion of Phase Two, which is to install a RPDA (Reduced Pressure Detector Assemblies) valve for fire hydrants.

Kitsap construction renovated Module C East and West wing showers to meet the ADA and ACA ratio of 8-1. The wooden structure of Module C was erected in 1997 as a temporary unit until the facility was to be relocated 26 years ago. The prefabricated housing/correctional building was not designed to sustain the daily ab/use by the inmates for this long period without substantial deterioration, damage, and neglect occurring. Rotted floors were removed, and all jalousie windows were replaced with high temperature vinyl slides. A new ADA ramp was built fronting the building in compliance with State code.

Kitsap construction also renovated Cabins A, B, and C showers. A new deck was built per the recommendation of the HCSOC (Hawaii Correctional System Oversight Commission) to allow the female inmates in Cabin C to get some fresh air and sun. Monies for the repairs were funded by the CIP team due to the emergency repairs needed to be done immediately for the health and safety of the population.

The Module C Kitchen renovations have been awarded to Kitsap construction (DAGS project start date was in October 2023, possible that the delay is due to RPDA valve not being installed to get the required permits from Water Department). We hope to have this project initiated this FY.

Remodeling of the break area for staff and a staff board style meeting room has been completed as well.

### TYPES OF PROGRAMS AND SERVICES

The Lifetime Stand (LTS) – a program devised by the former Warden of KCCC has been this facility’s saving grace. The program is the hub of where the majority of our rehabilitation services exist. It provides a structured approach reminiscent of paramilitary style training, along with GED education courses, substance abuse classes, alternatives to violence, cognitive skills, church services, facility worklines, extended furlough, and community service and outreach.

The program works in 4 phases, with each phase increasing in privilege with an end goal of community reintegration via Extended Furlough and or Parole.

The Lifetime Stand Program stresses balance and working through personal thinking errors and focuses on honesty, compassion, and discipline. The core function is to assist inmates to relearn discipline, teach perseverance, work ethic, and personal responsibility.

The facility also uses part of the land to grow our own vegetables for consumption. The LTS farm as it is referred to, is maintained by the inmates who participate in the LTS. The products are harvested and used by KCCC’s food service unit.

### CRITICAL INCIDENTS

There were 71 total misconducts in the greatest and highest category.

<u>Misconduct(s)</u>	
<u>Greatest</u>	18
<u>High</u>	53
<u>Total</u>	71

Other (CI)	
Escapes	0
PREA	2
Suicide(s) Attempts	0
Use of Force	0
<b>Total</b>	<b>2</b>

## LOOKING AHEAD

Looking ahead for our facility, our foremost challenge revolves around staffing—both in terms of vacancy and retention. The critical shortage of personnel has put a strain on our operational capabilities, leading to an overreliance on overtime. While we managed to stay within budget last year, the current situation threatens our financial stability, as the escalating overtime costs are unsustainable.

Sick leave abuse exacerbates our staffing woes, forcing dedicated employees to shoulder additional burdens. This not only impacts morale but also contributes to burnout among our committed staff. The inability to expedite the filling of vacancies only exacerbates this cycle, creating a detrimental ripple effect on the overall atmosphere within the facility.

Furthermore, our institution is grappling with a growing inmate population of individuals with mental health challenges. The evolving societal landscape demands that we adapt to meet the unique challenges posed by this demographic. Unfortunately, our facility faces constraints in resources, training, and infrastructure, hindering our ability to provide optimal assistance and support.

In the face of these challenges, we must act swiftly and strategically to address our concerns starting with the following:

**Staff Retention and Recruitment Initiatives:** Implement strategies to enhance staff retention, explore creative recruitment methods, expedite the hiring process, and incentivize staff.

**Addressing Sick Leave Abuse:** Develop a system for monitoring and addressing sick leave abuse, ensuring accountability and fairness.

**Training and Resources for Mental Health Support:** Prioritize training programs and allocate resources to enhance our ability to support inmates with mental health issues.

**Infrastructure Upgrade:** Advocate for necessary infrastructure improvements to create an environment conducive to effective rehabilitation and staff well-being or relocate the facility from its current location and erect a new facility.

It is crucial that we approach these challenges with a sense of urgency. The resilience of our dedicated staff is commendable but unsustainable, as they are beginning to show signs of burnout. We have a responsibility to provide them with the support and resources they need to continue their vital work.



# Maui Community Correctional Center



The Maui Community Correctional Center (MCCC) was built in 1978 to house 24 inmates. Additional buildings were constructed in 1986, 1992, and 1996 to expand the facility's bedspace capacity. These five structures are situated on approximately seven acres in Wailuku on the island of Maui.

MCCC is the only correctional center serving the County of Maui which includes the three islands of Maui, Molokai and Lanai. MCCC incarcerates male and female jail inmates while they are awaiting adjudication or serving their jail sentences. The facility also provides reentry programming for prison inmates reintegrating back into the community after completing major programs at another facility. MCCC's average inmate headcount during the FY 2023 is 324.



# Maui Community Correctional Center

Efforts to recruit additional team members at the Maui Community Correctional Center remains ongoing. We have had some success this year with the hiring of some new staff with the help and coordination of our Human Resources office, Training Sergeant, and participation in community job fairs. The future is looking to be promising.



## EDUCATION

A variety of programs are currently offered to inmates at MCCC. Some educational programs include Adult Basic Education (ABE) testing and education, Computer Essentials, Work Essentials, Finance Essentials, Introduction to Computers, Blender 3D Animation, Aztec Life Skills, Aztec Alcohol/Substance Abuse, Aztec Domestic Violence, Aztec Ready for Work, Aztec Getting Work/Keeping Job, Aztec Parenting, Aztec Personal Development, Thinking 4 Change (cognitive behavioral), Independent Study classes and Post Secondary correspondence courses.

We have five of seven secure books in the hands of inmates. They are for offline GED stud-



# Maui Community Correctional Center

ies and college correspondence courses (inmates pay tuition).



## OFFENDER SERVICES

Some programming scheduled by Offender Services include Religious services conducted by the facility Chaplains, NA and AA meetings, Anger Management/Domestic Violence groups facilitated by Parents and Children Together (PACT), pre-employment training offered by Maui Economic Opportunity (MEO) Being Empowered and Safe Together (BEST) program, health testing and information provided by Maui Health Services (formerly Maui AIDS Foundation), mentoring provided by Ka Ipu Haa and Share your Mana, Parenting classes provided by Child and Family Services (CFS), Sex Offender Treatment Program (SOTP) aftercare groups for convicted sex offenders, and Continuing Care (a substance abuse aftercare program) provided by Aloha House through a Salvation Army grant. Another program, called STAR - Sex Trafficking Awareness and Recovery - educated and informed students of the trauma of sex trafficking. It operated for a few months from April 2023 until the end of September 2023 before funding ran out. The program was provided by the staff of PACT. They have since applied for another grant and we are hoping for their return to the facility.

In addition to these programs, in-facility work lines utilize inmate labor to afford inmates work experience prior to their release back into the community. Work lines include kitchen, laundry, maintenance, janitorial, and library.

A special emphasis is placed on sequentially phasing prison inmates serving about the last two years of their incarceration back into the community through the furlough program. Work, education and extended furloughs are most common. These sentenced felons are guided and supervised towards maintaining a pro-social lifestyle through their completion of recommended programming, participation in resocialization activities, and engagement in regular case management.

To accomplish inmate reentry goals and promote community reintegration success, MCCC collaborates with many outside agencies and organizations to provide resource assistance. These agencies and organizations include the Malama I Ke Ola Health Center, the Divisions of Vocational Rehabilitation, the Social Security Administration, the Maui Department of Motor Vehicles, the Adult Mental Health Division (AMHD), the Maui Police Department (MPD), the Maui Humane Society, MEO, CFS, PACT, Aloha House, Habilitat, Ka Ipu Haa, Share your Mana, the Judiciary, the University of Hawaii Maui College (UHMC), Bank of Hawaii, Department of Human Services, and many others.

# Maui Community Correctional Center



MCCC was the first facility to GO LIVE for GTL messaging and photo sharing on April 03, 2023. With the new GTL inmate phone system and tablets, inmates are allowed to do video visits daily for 30 minutes, unlimited messages, unlimited photo sharing, and make phone calls. Families and friends are allowed to deposit funds into inmate trust accounts without sending in cashier checks or cash. We are currently awaiting a Kiosk where deposits can be made at the facility. With approval, inmates are able to utilize EDU and access a new free application of the Law Library's Lexis Nexis Subscription. It was made available in February 2022 to inmates via GTL tablet in lieu of going to the law library. Various CIP projects are in process to improve or replace existing equipment, i.e., replacing the air handlers, replacing the security fencing, and reroofing/replacing roofs. A new security housing broke ground in 2022 and has started construction to consolidate our female population in one building. Estimated completion is in 2025.





# Oahu Community Correctional Center



The Oahu Community Correctional Center (OCCC) opened its doors in 1975, after a face-lift and a name change (from Oahu Prison) with the bed capacity of 628 inmates. OCCC was originally designed to house both pretrial detainees and sentenced felons. At the time, OCCC was considered a jail as well as the primary prison for the state. By the late 1990s, OCCC's population increased upward of 1,400. Today, OCCC continues to be the largest jail in the State of Hawaii. OCCC still houses dual populations of pretrial detainees (male and female offenders) and sentenced male felons. The COVID-19 pandemic critically affected OCCC. By the end of FY2023, OCCC had 1093 inmates and coordinated to house an additional 0 inmates (0 males, 0 female) at the Federal Detention Center (FDC). The COVID-19 pandemic lead OCCC to implement additional health, safety and sanitary measures that greatly decreased Community Based Section (CBS) numbers. During the FY2023, the Community Based Section (CBS) transitioned 239 offenders from other facilities to the Work Furlough Program [Laumaka Work Furlough Center (LWFC)/Module 20] and 93 offenders were granted parole from the LWFC.

OCCC continued to afford programming for offenders. This included a structured and enhanced Mental Health treatment living units for both male and female pre-trial offenders. OCCC programs made available and provided to offenders included:

- 0 Educational classes with approximately 0 offender participants
- 0 Recreation programs with approximately 0 offender participants
- 45 Volunteer programs with over 2,000 offender participant
- 35 Religious programs with over 2000 offender participants.
- Total of 148 Volunteers (Religious Organizations, SELF-Help Groups, Internship, Education, etc.)
- Total of 4500 Volunteer hours valued at \$106,000 were logged.

Other in-house programs include opportunities for the offenders to learn and/or obtain on-the-job training and needed skills in areas such as food services, building maintenance, construction, automotive maintenance and repairs, grounds keeping, laundry, education, and library services.

The CBS Furlough Program (LWFC/M20) bed space was increased from 96 to 216.

# Oahu Community Correctional Center



The Community Service Work lines were discontinued at OCCC. The Waiawa Facility is now providing this service to the community. It continues to be productive and successful.

In FY2011, OCCC in conjunction with the Department of Veteran Affairs (VA) in developing a process to connect the incarcerated veterans with the VA for services related benefits. The goal is to reduce the recidivism percentage rate of incarcerated veterans and prepare them for life after release.

Through collaboration with the Department of Public Safety, the Department of Accounting and General Services and Consultant-NORESO an energy savings performance contract was agreed upon. The initiative started OCCC to become an energy efficient facility. The energy savings initiative has been completed. Operationally, OCCC is a much more energy efficient facility.

The positive effects range from:

- Reduce Hawaii's dependency on imported fossil fuel and associated greenhouse gas emission.
- Increase energy efficiency and building performance with the goal of reducing energy usage and demand to accelerate reducing life cycle cost of building maintenance, equipment service life, water use and solid waste generation, and to address the deferred repair and maintenance backlog of projects without Capital Improvement Projects funding.

In FY2017, OCCC's parking lot had a major face-lift due to the dilapidated conditions and to address safety concerns.

In May 2018, OCCC Business Office was relocated next to the Main Entrance. Basic financial transactions with the public and inmates are now conducted outside the security perimeter fence line. This assists in minimizing the introduction of contraband and foot traffic within the security perimeter and to better service the public.

In FY2019, OCCC Facility Operations is mandated to be in compliance to provide for the well-being and humane treatment for detainees, uniform and non-uniform staff. OCCC Facility Operations strives to provide a safe, sanitization, health, and secure environment. The previous equipment that supported our HVAC/Hot water systems are archaic and obsolete, which makes it costly and difficult to maintain and is not meeting OCCC's current needs. We are replacing the equipment with an updated system, more energy efficient and most cost effective. In FY2019, OCCC had completed the following Capital Improvements

# Oahu Community Correctional Center



Projects: Electrical Infrastructure System Repairs & Improvement, DAGS No. 12-27-5656, Finished date: 6/4/2019; and OCCC Hot Water System Replacement, DAGS No. 12-27-5693, Settlement date: 4/10/2019.

In FY2020, OCCC completed two Capital Improvement Projects: Razor Wire Fencing and Holding Unit Stairway Replacement, DAGS No. 12-27-5694, Project Acceptance date: 2/20/2020. The other project, Security Systems Repairs and Improvements, Phase I, DAGS No. 12-27-5655 was completed late February 2021.

In FY2021, the following OCCC Capital Improvement Projects have been completed although documentation reports from DAGS have not been received:  
DAGS No. 12-27-5655 Security Systems Repairs & Improvements—Construction 100% complete. Project closed 11/30/2020.  
DAGS No. 12-27-5670 Replace A/C Chiller No. 1—Construction 100% complete. Project closed 11/12/2019.  
DAGS No. 12-27-5692 Emergency Generator Systems Replacement & Related Improvements— Construction was completed in early January 2022.

In FY2022, OCCC completed the following deferred maintenance project: Laumaka Roofing completed in June 2022. Phase 1 of the Annex 2 plumbing was completed in August 2022.

In FY2023, the isolation containers project was completed in January 2023. In May 2023, the Laumaka showers project was completed. In July 2023, the Air handler and Fan Coil Units repair/replacement project was completed.



# Halawa Correctional Facility



The Halawa Correctional Facility (HCF) is comprised of two separate and distinct buildings: The Special Needs Facility (SNF) and the Medium Security Facility (MCF). The Specialty Needs Facility was the former City and County Jail, which originally opened in 1961 and was transferred to the State in 1975. It houses new Reception, Assessment, and diagnostic Unit (RAD) custody inmates, inmates who require protective custody, classified Pre-Trial MAX type custodies, and inmates with severe and chronic mental illness that preclude them from being placed in the general population. In September 2023 the SNF was vacated of staff and inmates in order to complete an assessment of needed repairs and modification.

The Medium Security Facility opened in 1987 and is the largest prison in Hawaii's correctional system. It houses male sentenced felons, sentenced misdemeanants with consecutive terms and pre-

# Halawa Correctional Facility

trial maximum custody inmates. MCF consists of four (4) living modules, a Special Housing Unit (SHU), an infirmary, and support entities that include Correctional Industries, Food Service, Chapel Services, a Learning Center, and indoor Gymnasium. With the shuttering of the Special Needs Facility, the Medium Custody Facility has had to adjust housing operations to absorb the special need inmates previously housed at the SNF.



Multiple large-scale improvement projects are underway or in the process which will have a positive impact on living and working conditions, enhance security, and improve overall operational efficiencies throughout the facility. Projects include the replacement of aging hot water tanks within the living Modules, repair and upgrade of the cell electrical system, replacement of a chiller system, improving the perimeter security fence system, and various preventative maintenance projects.



Halawa offers and encourages its population to participate in a broad range of programs inclusive of education/vocational classes, substance abuse and sex offender treatment services and leisure time activities. Available are Adult Basic Education classes in reading, writing, math, science, and social studies GED Prep and Testing, Brain Gym, Prison Education Project (PEP) and Independent Studies for individuals who are interested in college level courses. Selected inmates are enrolled in Chaminade and Winward College courses college with

in-person and online instruction. HCF is proud to announce its first graduating class from the Chaminade program in 2023!

Technical and Career programs such as Office Worker Business Applications and Practical Money Skills, Forklift Training and Certification classes. Online Life Skills program (Aztec Life Skills) and Stress Management prepare participants to enter the workforce with the tools and skills needed to make good work-related decisions helping to build successful careers.

Transformation and Toastmasters are self-improvement workshops offered to enable individuals to rethink various viewpoints of life, enhance and improve public speaking, and encourage



# Halawa Correctional Facility

re-connecting with families. Reentry programs provided by Waikiki Health and American Job Center which prepare inmates who are paroling or maxing-out their sentence.



Approximately 200 inmates are employed in facility operations, food service, laundry, recreational, chapel, learning center, correctional industries, and module/living unit work lines.



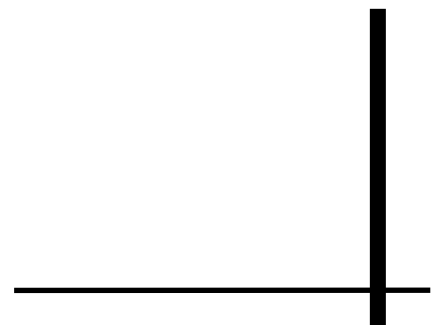




The Halawa Residency Section has the largest case management team in the Department. The Unit Team Managers oversee the management and operations of each housing within the facility. The RAD Unit of Residency is responsible for starting the incarceration process for newly sentenced felons. This process includes an initial custody classification that determines the inmate's custody level and restricts/enhances movement within the facility. Each inmate receives an Initial Prescriptive Plan that includes the gathering of information from the inmate's criminal history, Pre-Sentence Investigation Report, and current information in the institutional file. A comprehensive risk assessment called the LSI-R is completed to determine criminal behaviors, attitudes, and readiness for change. Program recommendations are made and change opportunities provided for every inmate during their incarceration. When qualifying programs are completed, transfer to a minimum custody facility allowed and then on to the appropriate work furlough program for a guided transition back into the community. It is the hope of Residency staff that each individual leave prison better prepared to embrace life within the limits of the law.

Residency staff, along with the Department's Re-Entry Office and the Social Security Administration at Kapolei, work to assist inmates with acquiring Birth Certificates, social Security Cards, Social Security Benefits, Supplemental Security Income, Medical Assistance and Supplemental Nutrition Assistance prior to release.

The staff at the Halawa Correctional Facility continues to strive to create a safe environment to live and work, provide opportunities for inmate change, to ensure a successful transition from incarceration to public life.



# Waiawa Correctional Facility



The Waiawa Correctional Facility (WCF) is a minimum-security facility that can house up to 334 adult male sentenced felons. The facility, located between the Ko'olau and Waianae Mountain Ranges in Central Oahu, was formerly a military installation that was activated after the attack on Pearl Harbor. In 1985, the State of Hawaii initiated the process to acquire this 192-acre parcel from the federal government through a Quit Claim Deed for a period of thirty (30) years at which time the state will assume full ownership of the property. As part of the deed, the state is required to have all offenders housed at WCF to actively participate in educational programs and work lines. As of July 7, 2015 the state has assumed full ownership of the property.



Programs at WCF include, but are not limited to, substance abuse treatment (KASHBOX Therapeutic Community and outpatient programming); education (G.E.D. Adult Basic Education, Culinary Arts in conjunction with Leeward Community College, Masonry in conjunction with the Mason's Union Apprenticeship Program, Life Skills); Programs such as Library Services, Religious, Parenting, SKIP/SPAFT; work lines (Food Services Education, Administration, Landscaping/Grounds Keeping, Farming, Hydroponics, Aquaponics, Auto Mechanics, Facility Operations, Store, Building Maintenance and Construction and Community Services). Inside and outside classroom learning provides an excellent opportunity for social learning and modeling of good work ethics and interpersonal skills. Since January 2021, over 650 inmates went through classes.

Those who have the opportunity to participate in the Community Service Work line have a chance to actually work in the community and network with those they come in contact with. In



# Waiawa Correctional Facility

the last year, the Community Service Work line has done work for various agencies such as the Department of Education, the Attorney General's Office, Waipahu Community Cultural Center, Honolulu City and County Refuse and Sewer Divisions, He'eia Wetlands and the State Capitol. Their work has saved these agencies over \$200,000 in labor costs. Many learn a trade while working on facility work lines. Over the last year, approximately 300 inmates worked on our various work lines. WCF creates a learning environment for the offenders that provides them with a sense of ownership, accomplishment and pride.



The 8-acre farm and hydroponics areas have one supervisor and 25 inmates working there. They cultivate 2,000 to 3,000+ pounds of produce per week. The farm routinely harvests over 10,000+ pounds per month which it shares with other facilities. The hydroponics plants average 1,800 pounds of produce every month. A third hydroponics plant is currently being constructed. Waiawa has three aquaponics plants and is in the process of completing four more for a total of seven. This year the aquaponics produced 1,200 pounds of sunfish. The aquaponics plants operate in harmony with the hydroponics plants. The water from the fish tanks run through the hydroponics plants helping to fertilize them.

The WCF will continue to provide offenders with appropriate rehabilitative programs and an environment conducive for their continual progress. WCF seeks to work with the individual as a whole with the hope that the individual will possess better coping, employment, family and life skills as they return to the community.





# Kulani Correctional Facility



Kulani Correctional Facility (KCF) is a 200-bed minimum security prison located on the slope of Mauna Loa, approximately 20 miles southeast of Hilo on the Big Island of Hawaii. The facility sits on 20 of the 6,600 acres of the Kulani property, belonging to the Pu'u Maka'ala Natural Area Reserve, which is managed by the Department of Land and Natural Resources (DLNR) Division of Forestry and Wildlife.

Ending June 30, 2023, KCF employed 51 Adult Corrections Officers and 15 civilian staff. Inmate population consisted of 96 minimum and community custody inmates who were housed in seven dormitories. The maximum capacity of KCF is approximately 200 inmates. The main compound where inmates reside, and work consists of 20 acres.

KCF offender programs include Sex Offender Treatment, Substance Abuse 2.0 and 2.5, and G.E.D., Educational and Vocational training classes. We are also very glad to announce that KCF currently offers parenting classes.

Through a partnership with Hawaii Community College, Office of Continuing Education & Training (OCET), KCF offered an Agriculture / Horticulture Program, Facility Maintenance Program, and Hale Mua 'O Kulani Hawaiian Culture Program.



The Agriculture / Horticulture program helps inmates develop essential work skills, while providing fresh hydroponic and greenhouse produce to the facility. The certification program and vocational training at HCC has gained traction for inmate employment within the Hawaii Agriculture



Sector during their transition. At least three (3) graduates from every class have expressed an interest in continuing education at the community college level and working towards a 2-year degree. The operational factors for the Agriculture/Horticulture program at KCF includes harvesting, pest/rodent and weed management, water quality, collection repair and efficient irrigation distribution, chicken flock and cage health, breeding and feed management and installing new crops for the next season(s). Produce that are grown on the facility in hydroponic systems are Swiss Chard, Watercress, Bok Choi, Tomato, Eggplant and Peppers. Produce that are grown in the greenhouses on the facility are Kale, Peas, Won Bok, Broccoli, Cucumbers, String Beans, Zucchini, Radish, Head



Cabbage, Pak Choi, Cherry Tomatoes, Green lettuce, Carrots, Red Lettuce, Cauliflower, Potatoes, Sweet Potatoes, Maui Onions, Bush Beans, Celery, Taro, Strawberries, Rosemary, Eggplant, Basil, Cilantro, Mustard Cabbage, Thai Basil, Green Onions, Kai Choi, Romaine Lettuce and Beats. Inmates at KCF are also managing the poultry on the facility grounds which also brings fresh eggs to the kitchen.



# Kulani Correctional Facility

Foundational Skills classes such as Transitional Skills and Employment Skills and Career Assessment were also offered. Agriculture and Foundational Skills' Certificates of Completion can be submitted to the Hawaii Community College when enrolling for courses and the associated credits will be applied.

The Facility Maintenance Program covers the techniques and principles of basic maintenance and repair work required for the facilities maintenance field such as masonry, carpentry, electrical, small engine repair, automotive basics, welding, and aerial lift training. Basic Computer Skills and Four-Hour Forklift Operator Training are also offered.



Hawaiian Culture Programs that were offered at Kulani Correctional Facility:

- |                                     |                                   |
|-------------------------------------|-----------------------------------|
| 1. Imu Cooking                      | 5. Kea La Hou Transitional Skills |
| 2. Hawaiian Values in the Workplace | 6. Introduction to Ho'oponopono   |
| 3. Hawaiian Work Ethics             | 7. Contemporary Hawaiian Guitar   |
| 4. Ukulele Group                    |                                   |

Hawaiian Culture Programs that were offered at Kulani Correctional Facility:

- |                                       |  |
|---------------------------------------|--|
| 1. Growing Crops in a Greenhouse      | 5. Sustainable Food Production for Small Farmers |
| 2. Soil Science and Conservation      | 6. Small Business Basics for Micro Farms         |
| 3. Horticulture- Hydroponics          |  |
| 4. Greenhouse Design and Construction |  |

Other programs that are offered here at Kulani Correctional Facility are:

- |                                  |   |
|----------------------------------|---|
| 1. ABE Mathematics               | 11. DOE Workforce Development   |
| 2. ABE Reading & Writing         | 12. ESL   |
| 3. College Prep                  | 13. Prison Education Project- intro to Environmental Science            |
| 4. HSE Prep Reading: GED Academy | 14. Prison Education Project- Building Healthy Relationships            |
| 5. Basic Tagalog Language        | 15. Prison Education Project- Intro to Astronomy and Planetary Sciences |
| 6. Basic Japanese Language       | 16. Job Readiness   |
| 7. Basic Hawaiian Language       | 17. Keyboarding   |
| 8. Basic Spanish Language        |   |
| 9. Basic American Sign Language  |   |
| 10. Aztec Life Skills            |   |



# Kulani Correctional Facility



KCF Law Library has approximately 6 inmates a month using the Law Library resources for 10 hours per month with the inmates requesting about 10 legal documents to be copied each month. The Law Library resources, especially the kiosk with the case law and Corrections Policies and Procedures being updated 4 times a year, have been adequate for 2023.

The Recreation Library here at KCF averages 200 inmates checking out 600 books a month. This is a rise of 100 books a month, which is attributed to the concentration on trade books being donated by the public. Our monthly donations hover around 100 per month. The library Workline continues the rigorous sanitation protocols brought on by Covid-19.



Our mission representing Kulani Correctional Facility's Recreation Department is to create an engaging environment that offers opportunities for self-growth and personal development. We accomplish this goal through the development of diverse services and programs that promote positive interactions and encourage participation.

At Kulani Correctional Facility, we have identified a plethora of activities that have enriched the offender population by challenging their cognitive and physical development as well as reducing the idle time whilst in custody. Examples of these events and activities include competitions, art contests, games, puzzles, music appreciation and expression, and much more. In addition, musical instruments (i.e., acoustic guitars, ukuleles, percussion instruments, basketball, ping pong, hand ball, and gym equipment are available for use during recreation time (e.g., Tuesday/Friday – weather permitting). These musical opportunities allow for our male population to creatively express themselves and unwind.



Lastly to the events and activities afforded at KCF, our recreation specialist manages a Barber-shop Work Line which allows the inmates an opportunity to stay clean cut. Hygiene is paramount, especially in areas such as our facility kitchen.



# Kulani Correctional Facility



Work lines also play a big role in offering inmates' valuable hands-on work skills. KCF work lines include janitorial (dorm janitors and admin janitors), food service, agriculture, education, garage, housing, recreation, laundry, utility, conservation, and orientation.

KCF has a community service work line that provides landscape maintenance at the Pana'ewa Zoo several times a month and has volunteered as a Community Service Workline at the Hilo YMCA. Our Orientation Workline ACO is responsible for assisting and processing new arrivals to the facility and overseeing the testing of inmates after their quarantine is complete for them to conduct their safety classes to begin their work on the facility grounds. The facility also has a daily community conservation work line that assists DLNR staff with projects in the Pu'u Maka'ala Natural Area Reserve.

KCF Hawaii Correctional Industries (HCI) allows inmates to strengthen their work skills and earn wages via contracts and agreements with our department and other state agencies. KCF HCI employs inmates through an in-facility production plant and has started an outside work maintenance crew.

The goal is to have all KCF inmates working, attending their required programs and extracurricular educational and training classes. KCF strives to facilitate a safe working environment in order to prepare inmates for furlough and re-entry into local communities. KCF maintains liaison with the Hawaii Community Correctional Center Branch and other public and private agencies and groups to facilitate facility operations, programs, and services, and continues in its efforts to build strong public relations.

Kulani Correctional Facility has a few ongoing and new large CIP projects to improve the operation of the facility. The Facility has updated perimeter lighting, and we are in the final stage of the process. Some ongoing CIP projects that are being worked on include the rebuilding of the Utility shop, the garage building, and the repair of our Facility Water Tanks. Some new CIP projects that were submitted include the replacement of the Gas station tanks, pumps and equipment, an above ground fuel tank for our generators, structural and rood improvements, sustainable pasture restorations, and a few others.



# Women's Community Correctional Center



The Women's Community Correctional Center (WCCC) is the only all female facility in Hawaii, providing for the care and custody of female sentenced felons. WCCC provides for a wide range of services including medical and mental health, diagnostic evaluations, counseling, work opportunity, education, Substance Abuse Treatment, community services and resocialization/work furlough privileges.

The facility is comprised of four (4) structures; Olomana, Kaala, Maunawili and Ahiki Cottages. Every cottage operates in accordance with specific program and classification levels. The facility is operated on the foundation of a Trauma Informed Care. The Trauma Informed Care Initiative (TICI) in partnership with PSD Mental Health, University of Hawaii Social Science Research Institute and funded by the Office of Hawaiian Affairs (OHA), Hawaii State Mental Health Transformation State Incentive Grant (MHT SIG) project and the National Center for Trauma-Informed Care (NCTIC). A trauma informed framework is one way to create a supportive & comprehensively integrated environment that provides opportunities for many to contribute what they have for a common goal. This also creates an appropriate environment for understanding some of the core issues at the root of an offender's beliefs and behaviors. In a snapshot, trauma-informed care can best be defined and described through the acronym SPACE.

**S = Staff and Offender Training – annually and consistent**  
**P = Programs – Interconnect of varying modalities.**  
**A = Administration – Set values and attitude tone for staff**  
**C = Case Management – The guiding force**  
**E = Environment – an appreciation for all things.**

The planning of this project to implement trauma-informed care at WCCC was conceptualized by its staff as part of the vision to create a community of change and well-being at WCCC. WCCC staff envisioned WCCC as a place to learn how to live a forgiven life, a place that nurtures change within the individual, family, and community, and serves to reduce recidivism.

By embracing a trauma-informed framework for their efforts to transform the correctional environment into a place of change, the WCCC leadership and staff have added value to the many existing programs at the prison that are helping women recover from trauma, substance abuse issues, and mental health problems. The resources available to women at WCCC include the following:

## HEALTHCARE

The WCCC Health Care Unit (HCU) serves the on-site general population as well as the

WCCC furloughed (Project Bridge) and inmates who are in contracted furlough beds and Fernhurst YWCA. Services include Hepatitis-C opt-out Screening Program, Medication for Opioid use disorder (MOUD)/Medication Assisted Treatment (MAT), Sick Call Program, Clinical Preventative Program, Chronic Care Program, Infirmary Care, Terminally Ill Care, Medical Release and discharge planning.

For the past 11 years, the HCU has initiated and sponsored a very helpful, healthful, educational and productive health fair for the women. Aside from the exhibits, brochures and handouts, the inmates were intellectually stimulated with various interactive activities. Some of the notable participants included the Waikiki Health Center, Waimanalo Health Center and Waianae Comprehensive Community Health Center.

Of special consideration and notation, WCCC's HCU once again attained accreditation from the National Commission on Correctional Health Care (NCCCHC) in April 2023. This accreditation will last for two years and legitimizes and validates the quality, fortitude and dedicated level of care provided by our health care providers.

## **MENTAL HEALTH UNIT**

WCCC Mental Health staff offer services to offenders in acute care, residential, and outpatient settings within the prison. Mental Health services are provided as clinically indicated and may include individual counseling, individual therapy, crisis intervention, risk evaluation, psychoeducational groups, psychological assessment, and discharge planning.

Individuals identified as having a serious mental health need are referred to a Qualified Mental Health Professional or Licensed Mental Health Professional for further evaluation and/or intervention. Women in need of psychiatric services are referred for psychiatric evaluation and medication management.

## **SUBSTANCE ABUSE TREATMENT**

The Women's Community Correctional Center offers three levels of substance abuse treatment programs based on the results of their assessments. The lowest level of care is Level 2.0 Outpatient Treatment contracted by Salvation Army Treatment Services (ATS). The next level is Level 2.5 Intensive Outpatient also contracted by ATS. The highest level of care is Level 3.0 Residential Therapeutic Treatment contracted by Hina Mauka Ke Alaula. These program services include intake, orientation, assessments, treatment planning, structured process groups, educational groups, individual counseling, and aftercare. The women that participate in substance abuse treatment engage in therapeutic experiences, recovery education, fostering responsibility, accountability and life skills that will empower them to re-enter the community and make healthy productive choices as drug-free adults.

### **Transitional Program**

The Women's Bridge Work Furlough program offers a continuum of care for all women who have successfully completed a substance abuse program at WCCC. This program can serve a maximum of 15 women. The Women Bridge program provides substance abuse treatment which includes treatment planning to address their criminogenic risk factors, individual therapy, process groups and exit strategies for re-entry. They receive family therapy and pre-employment counseling through outside vendors such as ATS



# Women's Community Correctional Center

and Goodwill. The Goodwill program provides employment services to prepare the women for work. The women in Bridge are encouraged to maintain gainful employment along with enhancing their educational goals by attending college programs offered at Windward Community College. Our goal is to prepare and empower the women of Bridge as they begin their reintegration back into the communities.

YWCA Fernhurst – Ka Hale Ho'ala Hou No Na Wahine

The YWCA is a contracted 14 bed work furlough program for female offenders that is located at the YWCA Fernhurst. While in the YWCA work furlough program, the women receive employment readiness and pre-employment assistance through Goodwill and other community partners. They participate in life skills courses (money management, healthy relationships, etc.) and computer classes. In addition, the women are required to complete a minimum of eight (8) hours of community service a month

## TRANSITIONAL PROGRAMS

### **Project Bridge**

Project Bridge is a 15 bed work furlough program that is run out of WCCC. While in Project Bridge, the women receive individual counseling, family therapy, and pre-employment counseling through community partners such as Goodwill etc. Those in Project Bridge are able to secure and maintain gainful employment and begin their reintegration back into the community.

### **YWCA Fernhurst—Ka Hale Ho'ala Hou No Na Wahine**

The YWCA is a contracted 14 bed work furlough program for female offenders that is located at the YWCA Fernhurst. While in the YWCA work furlough program, the women receive employment readiness and pre-employment assistance through Goodwill and other community partners. They participate in life skills courses (money management, healthy relationships, etc.) and computer classes. In addition the women are required to complete a minimum of eight (8) hours of community service a month.

## LIBRARY



The PSD Library Services continues to provide opportunities for the women to participate in the nationally known program "READ TO ME". This program provides incarcerated women an opportunity to reconnect with their children by recording themselves reading children's books on audiotapes. The tapes are screened and then mailed with the books to the children.

Inmates have been enthusiastic readers of the Library's growing collection this year. The Library has circulated 4,014 books throughout the facility so far. In 2023, the recreational collection has been updated through donations of 986 books by groups like Friends of the

Library Hawaii Kai, Kaneohe, Kailua, and even Friends of the Library Molokai, in addition to donations from individual donors and inmates.

## EDUCATION

Lack of education and job skills are huge barriers to successful community reentry for women leaving prison. WCCC addresses these needs by providing GED classes,

# Women's Community Correctional Center



educational classes and a range of vocational training programs. Some of the classes provided through WCCC's education unit include, but are not limited to, Academic and Career Planning, Domestic Violence (Ho`okai`ka), Flower Arrangement Microsoft Computer Class, Introduction to College Skills, Keyboarding, Beginning and Advance Ukulele and Toastmaster's, Women in Need, Lifestyles for Women and Read to Me. Through a partnership with Kapiolani Community College (KCC), several college credited courses in Culinary Arts are offered to the women at WCCC. To participate in these courses, students must have their high school diploma or GED.

## FAITH BASED/CHAPEL

The women in WCCC are provided with the opportunity to practice their religious beliefs in the Chapel and other locations within the facility during the week. Every effort is made by the facility and facility Chaplain to accommodate the religious needs of the inmate population via group meetings, one-on-one counseling and church services.



## **Total Life Recovery (TLR)**

The Total Life Recovery (TLR) program is a voluntary faith-based program that follows the curriculum of the Genesis Process and is operated by trained volunteers from many religious denominations. TLR provides classes in co-dependency, finances, time management, trauma, domestic violence, parenting, social skills, family relationships and career planning.

# Women's Community Correctional Center

## COMMUNITY SERVICES



Photos taken before COVID-19 pandemic

WCCC continues to change the public's perception of female offenders through its community work lines. These work lines allow the public to see a rare side of female offenders and provides opportunity for social interaction, which is a positive first step for transition for the women offenders. Through partnership with Lanikai Kailua Outdoor Circle (LKOC) the women of WCCC provide road and ground maintenance to the following areas in the town of Kailua, Lanikai Beach Park, Pohakupu Park and the Kailua Corridor. In addition, with LKOC and Ahahui Malama I Ka Lokahi (AML) the women maintain the following areas of the Kawainui Marsh, Ulupo Heiau, Kaha Park, Napohaku. The women have also learned how to build and operate a hydroponics operation. Though small by agricultural standards, the hydroponic set-up is large enough to sustain a constant and weekly supply of hydroponically grown lettuce for five Foodland supermarket chain locations. In addition, they are also learning and experimenting with other produce to try in this sustainable and environmentally friendly set-up. The ladies' horticultural skills are further sharpened and enhanced when their partners from the Lanikai Outdoor Circle come to the facility with their knowledge and guidance. Their focus is on non-edible ornamental plants. The Kawainui Marsh provides a classroom of flora, fauna and Hawaiian Culture that is taught to the women by AML.

WCCC is further entrenched and committed through community service work line projects at Kapaa Quarry, Lanikai Beach, Saint Stephen's Seminary and through the Waimanalo Community Farming Project (the seminary and farming project are through the Pu'a Foundation), Hui Malama O Ke Kai, Huilua Fishpond, Waimanalo Beach Park, Special Olympics, Punchbowl and Veterans cemeteries, the Department of Forestry (6 locations in Kailua), Ben Parker Elementary, Castle High School, Puohala Elementary, Lanikai Elementary, Ahuimanu Elementary, Kapunahala Elementary, King Intermediate, Kaneohe Elementary and the Honolulu Zoo. WCCC also partners with the following non-profit organizations, American Diabetes, Friends of Waimanalo, and MADD.

In a similar relationship between WCCC and the Pacific American Foundation (PAF) the women offenders are helping to restore the Waikalua Loko fishpond in Kaneohe Bay. PAF has provided cultural educational opportunities about the fishpond to the women offenders and their children by hosting an event that brought the two together.



# Women's Community Correctional Center

## ENVIRONMENT

Prisons are not generally warm and welcoming places; much has already been accomplished to make the buildings and grounds more inviting. For example, in many buildings, the typical institutional colors are gone, replaced by bright colors, murals, and paintings of the local Hawaiian flora and fauna done by WCCC artists. In a grassy yard, a large open-air pavilion with picnic tables was constructed by volunteers from the community, using donated materials; this provides space for programs that allow mothers to spend quality time with their children. Inmate work crews are clearing brush and landscaping parts of the grounds near a stream, creating an oasis of Native Hawaiian plants. WCCC next goal is to tear out a paved courtyard between living units and classrooms, replacing it with grass and gardens. In addition, WCCC is trying to reduce its carbon footprint by employing and deploying the use of goats to maintain the grounds. At present, they have four (4) dedicated goats to perform this task.

## RECREATION

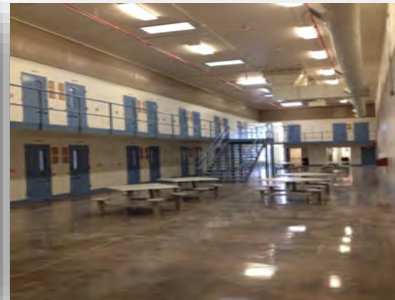
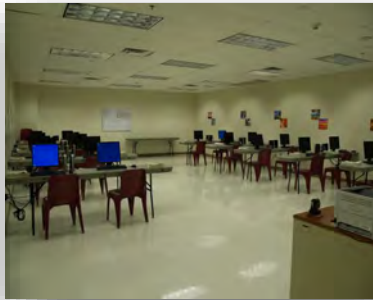
The WCCC Recreation Unit provides a wide range of recreational programs and activities that empower the women to develop life changing attitudes and skills. Some of the recreational programs include: Pre-Transition Class and the Hawaiian Lecture series as well as Hula, Dance to be Free, the NAM lecture series, volleyball and dominoes tournaments and an art contest.

## KID'S DAY EVENTS

WCCC hosts up to 6 Kid's Day events a year with the help of community organizations such as Keiki O` Ka Aina, Wellspring Covenant Church, Pu`a Foundation, and the Catholic Diocese. During these events, children are able to spend time with their incarcerated mothers and enjoy activities, games and food. These events play a pivotal role in helping the children maintain their relationship with their parents, through their parent's incarceration period. While the Kid's Day events were placed on hold during COVID, WCCC plans to restart the program in late 2023.



# Mainland and Federal Detention Center Branch



Under the general direction of the Institutions Division Administrator, the Mainland & FDC Branch (MB) has the responsibility to oversee and monitor the State contracts with private mainland prisons and the Hawaii Federal Detention Center (FDC) for the housing and care of Hawaii inmates. It must ensure that all terms of the contracts are upheld, enforced and that inmates are receiving appropriate treatment services.

The MB was established in October 2004 and its responsibilities have increased as this branch monitors approximately 877 inmates. Since its consolidation of its male inmates into Arizona in 2007, its out-of-state contract is worth approximately \$50 million a year. It's also responsible housing inmates at FDC under an intergovernmental contract to relieve the overcrowded conditions at all of the Hawaii jailed facilities (currently due to COVID restrictions, the federal government has temporarily stopped taking in State inmates).

While incarcerated in Out-of-State prisons, Hawaii inmates are able to participate in programs including:

- Residential Drug Abuse Program (Therapeutic Community Program - Level III)
- Residential Drug Abuse Program (Level II)
- Educational Programs (Literacy, Basic Education, Pre-GED, GED); College Correspondence Courses
- Cognitive Skills; Anger/Stress management
- Life Principal Program (Faith-Based Unit)
- Carpe Diem Toastmasters
- Vocational Programs (Electrical, Carpentry, Plumbing and Computers)
- Inside out Dads Parenting Program
- Go Further (Re-entry process)
- Literary Braille Transcribing Program
- Second Chance at Life - Valley Humane Society Dog Adoption Program
- Threshold Program (teaches how to cultivate positive relationship with themselves and others)
- Courses in personal Relationship; Domestic Violence; Contentious Relationship; Employment
- Veterans Program
- Hula/Hawaiian language Classes
- Hobby Shop/Art Activities; Music Program/Room

With COVID restrictions being released during the fiscal year 2023, there were many graduations from programs as follow:

- 10 inmates that graduated with their GED degree
- 1 inmate graduated from College Correspondence Course.
- 113 inmates from the substance abuse therapeutic community program level 3 pro-

## Mainland and Federal Detention Center Branch



gram

- 11 inmates from the substance abuse level 2 program
- 52 inmates from the Cognitive Skills Class
- 75 inmates from the Parenting Class
- 981 Hours of inmates participated in the Toastmasters Program
- 26 inmates graduated and received their NCCER for Carpentry 1
- 32 inmates graduated and received their NCCER for Carpentry 2
- 11 inmates graduated with their NCCER Core Curriculum
- 22 inmates graduated with their computer Teknimedia Program

Saguaro offers the National Center for Construction Education and Research (NCCER) Certificates for Carpentry, Electrical & Plumbing vocational training. NCCER develops standardized construction and maintenance curriculum and assessments with portable credentials. These credentials are tracked through NCCER's Registry System that allows organization and companies to track the qualifications of their craft professionals and/or check the qualifications of possible new hires.

Saguaro's Carpe Diem Toastmasters Club is one of the top 20 clubs in Arizona out of over 200. Since it was chartered in April 2010, no inmate who was a member of the Carpe Diem when leaving Saguaro has ever returned. Instead, they have created new lives for themselves, with many success stories finding their way back to current members.

### **SAGUARO CORRECTIONAL CENTER – SCC (Eloy, AZ):**



As of 10/24/2023, SCC housed a total of 877 Hawaii male inmates. This facility serves as a program-intensive facility for general population inmates wanting to change their lives and prepares them to return to Hawaii to participate in reintegration programs. SCC also houses Hawaii's long-term segregation inmates in its Special Management Housing Unit and Lock-down Unit and provides this special population with basic program opportunities. SCC is the only facility to have video conferencing capabilities in each housing unit giving inmates every opportunity to participate in parole hearings with the Hawaii Paroling Authority and visits with loved ones on the weekends. SCC also installed tablets within all pods that provides inmates with video visit capability 365 days to video chat with their loved ones during open pod time. The tablet system also provides capacity for inmates to e-mail messages; watch movies;



## Mainland and Federal Detention Center Branch

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play games. SCC in conjunction with the Department's Law Library Services had installed 13 touch-screen kiosks in its 2 law libraries that are compatible with the computerized law library systems in Hawaii's correctional facilities.

The facility received its first accreditation by the American Correctional Association (ACA) in October 2008 scoring 100% on its mandatory and non-mandatory standards. The facility was recently re-accredited in April 2021.



# Inmate Population Report

## DEPARTMENT OF PUBLIC SAFETY END OF MONTH POPULATION REPORT

Date: June 30, 2023

FAC.	DESIGN BED CAP.	OPER. BED CAP.	HEAD COUNT ENDING																			
			TOT.	M	F	SENT. FEL.		SENT. FEL. PROB.		SENT. MISD.		PRETRIAL FEL.		PRETRIAL MISD.		OTHER JURIS.		PAR VIOL.		PRB VIOL.		
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
HCCC	206	226	295	259	36	35	1	16	4	5		150	17	19	1	3	2			31	11	
SNF	90	132	100	100	0	100																
HMSF	496	992	784	784	0	577		13				12							172		10	
KCCC	110	128	131	110	21	30	5	23	3	4	1	35	10	9	0	0	0	0	0	9	2	
KCF	200	200	95	95	0	95																
MCCC	209	301	287	245	42	27	3	27	7	3	3	136	20	6	3	1		6		39	6	
OCCC	628	954	1097	963	134	101	1	102	15	17	1	496	52	81	24	3	2			163	39	
WCCC	258	260	186	0	186		124		4				1						53		4	
WCF	294	334	161	161	0	86													75			
<b>TOTAL</b>	<b>2491</b>	<b>3527</b>	<b>3136</b>	<b>2717</b>	<b>419</b>	<b>1051</b>	<b>134</b>	<b>181</b>	<b>33</b>	<b>29</b>	<b>5</b>	<b>829</b>	<b>100</b>	<b>115</b>	<b>28</b>	<b>7</b>	<b>4</b>	<b>253</b>	<b>53</b>	<b>252</b>	<b>62</b>	
CONTRACTED FACILITIES																						
	TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV				
				M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
RED ROCK CC, AZ	0	0	0																			
SAGUARO CC, AZ	869	869	0	820													49					
FEDERAL DET. CTR. 1	0	0	0																			
<b>TOTAL</b>	<b>869</b>	<b>869</b>	<b>0</b>	<b>820</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>49</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

## DEPARTMENT OF PUBLIC SAFETY END OF MONTH POPULATION REPORT

Date: June 30, 2022

FAC.	DESIGN BED CAP.	OPER. BED CAP.	HEAD COUNT ENDING																			
			TOT.	M	F	SENT. FEL.		SENT. FEL. PROB.		SENT. MISD.		PRETRIAL FEL.		PRETRIAL MISD.		OTHER JURIS.		PAR VIOL.		PRB VIOL.		
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M
HCCC	206	226	298	257	41	22	1	27	6	7	2	148	25	13	1	2		4	1	34	5	
SNF	90	132	111	111	0	111																
HMSF	496	992	725	725	0	478		6				18						219		4		
KCCC	110	128	116	99	17	12	4	28	1	4	4	35	5	8	2	0	0	3	0	9	1	
KCF	200	200	93	93	0	93																
MCCC	209	301	319	281	38	41	2	36	6	4		123	14	4	4		16		57	12		
OCCC	628	954	1094	977	117	108		89	13	16	1	561	68	39	8	2		7	3	155	24	
WCCC	258	260	202	0	202		144		3										53		2	
WCF	294	334	141	141	0	65													76			
<b>TOTAL</b>	<b>2491</b>	<b>3527</b>	<b>3099</b>	<b>2684</b>	<b>415</b>	<b>930</b>	<b>151</b>	<b>186</b>	<b>29</b>	<b>31</b>	<b>7</b>	<b>885</b>	<b>112</b>	<b>64</b>	<b>15</b>	<b>4</b>	<b>0</b>	<b>325</b>	<b>57</b>	<b>259</b>	<b>44</b>	
CONTRACTED FACILITIES																						
	TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV				
				M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F			
RED ROCK CC, AZ	0	0	0																			
SAGUARO CC, AZ	1077	1077	0	1018													59					
FEDERAL DET. CTR. 1	0	0	0																			
<b>TOTAL</b>	<b>1077</b>	<b>1077</b>	<b>0</b>	<b>1018</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>59</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	



## Corrections Program Services Division

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The Corrections Program Services Division (CPSD) is responsible for implementing and monitoring correctional programs aimed at providing offenders within Hawaii's correctional institution with education, nutrition, religion, substance abuse treatment, sex offender treatment, work force development, and pro-social development. CPSD is committed towards the provision of evidence-based programs that address identified problematic areas of incarcerated offenders, or programs that are constitutionally required.

The division is composed of administration, two (2) offices (Sex Offender Treatment and Sex Offender Management Team), and five (5) branches that provide services statewide: Education, Food Service, Library, Substance Abuse Treatment, and Volunteer/Religious Services.



The Corrections Program Services - Education (CPS-E) Branch provides learning opportunities for incarcerated adults through a holistic, Integrated Basic Education Skills Technical Training (IBESTT) program that focuses on preparing inmates with marketable skills in preparation for productive re-entry of formerly incarcerated adults to the community.

The CPS-E goal is to foster and maintain a commitment to educational excellence. CPS-E works toward maintaining a continuum of services that provides consistency in the development of the whole person throughout the period of incarceration.

CPS-E also strives to effect change based on a balanced education within the areas of academic learning, career and technical training, cultural understanding, and personal development. In addition, CPS-E strives to build and create a network of coordinated services involving people within the institution, as well as those in the government, community, non-profit and volunteer agencies. Specific agencies and organizations include the following: Hawaii Department of Education (HIDOE) - Adult Education (McKinley Community School for Adults-Moanalua Campus) and the Office of Curriculum, Instruction and Student Support (Title I, Part D and Special Education Programs); Office of the State Director of Career and Technical Education; the Workforce Innovation and Opportunity Act (WIOA) Stakeholders: HIDOE, DLIR, DVR; and University of Hawaii Community Colleges: Hawaii Community College, Kapiolani Community College, Leeward Community College, and Windward Community College. FY23 also included two federally funded, Second Chance Pell grant partnerships with Chaminade University and Windward Community College. Along with continued partnerships with nonprofit organizations, such as: the Prison Education Project (CA), Hawaii Council for the Humanities, Hawaii Literacy, Read to Me International-Hawaii Chapter, YWCA (Hilo), Prosecutor's Office (Hilo), Keiki O Ka Aina, and BISAC (Big Island).

The CPS-E monitors and collaborates with Core Civics' Saguaro Correctional Center (SCC) to ensure that Hawai'i's offenders receive a quality education that meets Hawai'i's adult education standard. Student enrollment and academic, career, and technical education gains are monitored through an internet-based student management system. CPS-E's annual report includes totals from both Hawai'i and Mainland facilities.

The unduplicated student count for FY 2023 is 1,326 participants. For this reporting period, CPS-E served 33% of the total population. The facilities continued to struggle with a lack of both security and Corrections Education staff which led to lockdowns and program cancellations. This attributed to the reduction in classes which could be delivered through Education programs.

CPS-E staff continued to use technology to facilitate some virtual, and online courses (using a learning management system to deliver the required learning materials), as well as continuing the use of web-based programs to reinforce Adult Basic Education lessons, preparation for High School Equivalency testing, and study practice.

## EDUCATION PROGRAMS

**Adult Literacy Classes**— CPS-E gives emphasis on training and education for inmates who do not have high school or high school equivalency diplomas. These classes are conducted by Corrections Education Specialists and by contract instructors through the Hawaii Department of Education—Adult Community School, particularly the McKinley Community School for Adults-Moanalua Campus.

# Education Program Services

**High School Equivalency Program**—CPS-E offers two high school diploma equivalency programs: (1) the General Education Development (GED) program and (2) the High School Equivalency Test (HiSET) program. The GED requires computerized testing and is being offered in prisons. SCC also offers GED testing. HiSET is offered in jails, however, the test is administered in prisons for those who had taken partial HiSET testing in other facilities.

For FY 2023, the CPS-E had a total of 35 high school equivalency diploma recipients (33 GED and 2 HiSET graduates).

**Career and Technical Education (CTE)**—CPS-E has continued to strengthen its CTE program. It has active partnerships with the University of Hawaii Community Colleges, Workforce Development/Office of Continuing Education as well as the Office of the State Director of Career and Technical Education.

Classes that have been offered include NCCER (National Center for Construction Education and Research) Core Curriculum, for Carpentry. The aforementioned program provides NCCER certification for those who complete and pass the course. Participants who complete and pass the courses delivered by the community colleges are issued Certificate of Professional Development. The training programs include Computer Basics, Culinary Arts, Food Safety and Sanitation, Forklift Operator Training, Small-Engine Repair, Sustainable Agriculture-Food Production, Community Health Worker, and IT Fundamentals.

The number of students enrolled in CTE classes per facility from July 2022 through June 2023 is as follows:

## **Saguaro Correctional Center (SCC) -Eloy, AZ**

Braille	10
Carpentry– Construction Trades	21
Computer– Teknimedia	58
<b>SCC Enrollment Total</b>	<b>89</b>

## **Halawa Correctional Facility (HCF)**

Career Development	39
Digital Literacy/Basic Comp Skills	27
Food Sanitation and Safety	20
Forklift Operator Training & Cert	59
<b>HCF Enrollment Total</b>	<b>145</b>

## **Kulani Correctional Facility (KCF)**

Forklift Operator Training & Cert	35
Forklift Simulation Practice	39
Fundamentals of IT	14
Keyboarding	10
Small Engine Repair	14
<b>KCF Enrollment Total</b>	<b>112</b>

## **Waiawa Correctional Facility (WCF)**

Ag Technician	34
Altino Coding	26
Employment Training (Goodwill)	83
Forklift Training Certification	59
KCC Culinary Arts Cert. Program	12 (NEW)



# Education Program Services

SCORE Business	40
<b>WCF Enrollment Total</b>	<b>254</b>

## Maui Community Correctional Center (MCCC)

Blender 3D Animation	01
Computer Essentials	47
<b>MCCC Enrollment Total</b>	<b>48</b>

## Women's Community Correctional Center (WCCC)

Comp. Skills: Digital Transitions	13
Flower Arranging	66
KCC Culinary Arts Cert. Program	09
Pre-employment Workshop	09
<b>WCCC Enrollment Total</b>	<b>97</b>

\* See Attachment H for the full Inventory of Education & Reentry Services for Offenders.

**Post-Secondary Program**—At WCCC, Kapiolani Community College has continued to offer college credit classes in the Culinary Arts. Students can earn 14 college credits upon completing the four Culinary Arts courses offered in the facility. During FY 23 the KCC Culinary Arts program expanded to include the students at WCF as well. Windward Community College continued offering college classes through their Pu'uhonua Program at WCCC, and expanded in FY 23 to include HCF, as Second Chance Pell participants. These classes are funded by the U.S. Department of Education; Title III Pu'uhonua: Places of Sanctuary Grant for At-Risk Individuals.



At HCF, FY23 included a graduation for students who completed their Associate's degree in Business Administration through a Second Chance Pell partnership with Chaminade University. A first-time graduation for a degree bearing program within a correctional facility in Hawaii!



# Education Program Services

SCC offers correspondence college classes through Rio Salado College in Arizona. The student usually pays for the first two classes, then the college starts offering scholarships. For every two courses that an inmate is enrolled, the college pays for one course (as long as the student meets the requirement).

**Personal Development Program**— Training courses included (but not limited to) the following: Cognitive Skills, Building Healthy Relationships, Intro to Astronomy, Mindfulness, Great Courses, Languages, Philosophy, Psychology, Work Skills, and Victim Impact.

**Transition Services Explorations**, a course through Windward Community College's Continuing Education, was offered at WCCC, HCF, and WCF. KCF offered Ke Ala Hou Re-entry Program. Participants may have been referred to statewide reentry services provided by Goodwill Industries, Inc., or TEAM WorkHawaii (C&C).

## TECHNOLOGY IN CORRECTIONS EDUCATION

The education staff have been utilizing technology for distance learning programs such as OPE Canvas LMS, Essential Education, Aztec Software, and YouScience. CPS-E contracted with CypherWorx for the software and educational learning materials that will be integrated with the GTL inmate tablets available in the housing units.

## STAFF DEVELOPMENT

CPSE continues to support professional development training such as DHRD available courses (online).

## CHILDREN'S CHRISTMAS BOOK DONATION

In collaboration with the Saguaro Correctional Center's Education Department's "Inside Out Dad" (Parenting Class for Incarcerated Fathers), CPS-E, and the CPS-Library Services Branch, our Read-To-Me International (Hawaii Chapter) partner graciously donated Christmas-themed children's books as a project upon completion of their program. This was a huge success for the fathers to be able to read/record a Christmas story for their child/children and send the CD/Christmas book as a gift to their family for the upcoming holiday season!



# Food Services



In Fiscal Year 2023, the Corrections Program Services Food Services Branch (CPS-FS) provided approximately 3,900,000 meals to inmates, correctional officers, and civilian staff statewide, averaging 11,000 meals daily.

The Food Services Branch Administrative Office is responsible for the administration, support, and guidance of eight (8) correctional food service facilities statewide. The Food Service Branch currently employs 96 full-time staff.

The Department of Public Safety (DPS) continues to honor a Memorandum of Understanding (MOU) that was established in 2021 with the Hawaii State Department of Health (DOH) regarding routine food establishment inspections. The MOU is intended to ensure the continued integrity of food services provided by DPS and the security of the Facilities while reducing the burdens placed upon both the DPS and DOH. The MOU will ensure that all Food Service Units adhere to Department of Health Food Safety guidelines, rules, and regulations by requiring periodic inspections and audits by certified food safety professionals with the requisite expertise.

The CPS-FS Branch also employs the services of an independent Certified Registered Dietitian Nutritionist who reviews the 5-week menu cycle every six (6) months to ensure compliance with the National Commission of Correctional Health Care (NCCHC) for the Department's Health Care Unit, and annually by department policy. The 5-week cycle menu followed the USDA MyPlate guidelines for nutrition, Dietary Reference Intakes (DRI), and/or Recommended Daily Allowances (RDA) for the demographics and activity-level of inmates in the PSD facilities.

Future projects currently in the planning stages include a new kitchen at the Women's Community Correctional Center (WCCC). A new kitchen is necessary to support the additional WCCC housing unit being constructed and the Ho'okipa Cottage. Construction will also soon begin at the Kauai Community Correctional Center food service facility to address floor and kitchen repairs to the food service building.

Each Food Service Unit (FSU) also offers meaningful work opportunities for inmates by providing on-the-job training in the culinary field, which includes, but is not limited to, basic food service safety, sanitation, production, baking, cooking, and storekeeping. The FSUs employed an estimated 310 inmates statewide, a total of 500,000 hours. Basic culinary skills, knowledge, principles in sanitation, nutrition, and safe food handling are taught with the intent to assist inmates with obtaining gainful employment upon release to the community. At the Women's Community Correctional Center, and beginning this past year, at the Waiawa Correctional Facility, inmates are offered a culinary arts programs/education through collaboration with the Correctional Program Services, Education Branch in conjunction with the Kapiolani Community College, Culinary Department. The Culinary education program provides inmates employment opportunities in multiple disciplines within the food service industry. The successful completion of requisite courses by inmates assured



# Food Services

basic culinary skills, knowledge, and a certificate in food handling and preparation. Efforts to evaluate and establish culinary programs at the Halawa Correctional Facility are ongoing.

At both the Waiawa Correctional Facility (WCF) and Kulani Correctional Facility (KCF), inmates were allowed to participate in the respective Farm Program. The Farm Program teaches inmates skills in sustainable agriculture practices by growing fresh produce that are incorporated into the Food Service Unit's menus among all correctional facilities on Oahu and Hawaii Island. The "Farm-to-Table" concept allowed inmates to participate in propagation processes and techniques to grow and harvest fresh fruits and vegetables. Produce grown and consumed by inmates gives them a sense of pride, ownership, and purpose.



The Food Service Branch continues to be challenged with increasing numbers of special diets or various health related issues. In addition to serving regular meals, the Food Service Units statewide prepared an estimated 2,500 alternative vegetarian, therapeutic and special diets per day, which is an increase from the previous year. Prescribed Therapeutic meals included low-sodium, renal, and diabetic among others, which helped reduce costs associated with health issues. Due to medical and legal requirements, DPS had seen an increase of medically prescribed diets due to an aging prison population and an increasing number of unhealthy inmates entering the prison population. Substance abuse, poor eating habits, homelessness, and other health and lifestyle-related habits, added to the increase of therapeutic diets. A gender-specific cycle-menu accurately addressed caloric and nutritional

dietary differences between male and female inmates. There was a clear need to address over consumption of foods, fats, oils, sodium, etc., in the female inmate population to mitigate health issues. The 5-week cycle menu is based on average demographics of the inmate population and inherent sedentary level of activity; however, inmate work-line significantly increased physical activity, increasing the need for more caloric and nutritional intake. The meals provided met the requirements of the American Dietetic Association.

The CPS-FS Branch continues to experience changes from the effects of the Covid-19 pandemic of the last few years to new challenges including significant staffing shortages, difficulty in recruiting new employees, difficulties in retaining new/current employees, increased food and disposables costs, and the unavailability of products. Overtime expenses due to short-staffing conditions associated with recruitments, Workers Compensation, illness, and leave of absences, have continued to drive up operating costs. Vacant positions are being addressed through aggressive recruitment collaboration between the Food Service Branch and Human Resources Office-STS.



# Food Services

Despite ongoing challenges, the Food Service Branch strives toward fiscal responsibility and continues to search for cost-savings initiatives by implementing “Pilot programs” for menus, procurement, products, shipping, and training. Cost-savings will involve education and modeling of other correctional programs nationwide. Professional organizations such as the National Institute of Corrections and the Association of Correctional Food Service Affiliates are valuable resources for networking and training. CPS-FS is committed to continually developing managers and lower-level employees to strive for accountability and professionalism. Developmental goals are tied to promotional opportunities by growth and knowledge in supervision practices, budgeting, nutrition, sanitation practices, cooking techniques, and interpersonal skills.



# Library Services



When *Bounds v Smith*, 425 U.S. 910 (1976) was affirmed on April 27, 1977, it held the prisoner's constitutional right of access to the courts could be protected with access to law libraries or with an attorney assistance program. The Department of Public Safety's Library Services Program envisioned the fulfillment of the required mandate through its provision of Law Library Services to its inmate population. The Department's Corrections Program Services Division oversees and ensures that the State's prison and jail correctional authorities provide inmates with the right to access the courts through all its all-facilities full functioning law libraries.

Through the years, LIBRARY SERVICES has also expanded its service by providing Recreational Library program to the inmate population, thus, the Library Services Program has continued and remain true to following its mission and vision of providing inmates with meaningful access to the courts and providing reading materials as a therapeutic release, promoting literacy, and positive thinking through reading.

The **Law Library** program provides all inmates to be scheduled to attend the program to do legal research and work on current court cases. Inmates are scheduled through appropriate submission and forwarding of requests to the library staff in a timely manner. A set-up of rules was put together to be adhered to by both library staff and inmates. The guideline Policy and Procedure COR.12.02, Inmate Legal Activities, provides the tool and establishes uniformity of guidelines in all library facilities in addressing law library questions, concerns, and related grievances submitted by inmates. Inmates through the years have become knowledgeable and sensitive about their rights of access to the courts by attending our law libraries.

FY 2023 has a total of 6,057 requests submitted by inmates to attend the law library in each facility's library. It is less than FY 2022's 6,192 submission: slight difference despite of manpower shortages. We noted the comparison in FY 2022 even during staff shortages, total requests' submission was 6,057. The grievances filed by inmates were slightly lower than FY 2022's 32 grievances filed; total grievances were 20. Cancellations/shutdowns and closure with no scheduled programs were tremendously higher than the previous year's 136 cancellations statewide; total cancellations were 269. Even though cancellations were higher, law library programming was scheduled accordingly. Librarians were to cut the number of days in a week to be able to cover other facility libraries' mandated law library programs. All coverage was done appropriately with no unstaffed facility left without law library programs.

The tremendous cooperation of the statewide librarians is unbelievable in supporting one another and helping one another's responsibilities. Which is in no doubt very important on days such as what everyone went through. Regardless of what everyone experienced, work is properly done in a timely manner.

A continuing and very important component of our law library services program is the presence of the Lexis-Nexis standalone legal research KIOSKS in all facility libraries. The KIOSKS serve to supplement the existing permanent hard paper legal research materials ob-

tained mostly from West Law and Thomson and Reuters publications. We currently have 37 KIOSKs in all our facility libraries including FDC and AZ Saguario facilities: 3 of them are at FDC for use by inmates transferred from OCCC and HCF. The mainland facility has 14 for use by Hawaii inmates transferred to Arizona. And the other KIOSKs' placements are as follows: HCF-8; OCCC-3; WCCC-1; WCF-1; MCCC-1; KCCC-1; HCCC-3; and KCF-2. HCF has medium facility and high facility and out of the 8 KIOSKs, 1 is placed at the medium Special Holding. High facility is in shutdown status until further notice and 5 were placed in that facility. To be able to utilize the unused KIOSKs at the high facility due to its closure, the units will be shipped to other facilities in addition to each existing unit for use by inmates. The 5 unused KIOSKs from the high facility will be distributed to KCCC (1); HCCC (2); OCCC (1); and the HCF medium facility (1). The (1) KIOSK for the medium facility is intended to be placed at the medium Special Holding in addition to 1 existing unit at the SHU. These KIOSK units are updated regularly, every quarter, by our California based contractor provider Touch Sonic via its contracted Technician in Hawaii.

The launching of the innovative **Lexis Nexis legal research** content inclusion to the inmate tablets continued to be the alternate tool for research. Library services provided electronic Lexis Nexis access on the inmate's tablets; a significant innovative step that brings the law library services closer to the inmates. The inmates can use the tablets at their housing units at their leisure or are able to do extra-legal research whenever their scheduled law library session is cancelled or if there is a facility shutdown by security. If there is a cancellation because of security staff shortages or lockdown due to any other circumstances, inmates can use the Lexis Nexis content legal research inclusion for their need to access to the court. Inmates can use the tablets to substitute resources of legal research.

The **Recreational Library** program provides materials for recreational reading and educational reading by our inmate population. Although the program accepts and collects donations from the community, public libraries and others, books are mainly provided to inmates by our budget allocation in between quarter or at the end of the fiscal year's expenditure plan. Barnes and Noble provides the source of books pre-selected and purchased or ordered online by our facility librarians in coordination with the Library Services Officer. We consider the high importance of our recreational library program in providing inmates the leisure reading and providing a source of inspiration and rehabilitation to better their current condition. Books are provided to inmates via pre-selected delivery of bulk reading materials to inmates at the housing units or modules; or by actual scheduled in-person visits to the library.

One very significant rehabilitative element of our recreational library program is **Read-to-Me**. This project is sponsored by Read-to-Me International managed by Dannah Barnes, Executive Director, who provides the correctional facilities with children's books. They are one of the big supporters of this project along with community benefactors and CPS-L may purchase children's books when extra funding is available. This program is done through a way to connect inmates to their children, grandchildren, niece/nephew, and stepchildren. The program allows inmates to sign up for the program and be able to pick a children's book at their choice in the library bin or at the Children's bookshelf placed in the facility library. Inmates read and record it to a portable cassette player and converted to CDs, which then are mailed to the family. CPS library administration provides envelopes and postage cost to inmates with no charge but if ever there is a return mail to the sender, the mail goes back to the inmate and in turn the inmate is responsible for the charges. This is one way to let the inmates know that they are to be sure addresses of their family are correct before they give the information to the librarian. The most participants of the program are the 2 libraries, the



# Library Services

WCCC and WCF (pictured here). Their schedules of the read-to-me program will be simultaneous with the recreational library program in-person visits to the library. There is a plan to expand the Read-to-me program to 2 other facilities, namely the MCCC and HCCC correctional facilities. The plans are to organize the program with the assisting staff of the supervisory librarian to give the inmates a chance to connect with their children through reading and record a book by converting to a CD and send it along with the book to the inmate's child/children.

## STRENGTHS

The strength of our Library Services Program lies mainly in our collaborative working relationship with each facility Administration and Security staff partnership. We are grateful for the importance of getting our law library programs running as scheduled because of its sensitivity to inmates' required constitutional mandate (Access to Court). The statewide law libraries are extensions of inmates' rightful and meaningful access to the court system. Inmates are provided with access hours, materials, technological tools, and resources to learn and to make better their understanding of court rules and legal procedures. Inmates can write and submit legal briefs, research pertinent cases to assist them and or their counsels. Several court filings were heard in the courts in the past where inmates were able to successfully argue the high importance of accessing their rightful law library sessions to assist them in researching and working on both their criminal and civil cases in court. This same goes for providing a privilege recreational program and running as scheduled. Although, this is a privilege programs over the law library but by running as scheduled could also be useful for inmates' access to the reading materials in the library.

On all these, the librarians remain the main personnel as positive and committed advocates in ensuring inmates rights are put into proper perspective. Librarians understand from years of experience that they also could be tasked with responsibilities outside of providing law library access and recreational





# Library Services

library programs to inmates. Incarceration does not merely disqualify inmates from accessing some of their rights. Community proponents of inmate's rights ensure that lawsuits filed on behalf of inmates with resulting Federal Court orders establishing required mandates are put in place and are followed through. One such required mandate is ensuring that qualified inmates, those who are still pre-trial or who are serving misdemeanor sentences are given the right to vote and need to be enlisted in the voting process; a cause that continues to be advanced by the Department. Through the years, early on before the process, librarians from our jail facilities gear up to ensure inmates with qualified constitutional mandates are given the opportunity to vote. They work with their facility security and offenders' services in providing registration forms to inmates, ensuring inmates are not deprived of their rights to vote. All facility libraries with each librarian will also ensure in providing appropriate legal forms to the inmates without cost to the library for submission to court and mainly the forms for IEP (In Forma Pauperis) to proceed in exempting court cost.

## ACHIEVEMENTS

CPS-L with the support of the CPS-Administrator and each facility administration, Library Services was able to complete 2 long-awaited improvement projects at the WCF and WCCC libraries on Oahu. In FY2023, we are proud to present each library's "new look" with the installation of new carpeting. We are grateful for those who supported and assisted us in completing this long-awaited project! The WCF and WCCC libraries look outstanding with a professional atmosphere in which one can say, "This looks like a library, a place to inspire inmates to visit and do their law library research and participate in recreational reading." The next library project on schedule is at the HCCC.

**WCF Library:**



**WCF Library:**





# Library Services

## WCCC Library:



## CHALLENGES

The program is not without any challenge. We are grateful that the current budget allocations allowed the hiring of vacancies at HCF Librarian IV and WCF Librarian III and additional staffing at the Hilo and Maui jails for FY22-23. The filled positions helped alleviate staffing constraints. We are in the process of making efforts to fill the professional librarian's positions and the Librarian Tech V's positions. It will always be on the table and be considered as it has been in the past. It continues to remain a challenge to fully run both the law library and recreational library programs in all facilities due to library staff assistance shortage.

Affording inmates their required hours to access the law library takes precedence over providing a privileged recreational library. The procurement of new computers to replace the broken equipment and supplies and the acquiring of new copiers to all facility libraries are being continuously useful to complete and to meet the demands of inmates' requests for copying and completing of the weekly library and recreational schedules. We continue to partner with Barnes and Noble for book purchases and with reduce budget allocations, monies to purchase recreational books are depleted for other unexpected expenditures, however, even with budget constraints, Librarians are taking creative steps to seek more donations from community donors such as the Friends of the Library, Hawaii State Library, and private and public-school libraries. We are grateful that through years of reaching out and partnership with local community institutions, had been generously providing book donations to our libraries.



Program performance trend – FY 2023 Performance Indicators

Compare and Contrast FY 2022 and FY 2023

All Facilities Total FY 2022

Grievances	Law Library Requests	KIOSK Requests	Cancellation By Session	Legal copies provided	Recreational Programs/ books provided	Read-to-Me programs	Donations Received
32	6,192	1,408	136	6,656	20,540	352	12,656

All Facilities Total FY 2023

Grievances	Law Library Requests	KIOSK Requests	Cancellation By Session	Legal copies provided	Recreational Programs/ books provided	Read-to-Me programs	Donations Received
20	6,057	1,568	269	12,926	20,719	542	21,870

**Possible attributions:**

- Grievances: Inmates are afforded their hours and scheduled in a timely manner, that resulted in a decrease in filing of grievances.
- Law Library requests: Less requests in FY 2023, slight decrease because inmates completed their research, or they used the LexisNexis application on inmate tablets in place of signing up for law library session.
- KIOSK usage: More inmates are knowledgeable in using the KIOSK as they have been doing research more and by using the tablets at their housing units, they are more acquainted with the service tool.
- Legal copies: More copies were requested and made to support their legal proceedings for exhibits in submission to the court.
- Recreational Library: More inmates preferred to avail themselves of recreational reading materials, especially for those who are not working on legal research resources.
- Read-to-Me: More inmates are sensitive to connect with their families, thus, by reading a book to their children and hearing the voice of the dads/ moms are one of the best ways to keep the bonding together.
- Donations: Outpouring support from the community volunteers; public libraries; Read-to-Me International; individual volunteers; and private company donors, donations for FY 2023 increased almost half more compared to last year's donations. Librarians' efforts to ask donors and volunteers to donate books to the facility are getting easier than usual since it is regularly done.



# Substance Abuse Treatment Services

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The aftereffects of COVID-19 on the staffing shortages and contractor availability continue to impact the viability, consistency, and accessibility of programming throughout the Corrections Program Services, Substance Abuse Services Branch throughout FY23. The Substance Abuse Services Branch of PSD continues to work diligently with the facilities and contracted vendors to re-establish program services to pre-covid standards and enrollment numbers.

The Substance Abuse Treatment Services Branch is committed to evidence-based practices in providing outpatient, intensive outpatient, residential, continuing care, and transitional program services for sentenced felons who have been diagnosed with substance use disorders and criminal behaviors. Inmate substance use and criminality issues that stem from maladaptive patterns of thinking, emotional instability, and antisocial behavior are addressed at every level of treatment. Treatment is facilitated by qualified civil-service and contracted private providers. The following description of services is for the period of July 1, 2022, through June 30, 2023.

In conjunction with evidence-based practices, the Department uses the Level of Service Inventory – Revised (LSI-R) as a validated assessment instrument to help predict the level of risk or potential for re-offending that an individual may pose. Assessments help to identify the Risk(s), Need(s), and Responsivity or RNR of the inmate required to effectively address substance use and criminality. The risk identifies the “Who” we treat (low, moderate, and high-risk Inmates), the need identifies the “What” we treat (criminogenic risk factors or CRFs), and the responsivity determines the “How” we treat the Inmates (individualized treatment with consideration to learning styles and or deficits).

Assessment scores combine to determine the recommended treatment level or RTL based on the level of risk. Treatment staff then use gathered information obtained through institutional records, consultation, and inmate interviews to address the Inmates highest risk categories, or criminogenic risk factors (CRF). CRFs are identified as those individual risk factors that put the inmate at most risk and more likely to commit further criminal acts in the future if not effectively addressed through appropriate programming. The Risk and Needs of an inmate are correlated to the dosage (how much) treatment an inmate receives, duration (how long) and intensity (how often) the inmate receives treatment. The responsivity principle accounts for meeting the specific, individual needs of the inmate. Inmates are recommended for one of the following three primary treatment modalities while incarcerated:

**Outpatient** substance abuse treatment or OPS is offered at the Halawa, Waiawa and Kulani Correctional Facilities, as well as the Women’s, Maui and Kauai Community Correctional Centers.

OPS programming places an emphasis on cognitive-behavioral based treatment components and strategies. This allows the Inmates to develop a system to examine their thinking and its link to their substance use and criminal behaviors. Inmates examine these concepts during group instruction at least two times per week for up to two hours per session. Most cohorts are completed within a four to six-month period. However, for more complex cases, programming may be extended.

The curriculum utilized varies slightly from facility to facility. However, programs utilize evidence-based curriculum developed by The Change Companies. Each unit or Interactive Journal is modular in design and can be utilized independently of one another. This arrangement allows Inmates to enter treatment cohorts almost seamlessly, while minimizing wait times.



## Substance Abuse Treatment Services

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Outpatient services are best matched to inmates who are at lower risk of criminal conduct with low needs, meeting the diagnostic criteria for mild to moderate substance use disorders. Inmates meeting these criteria typically have had minimal disruption in their psychosocial or vocational functioning due to substance use/abuse.

Fiscal year 2023 data indicates that 194 Inmates housed at correctional facilities within the State of Hawaii participated in Outpatient or RTL 3 substance treatment services (up 60% from last FY). One-hundred twenty-six (126) or 65% of inmates successfully completed treatment.

**Intensive Outpatient** or IOP relies heavily on cognitive-behavioral principles that examine an inmate's thinking, feelings and behaviors linked to substance use and/or criminal activity. IOP consists of no less than four groups per week, often providing instruction for up to three hours per group session in some instances. Most cohorts are completed within a nine-month period. However, for more complex cases, programming may be extended.

IOP programming also utilizes the Change Companies' evidence-based, cognitive-behavioral interactive journaling curriculum to address inmate substance use and criminal thinking needs. Each group is a modified open-ended group with a maximum of 15 participants. The limited number allows a more intensive interaction with group members.

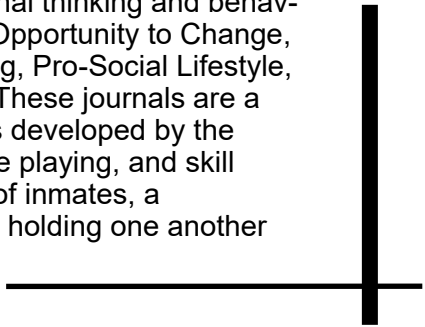
Outpatient services are best matched to inmates who are at moderate risk of re-offending and moderate to high needs, meeting the diagnostic criteria for mild to moderate substance use disorders, meaning individuals have had moderate to high disruption in their psychosocial or vocational functioning due to substance use/abuse. Assessment and treatment planning, individual counseling on family issues, and continuing care services are available for each participant.

IOP services are provided through purchase of services contract for Inmates at the Halawa Correctional Facility and the Women's Community Correctional Center. Civil-Service staff provide IOP treatment services at both the Waiawa and Kulani Correctional Facilities.

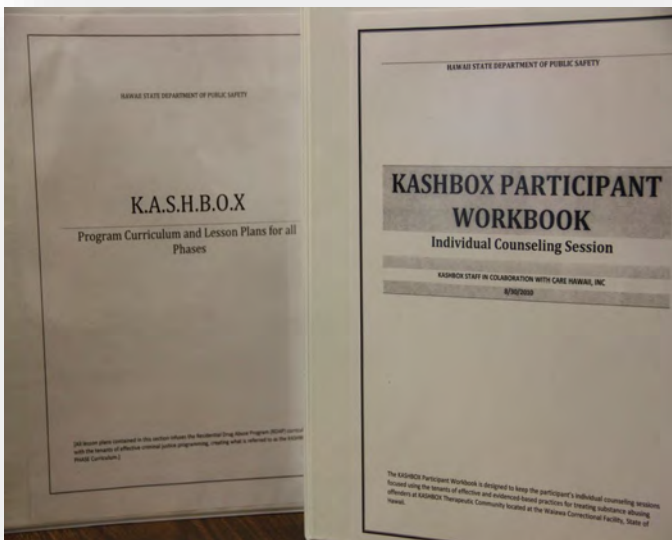
Fiscal year 2023 data indicates that 166 Inmates housed at correctional facilities within the State of Hawaii participated in Intensive Outpatient or RTL 4 substance treatment services (up 137% from last FY) of which approximately 78 or 47 % of Inmates successfully completed treatment.

**Residential** substance abuse treatment provides intensive long-term residential treatment utilizing the Therapeutic Community (TC) model. Most cohorts' average length of stay is approximately between a nine and twelve-month period. However, for more complex cases, programming may be extended. Residential programming is best matched for Inmates that score as being at high-risk for re-offending and have moderate to high needs for substance use/abuse treatment.

Therapeutic community model relies heavily on both Cognitive-Behavioral Treatment and Social Learning Theory. These strategies are combined to address criminal thinking and behavior. The inmates work through nine interactive journals: Community, Opportunity to Change, The ABC's of Thinking, Rational Self-Counseling, Challenging Thinking, Pro-Social Lifestyle, Connecting with Others, Strategies for Success, and Movig Forward. These journals are a part of the Residential Drug Abuse Program (RDAP) curriculum series developed by the Change Companies. A large emphasis is placed on role modeling, role playing, and skill building. As TC residents are separated from the general population of inmates, a "community" can be developed where Inmates live and work together; holding one another



# Substance Abuse Treatment Services



accountable to the practice of recovery and skill development to change their criminal thinking and behavior with guidance from program staff serving as the rational authority.

The Department offers two therapeutic communities: KASHBOX at the Waiawa Correctional Facility, and Ke Alaula at the Women's Community Correctional Center.

KASHBOX which is an acronym for Knowledge, Attitudes, Skills, Habits, Behaviors, Opinions, and X factor, is operated and staffed by the Department and has the capacity to serve up to 52 inmates. Ke Alaula is operated by Hina Mauka through a contract with the Department.

The normal capacity serves up to 50 female inmates. However, due to staffing pattern challenges, program capacity has been limited to 25 female inmates at a time.

KASHBOX program continues the use of evidence-based practices.

- A KASHBOX Program Manual was created to ensure compliance with the Corrections Program Checklist, an instrument that measures compliance with evidence-based practices for inmate programs.
- A KASHBOX Curriculum and Lesson Plan manual continues to be utilized based on the Residential Drug Abuse Program curriculum and marries it to specific daily lesson plans. Each lesson plan has a scheduled period for homework review, introduction of the lesson for the day, role modeling of the skills taught, and practice sessions for those skills.

For fiscal period 2023, total residential programming logged 108 participants of which 36 or 33% successfully completed programming (up 100% from last FY). For success to be possible with this population, it is imperative that the population receive consistent and persistent programming at a high dosage and duration. Achieving these targets proves difficult as programming for this high-risk, high-need population was greatly impacted by staffing shortage challenges at both programs and subsequent suspensions in programming periodically throughout the year to contend with COVID-19 lockdowns and quarantines.

## SAGUARO CORRECTIONAL CENTER – Eloy, Arizona

Intensive Outpatient and Intensive Residential substance abuse treatment programs are available via contract through Core Civic. Services are provided at the Saguaro Correctional Center located in Eloy, Arizona.

**Intensive Residential Treatment** (IRT- IOP within a Therapeutic Community) is available for inmates housed at the Saguaro Correctional Center (SCC) in Arizona. Services offered through the IRT program are similarly structured to IOP services in scope. The only significant difference is the modality in which the program is administered and facilitated.

The IRT program is facilitated in a Therapeutic Community (TC) setting. TCs are structured, psychologically informed environments – they are places where the social relationships, struc-



## Substance Abuse Treatment Services

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ture of the day and different activities together are all deliberately designed to help people's health and well-being provision that separates the treatment program from the general inmate population within a prison setting. The IRT/TC provides a treatment environment that spans 24-hours, and creates the Inmates from the general population and have built-in routines and responsibilities that are a large part of the treatment process which are paired with the groups and individual sessions traditionally found in the IOP programs.

Fiscal year 2023 data indicates that 284 Inmates enrolled into Intensive Residential (TC) programming with 164 or 58% successfully completed.

### **Reintegration Services – Oahu Community Correctional Center / Laumaka Work Furlough Center & the Women's Community Correctional Center Bridge Programs**

The Department also provides substance abuse specific reentry services for inmates transitioning from the institution setting and back into the community through Bridge work furlough programs at Laumaka Work Furlough Center (LWFC) and the Women's Community Correctional Center. The Bridge program's focus is to successfully re-integrate both male and female Inmates back into the community by capitalizing on the inmate's completion of primary treatment and providing a continuum of care to build off past successes. Programming is enhanced at this juncture with job development services, life skills, and family education, therapy, and reunification opportunities. Inmates pursue work in the community while in Bridge continuing to work on substance abuse issues and criminogenic areas.

Family Education and Therapy is available to Inmates participating in the Bridge programs through contracted services within the community. Inmates are introduced to educational group components using evidence-based curriculum for five sessions lasting up to two hours. The focus of these services is to increase awareness for Inmates of the benefits that family counseling may have when attempting to reunify with family in the community. Further sessions are available for the inmate past the initial five sessions by request and can include the inmate's family in the community.

Federal funding via the Residential Substance Abuse Treatment (RSAT) grant, continues to provide the primary funding of both Bridge programs. The Bridge Program currently provides up to 64 beds at OCCC and 15 beds at WCCC to serve the reentry and furlough populations.

Fiscal year 2023, data indicate that 14 female Inmates participated in the Bridge furlough program (up 366% from last FY) of which 16 Inmates or 114% successfully completed programming. High completion percentage is due to participant carryover from the previous fiscal reporting year.

Fiscal year 2023, data also indicates that 51 male Inmates participated in the Bridge furlough program of which 37 Inmates or 73% successfully completed.

### **Female Furlough Housing**

The **Young Women's Christian Association (YWCA)** at Fernhurst provides the Department's Furlough Program within the community for female Inmates under the custody of the Women's Community Correctional Center. The focus of this furlough program is to secure meaningful work opportunities in addition to transition and re-integration into the community. Activities that the population has access to also include, but it not limited to the following: job development, money management, life skills, anger management, and domestic-violence, and relapse prevention. The program is currently called Ka Hale Ho'Ala Hou No Na Wahine (Home of Re-awakening for Women) has up to 14 beds available.



## Substance Abuse Treatment Services

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Fiscal year 2023 data show that a total of 11 female Inmates participated in the female furlough housing program of which 7 Inmates or 64% successfully completed the program.

### **Drug Detection Program**

The substance abuse services branch continues to manage the Inmate Drug Detection program within the state. To facilitate inmate accountability to a drug-free, zero-tolerance program, PSD has contracted the services of Thermofisher Microgenics to provide immunoassay testing machines at eight facilities statewide. For FY23, approximately 7700+ specimens have been collected and screened by the immunoassay machines with 393 or 10.4% of those specimens resulting in a "positive" screen (89.6% negative). The top 3 substances of concern are presented in order of prevalence. By far the most commonly present substance remains amphetamines/methamphetamines (114 specimens or 29%). The second- Buprenorphine (41 or 10%). The third- ETG (metabolite for alcohol) at 15 specimens or 4%. Substances of special interest- Fentanyl (7 specimens or 2%). The substance abuse services section continues to work with Thermofisher Microgenics to develop and boost its drug detection program to keep pace with the ever-changing chemistry trends of the illicit substance market.

The substance abuse services branch continues to work with the statewide correctional facilities in its drug detection reporting to aggressively address inmate use of illicit substances while incarcerated and more importantly, while participating in programs. The branch's budget has been increased to reflect an increase in drug detection testing for FY24. Additional training of correctional officers to collect, test, and report has been ongoing.





## Sex Offender Treatment Services

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The Department of Public Safety provides treatment for all sex offenders statewide at all facilities except Waiawa Correctional Facility. The program is mostly privatized, as all direct services are accomplished through contracts.

Hawaii's first sex offender program was introduced as a pilot project in the 1980s based upon a "medical" model where mental disorders were thought to cause sex crimes. In 1991, however, the department officially adopted a "containment" model that emphasized community safety and treated sex offenders as criminals who make unwise, self-serving choices to victimize others. In the early 90s, the department's sex offender treatment program began as a 25-session psychoeducational program. It evolved from two core treatment modules consisting of Relapse Prevention and Victim Empathy. The program curriculum has since evolved into the program it is today with not only Relapse Prevention curricula focusing on the offender's deviant sexual cycle and looking at the impact of their offense on others but also smaller modules. Evidence-based sex offender treatment includes skills training in areas such as social skills, cognitive skills, emotional regulation, management of stress and anger, and human sexuality as well as healthy relationships.

The core program is offered at Halawa Correctional Facility, Kulani Correctional Facility, and the Women's Community Correctional Center. Therapists usually treat up to a dozen men in each therapy group. Therapy with female sex offenders is typically provided individually. On average, an inmate will take 18 to 24 months to complete the in-house program, although some sex offenders take as long as three years to master the core concepts. It is recommended that sex offenders released into the community on work furlough or parole, continue with treatment in aftercare.

In 1994, the Department administration agreed to approve only treated sex offenders to work furlough programs. Currently, most paroled sex offenders attend work furlough and therefore, complete our prison-based core program prior to their release. Sex offender inmates who previously completed the program but violated work furlough or parole conditions, depending on the violation, might be recommended to attend SOTP refresher courses.

The containment model is still being used today. Nationally, research on best practice sex offender treatment has been looking at expanding the containment model to take into consideration early childhood experiences and as such, looking at compassion-based approaches. Think, "hurt people hurt people". In our program, sex offenders are encouraged to take accountability for the sexual offense, as the containment model dictates, while factors such as mental health needs or problems relating to a prior history of childhood physical or sexual abuse, are referred to the mental health section of PSD's Healthcare Division. We also recommended inmates seek trauma treatment after incarceration.

Aftercare SOTP is offered on Oahu at the Oahu Community Correctional Facility and the Women's Community Correctional Center, on the Big Island at the Hawaii Community Correctional Center, and at both the Maui Community Correctional Center and the Kauai Community Correctional Center.

Contrary to popular belief, sex offenders as a group, has one of the lowest recidivism rates. Most sex offenders do not commit a new sex offense. Most sex offenders who return to prison, return on work furlough or parole violations, rather than new sex offenses. Among the more than 3500 SOTP files collected over thirty years, only 2.19% percent are repeat sex offenders. In the program sex offenders are required to take accountability to receive a program completion. This fiscal year, 29 percent of inmates classified as sex offenders participated in the pro-



## **Sex Offender Treatment Services**

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gram, up from twenty-two percent. Ten percent of sex offenders already enrolled, completed the program. We know that about ten percent of those who complete the program will recidivate with a new sex offense in the next five years. After that, the rate declines further. During fiscal year 2023, no sex offenders who previously completed the sex offender treatment program returned to prison for a new sex crime or new non-sexual offense.

# Volunteer/Religious Services



Volunteer Services is part of the Corrections Program Services branch that creates correctional policies and procedures that facilities use to train and supervise Volunteers and Contract Staff from various fields and expertise. Since they offer different levels of experience, our inmates are given the opportunity to have an all-inclusive learning environment. The collaboration of Volunteers and Contractors is the backbone of the Department in meeting the educational, socio-economic, religious traditions and backgrounds, and behavioral treatment of inmates. Volunteers have been the main suppliers of additional resources, enhancement of inmate programs and services, and donor of material goods. They play a major role in community transition of inmates and continuum efforts in helping become law-abiding citizens.

Our Volunteers are from diverse backgrounds providing a large selection of programs, topics, and reentry services. Approximately 75% of volunteers are affiliated with faith-based institutions and are from a variety of religions, denominations, and belief systems to accommodate the choice of inmates. Our 12-Step Programs, Narcotics and Alcoholics Anonymous, continue to assist inmates with their recovery from drugs and alcohol. Education facilitators and instructors assist inmates in learning skills such as anger/stress management, computer literacy, creative writing, cognitive skills, life skills, G.E.D. preparation, Hawaiian history and language, public speaking and communications, business management, aquaponics and hydroponics, farming, food service, parenting, mentoring, preventing domestic violence, quilting, blue collar trade certifications, etc. In turn, former inmates are given the opportunity to give back by becoming volunteers under the supervision of approved organizations.

Correctional Facilities are also practicum sites for senior college and post-graduate students who need to gain specialized or general experience in fields such as sex offender treatment, substance abuse treatment, mental health treatment, medical, nursing, as well as social work and case management. In addition, the Department provides valuable work experience for those in various employment training programs. In the past, the Department has hired some of these people, but most find jobs elsewhere upon completing their work experience.

Volunteers help to establish a pro-social support system and provide connections on the outside. The main vehicle and coordinator of community resource consortiums that collaborate on behalf of inmates' progression for successful community release is the Transforming Lives organization. These meetings bring together transitional houses, treatment programs, facility case managers, ISC, HPA, education institutions, and like organizations to see how they can join forces to enhance inmates' successful reentry. In addition, job fairs and Reentry classes are held throughout the year at the different Oahu facilities to prepare work furlough inmates, parolees, and sentenced probationers for their transition back in the community. These connections are vitally important as support networks are one of the keys to reducing recidivism.

Participation in the re-integration process helps inmates gain the strengths and skills to successfully manage problems they will face as they return to the community. On this note, another benefit of vol-

# Volunteer/Religious Services

unteers in the facilities is they assist in reducing stress experienced by both inmates and staff by engaging the offenders in pro-social activities, healthy discussions, and fellowship. Reducing stress curtails violence within the facilities.

Approximately 175 Volunteers and Contractors were trained during FY 2023. Despite the obstacles deterring volunteers from providing services as scheduled, such as lockdowns, the Department continued to receive generous donations of approximately \$70,000 worth of religious materials and program supplies from the community. It should be noted that these items are shared among the general population and not just for religious purposes. During this period eight (8) chaplains, four (4) assistant chaplains, and about 500 volunteers at facilities statewide had a combined total of approximately 25,000 hours of volunteer service. Estimates of volunteer value per hour range between \$18 - \$22. (<http://www.handsonnetwork.org/tools/volunteercalculator>, <http://www.independentsector.org/volunteer-time>). Having said that, the total value is substantial.

Volunteers continued to coordinate and monitor the videophone visits held at local churches statewide every month at no expense to inmates or their families. Videophone links provide an opportunity for out-of-state inmates to overcome distance barriers and visit with their family members. This fiscal year approximately 442 inmates were serviced via videophone. The number has been at its lowest since the use of computer tablets were introduced as an alternative way to communicate with families. In the meantime, Chaplains and Assistant Chaplains at each facility site are major assets in running religious programs and activities, facilitating classes and are always available for one-on-one counseling when needed. During facility lockdown, the inmates busied themselves by watching religious movies, listened to sermons on CDs, and received printouts prepared by various churches. In addition, bibles and other reading materials were readily available upon request.

Our Chaplains continued to work hard in facilitating faith-based recovery and domestic violence programs in their respective facilities. OCCC Chaplain Barbara Gatewood, (Transforming Lives), in collaboration with Waikiki Health and IHS volunteers and other like organizations were key instruments in staging Social Services events where qualified inmates are guided through the process of obtaining person ID replacement, social security card, Snap, medical/housing/clothing and employment referrals, bus passes and other necessities to ease their return to the community and to reunite with their family. Over 500 inmates (parole, maxed out, furlough and jail population) from the Oahu facilities were processed during this fiscal year.

The heroes of the facility, the Staff, were not forgotten. In addition to 1100 OCCC inmates receiving donated Christmas goodie bags, 400 facility Staff and ACOs were also presented with a Christmas goodie bag to end the year 2022.

OCCC Prayer Walk was initiated by Chaplain Gatewood where local prison ministry churches, staff and ACOs come together once a month to bless and pray for the facility. Transforming Lives also founded Community Sober Support, a 12 Steps meeting for inmates. It collaborated with eight (8) other prison ministry churches host-





# Volunteer/Religious Services

ing the meetings on a rotational basis. Each meeting always concludes with a fellowship dinner provided by the host church.

Another community effort to connect incarcerated parents with their children is the Angel Tree program, a project sponsored by Prison Fellowship who provide and distribute Christmas gifts. The program runs every holiday season to provide Christmas gifts for keiki and kupuna and provide support to families in need throughout the year. In years past, Camp Agape, sponsored by Camp Agape Hawaii, held annual four-day event filled with an intentional series of activities and events that facilitate the sharing the Gospel of Jesus Christ through love, trust, forgiveness, and hope. It is catered to the children of inmates at no cost to their respective families on all islands. Many of the volunteers for this event were former and current inmates who helped prepare hundreds of meals four times a day for four days. We hope to resume this fun-filled event this coming year.

Prior to the pandemic, under the supervision of KCCC Chaplain Clayton Sui, selected inmates were allowed to leave facility to serve the community by participating in various projects with the local churches on Kauai and helped widows and elderly folks with yardwork and other home maintenance.

The Women's Community Correctional Center has a faith-based program called Total Life Recovery (TLR). This program is completely run by volunteers under the supervision of Chaplain Tammy Turcios. During this period the eight (8) TLR volunteers donated service of 1556 hours to 312 women inmates. The main manual for the program is the Genesis Process, which is a cognitive based approach. The Genesis Process is an evidence-based program, which is gender specific. The program is very intensive and takes approximately 12 to 18 months to complete.

Fun events continue to happen at WCCC. Chaplain Turcios worked hard at keeping the women focused on their recovery by providing inmate led activities. This year there were two (2) big outdoor movie nights, three (3) large outdoor religious services, and a Hanafuda card event. The women were also involved in coordinating the ACO appreciation day, Corrections week event and pinning of ACOs.

The year ahead will continue to see the Volunteer Services Office responding to inmates' spiritual, social, and educational needs by providing services that help offenders cope with the institutional environment. We hope to recruit and provide more program opportunities to establish pro-social support system networks which will help to reduce recidivism. Furthermore, we anticipate more collaborative efforts from the community organizations to integrate their resources for the benefit of the offenders reuniting back with their families and communities.

VolinCor Resource Day:



# Volunteer/Religious Services

WCF Job Fair:



Transforming Lives Consortium:

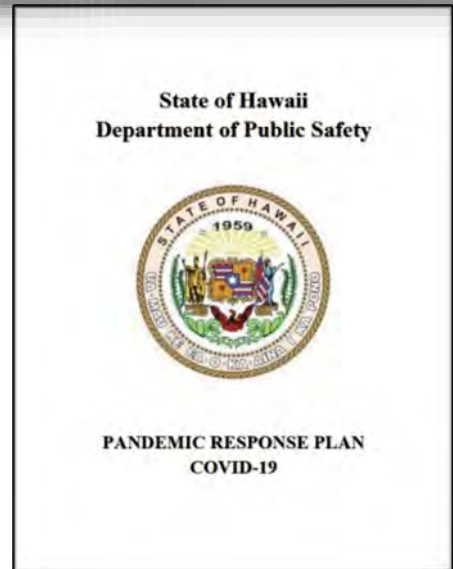




# Health Care Division



The Health Care Division (HCD) is committed to improving the quality of correctional health services by striving for compliance with the recommended standards of the American Correctional Association (ACA) and the National Commission on Correctional Health Care (NCCCHC) for the proper management of correctional health services delivery systems. The HCD administers the delivery of medical, mental health, dental and other specialty services at all correctional facilities and centers statewide through three Branches: Medical, Clinical Services, and Mental Health. Under the direction and clinical supervision of the Corrections Medical Director, the Medical Branch provides medical and psychiatric diagnostic services, medication management and treatment through a staff of physicians, psychiatrists, and advanced practice registered nurses. As the Division's largest branch, Clinical Services provides a range of clinically required nursing, dental, and specialty care through professional registered nurses, licensed practical nurses, para-medical assistants, dentists, dental hygienists, dental assistants, and health information personnel. The Mental Health Branch provides a variety of mental health services for individuals with serious mental health needs in outpatient, residential, and acute care settings through HCD staff including clinical psychologists, nurses, social workers, human services professionals, corrections recreational therapists, and para-medical assistants.



Working in collaboration with facility administration, security, offender services, residency, case management, and other correctional staff, HCD personnel provide necessary and legally-mandated health care services for all offenders with serious health care needs. At the Halawa Correctional Facility, Women's Community Correctional Center, and Oahu Community Correctional Center, on-site health care services are operational 24 hours per day, seven days a week. On-site health care services are provided at a minimum of eight and up to sixteen hours a day, seven days a week, at the Waiawa Correctional Facility, Ku-

lani Correctional Facility, and neighbor-island correctional centers on Hawaii, Maui, and Kauai. After-hours medical and psychiatric care is available through on-call provider services. Additional specialty health care is afforded through in-reach programs and off-site referrals to local community providers, hospitals, and clinics.

The HCD administers a range of health care programs and services at correctional facilities and centers statewide. Examples include the following:

## Screening and Identification

Individuals in custody receive three levels of screening for the identification of health care needs. Upon admission to the correctional system, all individuals in custody receive Intake Screening for the identification and immediate referral of urgent health care needs. Individuals in custody also receive the Initial Health Assessment and the Post-Admission Mental Health Screen within fourteen (14) days of admission to the correctional system. Individuals in custody identified as having a serious medical or mental health need are referred to a Qualified Health Care Professional, Qualified Mental Health Professional, Licensed Health Care Professional, or Licensed Mental Health Professional for further evaluation and/or intervention.

## Clinical Preventive Program

Individuals in custody receive clinical preventive services as medically-indicated. Clinical preventive services include health assessments (e.g., physical examination), screening and other preventive services (e.g., mammograms, colorectal screening, prostate screening, Pap smears), and screening and testing for communicable diseases (e.g., tuberculosis, HIV, sexually transmitted diseases, hepatitis, SARS-CoV-2, and monkeypox). Immunizations are administered as clinically indicated for the following: diphtheria-tetanus-pertussis (Tdap), hepatitis A & B, influenza, measles/mumps/rubella (MMR), pneumovax, and varicella. The COVID-19 vaccine is offered upon admission to a correctional facility and available throughout the period of incarceration during regularly scheduled facility vaccination clinics.

## Sick-Call Program

At any point during incarceration, all individuals in custody may submit non-emergency health care requests for medical, dental, or mental health services. Non-emergency health care requests are reviewed and prioritized daily by qualified health care professionals. A face-to-face clinical encounter for a non-emergency health care request is conducted by a qualified health care professional or qualified mental health professional within 24 hours of receipt by HCD staff.



## Chronic Care Program

Individuals in custody with chronic disease, significant health conditions, and disabilities receive ongoing multidisciplinary care aligned with evidence-based standards. Clinical protocols, consistent with national clinical practice guidelines, for the identification and management of chronic diseases or other special needs are administered for asthma, diabetes, HIV, hyperlipidemia, hypertension, mood disorders, and psychotic disorders.

## Infirmiry Care

Infirmiry-level care is provided to individuals in custody with an illness or diagnosis that requires daily monitoring, medication, therapy, or assistance with activities of daily living at a level needing skilled nursing intervention. The HCD operates 24-hour medical and psychiatric infirmaries at the Halawa Correctional Facility, Women's Community Correctional Center, and Oahu Com-

munity Correctional Center.

## Terminally Ill Care

The HCD provides Hospice Services and the Medical Release Program to address the needs of terminally ill individuals in custody. Hospice is medical care and support services aimed at providing comfort, including adequate pain management. Treatment is focused on symptom control and quality-of-life issues rather than attempting to cure medical conditions. The Medical Release Program involves the release of an individual in custody before the



end of the individual's sentence based on the presence of a terminal condition, debilitating disease or illness, and prognosis. In coordination with the Hawaii Paroling Authority, DHS Med-QUEST Division, re-entry coordination office, and community agencies/volunteers, the HCD recommends individuals in custody who meet criteria for the Medical Release Program.

## Suicide Prevention Program

The Department of Public Safety administers a comprehensive and multifaceted team approach to the Suicide Prevention Program, which includes the following components: training, identification, referral, evaluation, treatment, housing, monitoring, communication, intervention, notification, reporting, review, and postvention.

## Discharge Planning

The HCD provides discharge planning services for individuals in custody who have serious medical and mental health needs. The specific type of community linkage varies depending on the medical and/or mental health needs of the individual in custody. The process to assure continuity of medical care often involves coordination of services with community Providers (including specialists), Medicare/MedQuest, re-entry coordination office, the individual's family/friend and the receiving community facility (e.g., hospital, nursing home, care home). Since June 2018, the HCD and the Adult Mental Health Division (AMHD) have implemented a system that allows for provisional mental health eligibility for AMHD services to be determined by correctional Providers. AMHD contracted Community-Based Case Managers now initiate services up to three months prior to release from prison. The result has been improved continuity of mental health care between our prisons and the community.

## Student Education Partnership

In partnership with the University of Hawaii John A. Burns School of Medicine (JABSOM) and the Queen's Health Systems (QHS), the HCD provides an opportunity for JABSOM residents to complete clinical rotations in psychiatry at the Oahu Community Correctional Center.

Through an ongoing agreement with the Western Interstate Commission for Higher Education (WICHE), the HCD offers American Psychological Association Accredited Clinical Psychology Internship positions at the Oahu Community Correctional Center with preference to Hawaii residents or individuals who intend to practice in Hawaii. The HCD also offers Post-Doctoral Clinical Psychology fellowships through the WICHE program.

The HCD serves as a Practicum Training Site for the Hawaii School of Professional Psychology at Chaminade University of Honolulu (formerly Argosy University, Hawaii). Licensed Clinical Psychologists provide on-site supervision and training for diagnostic, intervention, and advanced practicum clinical psychology graduate students.

The HCD offers nursing students from Chaminade University of Honolulu and Hawaii Pacific Uni-



versity the opportunity to gain clinical experience in a correctional setting by working with a Registered Nurse at the Halawa Correctional Facility, Waiawa Correctional Facility, and Women’s Community Correctional Center.

## DIVISION HIGHLIGHTS

In January 2019, the HCD initiated a needs assessment of the division in relation to current operations and national standards/trends. The findings suggested a need to reorganize the structure of the division in order to optimize the efficiency and effectiveness of health care delivery. In March 2019, the HCD started a collaborative multi-step process to modify and improve the organizational structure of the division. HCD quality improvement efforts are ongoing as reflected in the division highlights and goals below.

### Hepatitis-C Opt-Out Screening Program

Hepatitis C infection disproportionately affects individuals in correctional institutions. Approximately 30% of all individuals with Hepatitis C infection in the United States reside in a correctional institution for at least part of the year. Incarcerated individuals who are released untreated and infected with Hepatitis C may contribute to the spread of the virus in the community due to unawareness of infection status and little or no community health care contact. In an effort to more accurately identify prevalence rates of Hepatitis C in Hawaii’s prisons and jails and to improve continuity of care between corrections and the community, the HCD has been working in collaboration with the Hawaii Department of Health, Hawaii Health and Harm Reduction Center, Kumukahi Health + Wellness, Malama Pono Health Services, and Maui Aids Foundation to establish and maintain the Hepatitis C Opt-Out Screening Program for incarcerated individuals.



### Medical Release

The HCD has been working collaboratively and effectively with the Hawaii Paroling Authority on the release of incarcerated individuals who meet criteria for medical release. One particularly challenging area to the medical release process involved incapacitated inmates who have no family or no loved ones willing to accept responsibility for care in the community. In collaboration with the Family Law Division and the Office of the Public Guardian, the HCD established a process to obtain guardianship for incapacitated inmates upon release to the community. Another barrier to the medical release process has been the availability of appropriate community placement. The HCD executed a reorganization to create medical discharge planner positions in order to expand on the development of long-term relations with potential housing partners in the community.

### Medication for Opioid Use Disorder

At the National level, there has been increased interest in Medication for Opioid Use Disorder (MOUD) within correctional environments. The Kauai Community Correctional Center (KCCC) MOUD pilot project was initiated in 2019 to allow PSD the opportunity to identify barriers and successes for MOUD implementation on a small population with very limited resources. PSD also partnered with Alkermes to initiate the project using injectable naltrexone. In 2020, HCD Providers completed the DEA X-Waiver training to allow for the prescription of buprenorphine in the treatment of Opioid Use Disorders. In 2021, KCCC medical and mental health staff participated in a Justice Community Opioid Innovation Network (JCOIN) study with Dr. Graham Chelius and Dr. Kelley Wither (Rural Health Association). In 2022, HCCC medical and mental health staff participated in a

# Health Care Division

JCOIN study. In August 2022, all correctional facilities expanded MOUD services beyond Vivitrol and the limited use of Methadone to include buprenorphine and Sublocade.

## DIVISION GOALS

Over the next three years, division goals include:

- Maintain and enhance community partnerships for the purpose of improving continuity of care with other departments, community agencies, providers, and volunteers.
- Require all Clinical Services Administrators, Mental Health Administrators, and Physician/ Psychiatry Managers to obtain Certified Correctional Health Professional status with NCCHC. CCHP Administrators would subsequently implement educational training on NCCHC standards for health care staff.
- Obtain ACA and NCCHC Health Care Accreditation at 100% of our correctional facilities statewide.
- HCD involvement at the national level through active participation with the National Commission on Correctional Health Care and the American Correctional Association.
- Procure a quality electronic health record system that will meet the data management needs of the HCD to efficiently execute continuous quality improvement and quality assurance programs, while providing the information needed for health care delivery.
- As a hybrid HIPAA entity, provide HCD staff training and certification at all appropriate levels to ensure HIPAA compliance.
- Expand and maintain the statewide opt-out screening program for Hepatitis-C and administer medication treatment for Hepatitis-C upon identification of clinical eligibility for treatment.
- Maintain the statewide Medication for Opioid Use Disorder (MOUD) program by providing a comprehensive selection of medication alternatives and community linkage upon release as an additional intervention for substance use disorders and to prevent opioid overdose.
- Provide 24-hour health care coverage at WCF, KCF, and neighbor-island jails.
- Provide weekend and extended mental health coverage at the Halawa Correctional Facility, Women's Community Correctional Center, and neighbor-island jails.
- As part of the Zero Suicide Initiative, encourage all Licensed Clinical Psychologists to obtain Beck Cognitive-Behavior Therapy certification.
- Establish the Dental Services Branch, where all dentists, dental hygienists, and dental assistants will be represented. The initial goal of the Dental Services Branch will be to assess the needs of the dental program in the context of existing services and national standards (e.g., ACA, NCCHC, and American Dental Association), while supporting re-entry and rehabilitation efforts.
- Enhance the discharge planning process for individuals in custody with serious medical needs



through a program using dedicated social workers or human services professionals who schedule provider appointments, initiate guardianship procedures, and develop constructive relations with local long-term care facilities.

## DIVISION CHALLENGES

Since early 2020, the coronavirus disease (COVID-19) has significantly altered the operations of the HCD at all correctional facilities, temporarily forcing a protracted shift in our objectives on improvements to the system of health care delivery. COVID-19 has been highly problematic for correctional facilities nationwide due to the structure of jails and prisons as congregate living facilities. Throughout the pandemic, HCD focused resources on implementation of the PSD Pandemic Response Plan with guidance from the Centers for Disease Control and Prevention, as well as our partners from the Hawaii Department of Health.

Aside from the omnipotence of COVID-19 during the pandemic, the foremost challenge facing the HCD is the ability to manage the constant and unexpected demand for health care services in our jails and prisons, despite the existence of limited resources. The complexity of the problem is compounded by increasing costs of medical, diagnostic, and pharmaceutical services that occur in conjunction with the continuing evolution of correctional standards for health care and the ongoing presence of an aging inmate population. The HCD is also caring for an inmate population whose lifestyle choices, while in the community, have many times led to the development of serious chronic illnesses or diseases that are often neglected or undiagnosed until incarceration.

The existing electronic health record system is the leading challenge for the HCD. The current system is limited in the ability to provide useful information for the public health response to the coronavirus pandemic. The current system also lacks the capability to integrate with pharmacy software, which necessitates a dual order system that inefficiently expends valuable staffing resources. The HCD intends to procure an alternative electronic health record system that will meet our anticipated, future needs.





# Correctional Industries Division



Hawaii Correctional Industries (HCI) is a division of the Department of Corrections and Rehabilitation (DCR), that offers vocational rehabilitation opportunities to all able-bodied inmate participants, equipping them with real-world work skills they can leverage for gainful employment upon reentry into society. HCI's focus lies in the sphere of reentry, with the goal of empowering inmate participants, enhancing public safety and reducing recidivism.

HCI operates as a self-sustaining vocational rehabilitation program as mandated by statute and represents an innovative fusion of business and government, leveraging private industry approaches to deliver a public service. Our operations are sustained through sales to various entities, including state agencies, county, and local governments, as well as non-profit organizations. This unique approach allows vocational rehabilitation opportunities to play a crucial role in maintaining a secure and efficient correctional system. It reduces idleness, alleviates anxiety, and provides inmates with a chance to engage in productive activities.

Inmate participants acquire valuable technical skills, soft skills, work experience, and vocational training while producing and providing cost-competitive products and services. They earn wages that empower them to pay their court-ordered financial obligations, victim restitution, a portion of their incarceration costs, and establish a mandatory savings account.

HCI's vocational rehabilitation programs currently operates out of 5 correctional facilities offering a variety of products and services (supported by SPO - Procurement Circular No. 2006-04, Amendment 4):

**Waiawa Correctional Facility:** DOT Landscaping and Highway Maintenance Partnership, Deep Clean - Disinfection Services; Modular Office Furniture - Reconfiguration and Installation, HEPA air filtration systems and servicing; light construction; painting; moving services

**Halawa Correctional Facility:** Warehouse and Fulfillment Center; PSD Centralized Canteen; Institutional mattresses and pillow manufacturing

**Kulani Correctional Facility:** DOT Landscaping and Highway Maintenance Partnership

**Women's Community Correctional Center:** Sewing - ACO Uniforms, DOT Landscaping and Highway Maintenance Partnership, Deep Clean - Disinfection Services; Modular Office Furniture – Reconfiguration and Installation, HEPA air filtration systems and servicing; light construction; painting; moving services

**Hawaii Community Correctional Center:** DOT Landscaping and Highway Maintenance Partnership

Technical skills gained include inventory management, production work, sewing, laundry, janitorial, ground maintenance, small engine maintenance and repair, quality control, furniture installations, forklift operation, and data entry.

# Correctional Industries Division

Soft skills gained include critical thinking, problem solving, social interactions in community settings, accepting feedback, positive work ethic, self-motivation, time management, good communication, and teamwork.



HCI envisions its future success as an outcome of a collaborative and strategic effort that involves Hawaii Correctional Industries, the Health Care Division, the Corrections Program Services Division, the Corrections Division, and the Reentry Coordination Office. The strength of this endeavor does not solely rest on each division's initiatives but on the partnerships formed with like-minded goals and a shared focus on achieving positive outcomes.

## Law Enforcement Division



**Jordan Lowe**  
Deputy Director for Law Enforcement  
July 2022—December 2022



**William Oku**  
Deputy Director for Law Enforcement  
Dec 2022—June 2023

The Law Enforcement Division is comprised of the Sheriff Division and the Narcotics Enforcement Division.

The Sheriff Division (SD) is the primary statewide law enforcement entity, and its mission is to provide a safe and secure environment for all persons and property through established patrol areas including the Honolulu Civic Center area, the Honolulu International Airport, and the neighbor-islands. The Sheriff Division supports the Judiciary by conducting cellblock operations, response to calls for assistance, and the transport of high-risk offenders. The Sheriff Division is the chief law enforcement agency tasked with fugitive apprehension in the State and employs a special operations unit that is very capable in this arena. SD is further directed to conduct felony and misdemeanor investigations; and to coordinate with other federal, state and county law enforcement agencies in joint enforcement operations. SD is additionally tasked to assess emergency management needs, develop plans, and coordinate efforts through entities such as the State Law Enforcement Coalition to assist in major terrorist or natural disasters. The Sheriff Division is committed to providing personnel and resources in support of the State Civil Defense for homeland security threats to the State.

The Narcotics Enforcement Division (NED) serves and protects the public by enforcing laws relating to controlled substances and regulated chemicals. They are responsible for the registration and control of the manufacture, distribution, prescription, and dispensing of controlled substances and precursor or essential chemicals within the State. NED also investigates all drug offenses initiated in correctional facilities, and other State facilities. NED assists other PSD Law Enforcement agencies with criminal narcotics investigative support as well as provides forensic drug analysis for Federal, State and County law enforcement agencies upon request.

# Sheriff Division



## SHERIFF DIVISION ADMINISTRATION



**SHERIFF**  
William Oku Jr.  
Dec 2020-Dec 2022



**SHERIFF**  
Lanikoa K. Dobrowolsky  
Dec 2022-Jan 2023



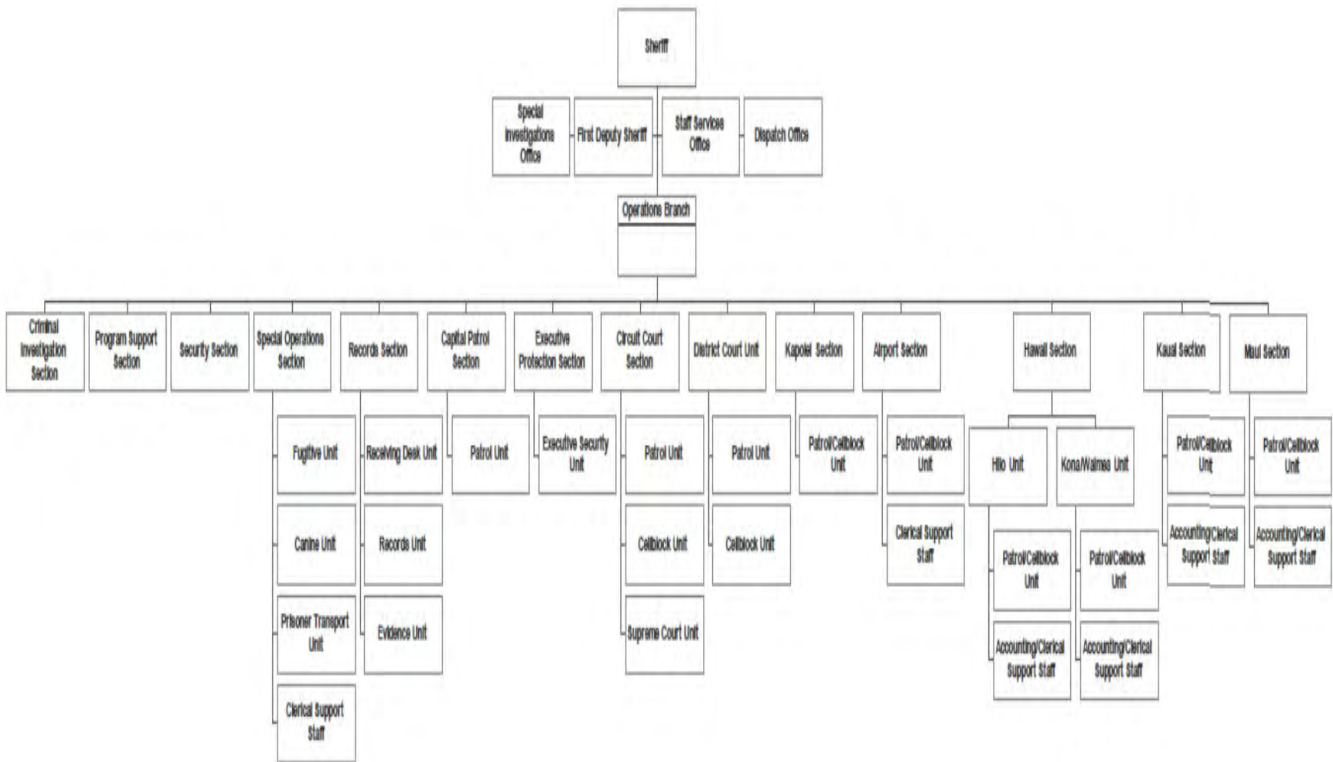
**SHERIFF**  
Mark Hanohano  
Jan 2023-Jun 2023

**FIRST DEPUTY**  
Lanikoa K. Dobrowolsky



# Sheriff Division

STATE OF HAWAII  
 DEPARTMENT OF PUBLIC SAFETY  
 OFFICE OF THE DEPUTY DIRECTOR FOR LAW ENFORCEMENT  
 SHERIFF DIVISION  
 OPERATIONS BRANCH  
 ORGANIZATION CHART



# Sheriff Division



## SHERIFF DIVISION HISTORY



On April 27, 1846, an Act to Organize the Executive Departments of the Government was approved by King Kamehameha III. This Act established various Executive Judicial Officers. The Marshal of the Kingdom of Hawaii was the highest-ranking officer whose primary responsibilities were to nominate the Sheriffs and to direct and supervise them in the performance of their duties. The Act specified that the marshal shall recommend a sheriff for each of the islands of Oahu, Hawaii, Maui, and Kauai and that the governors of each island would approve and appoint these sheriffs. These sheriffs would have supervisory

control and direction of the constables appointed for their respective islands.

The modern State of Hawaii Sheriff Division traces its establishment to 1846. As the Kingdom, Territory, and Statehood progressed, so has the title "Sheriff".

Today, Sheriff Deputies are involved at various stages of the criminal justice system. At the initial stage, they provide law enforcement services to areas within State jurisdiction and respond to calls for service and provide assistance to the public. When necessary, deputies arrest offenders, and book and process persons entering the system. At the various sheriff cellblocks, deputies secure, escort and transport those detainees. They also escort, secure and transport juvenile and adult inmates to inter-island and intrastate destinations for court appearances.

Deputy Sheriffs patrol areas within their jurisdiction and support other federal, state and county law enforcement as requested. Deputies serve the public by preserving the peace, protecting the rights of the people and State property, investigating, detecting, and arresting offenders, preventing crime through patrol presence and education, and enforcing laws and ordinances.

Deputy Sheriffs conduct felony and misdemeanor investigations, including interviewing victims, complainants, witnesses; gathering physical evidence; submitting written reports for criminal prosecution; coordinate with external agencies such as County Prosecutors, Attorney General, County Police Departments, and the Judiciary to facilitate all necessary documentation for successful prosecution. Deputy Sheriffs promote the safe and efficient movement of traffic on public roadways through traffic management and enforcement of traffic laws, including investigations of traffic collisions, enforcement of statewide intoxicated-influenced driving laws, and issuance of citations for moving and parking violations. In July 2022, Act 278 was signed into law signaling that the evolution of the Sheriff's will continue to evolve.







## SHERIFF DIVISION NOTABLE EVENTS

**BURIAL OF OUR PRINCESS** - Very shortly after her passing, it was announced that Princess Abigail Kawananakoa made it her wishes that members of the Sheriff's Division manage and perform as her honor guard during her funeral. Chief Deputy Dobrowolsky selected deputies from throughout the Sheriff Division as well as from the Department of Land and Natural Resources, and the Honolulu Police Department to represent their agencies and the people of Hawai'i. It was said that Princess Kawananakoa requested deputies to lay her to rest because of the connection between the crown and the Sheriff's Division. Participation in this culturally significant event was a great honor and the men and women who represented the Sheriff Division did so in a honorable and respectful manner. Chief Deputy Dobrowolsky led the honor guard and issued the drill and ceremony commands in Olelo Hawai'i. All members of the honor guard practiced countless hours to refine the movements and ensure respectful handling of the Princess's remains. As was captured in photographs during the funeral of our last ruling monarch, Queen Lili'uokalani in 1917, Sheriff Deputies were again given a unique and unforgettable honor to participate in the funeral of Hawai'i's last recognized member of the royal family; Princess Abigail Kinoiki Kekaulike Kawananakoa.







## SHERIFF DIVISION NOTABLE EVENTS

### BEST DRESSED LAW ENFORCEMENT AGENCY AWARD

In April 2023, The Sheriff Division was notified by the Network Association of Uniform Manufacturers and Distributors (NAUMD) that they had been selected as the Best Dressed Law Enforcement Agency (Sheriff Department Category) in the nation for 2023.

This honor lent credibility to the previous years effort to select and outfit the Sheriff's Division in a new and modern uniform that was professional, traditional in appearance, and made use of performance based fabrics. The award makes the State Sheriff's the first law enforcement agency in Hawai'i to be recognized nationally as the best dressed agency. The men and women of the Sheriff Division are humbled by the award and wish to thank the members of the NAUMD who voted them as best dressed.

A law enforcement agency's uniform is a symbol that binds us as a collective and it must be recognizable to the public that they serve. During the decision phases of this transition, the Sheriff leadership felt it was important to honor the various agencies that have come together over time to form the modern Sheriff Division. The choices made in the colors and items selected were in part representative of the origins of the Sheriff's under King Kamehameha III in 1846.





## SHERIFF DIVISION SECTION DESCRIPTIONS

### ADMINISTRATIVE SUPPORT SECTIONS

The Clerical Support Staff provides clerical services, maintains correspondence and technical files and records, and provides typing, filing and other clerical duties as required. This unit provides operational and administrative clerical support and other related duties for the section. They also provide support services for the Division's operations, programs, services and assists the Sheriff in managing the Division's resources.

### SPECIAL OPERATIONS SECTION

Deputies assigned to the special operations section (SOS) conduct a wide range of functions including fugitive apprehension investigations requiring the tracking, locating, and arrest offenders wanted on felony warrants or escapees. The special operations section also executes search warrants for agencies requesting assistance and maintains the only statewide canine unit with explosive detection and narcotic detection capabilities. Additionally, the special operations section enforces court orders such as writs of possession and maintains the State of Hawaii's DHS Tier III capable tactical response within the Rapid Enforcement and Counter Terrorism Team (REACT). As ordered, SOS deputies perform the air transport and escort of all high-risk offenders throughout the State of Hawaii and the mainland in accordance with guidelines, Federal Regulations, Title 14, FAA guidelines, State laws, rules and regulations. Special Operations deputies are also responsible for general law enforcement activities in the delivery of the services under this unit, including criminal arrests, investigations, submitting written criminal reports, assisting in subsequent prosecution, traffic enforcement, and any other state or city law enforcement provision.







## SHERIFF DIVISION SECTION DESCRIPTIONS

### COMMUNICATIONS UNIT

Sheriff Division dispatch functions as a centralized communications control center utilizing an Internet Protocol based dispatch console to dispatch, coordinate, monitor and provide operational assistance to sheriff units while on patrol or when responding to and dealing with complaints, disturbances, reports of crime, emergencies, natural disasters or any other requests for sheriff assistance.



Sheriff Division dispatchers screen radio, telephone and verbal emergency and non-emergency requests for assistance; elicits pertinent situation information and relays the information clearly, concisely and accurately to ensure timely responses by sheriff units. Follows up to confirm receipt and understanding, if no response is received. Dispatchers make priority decisions when multiple requests for assistance are received and coordinates response of other elements of the division and other agencies as required.

### EXECUTIVE PROTECTION UNIT

The Executive Protection Unit is responsible for providing personal protective services to key State officials and other dignitaries as directed by the Director of Public Safety. The deputies assigned to this unit primarily provide around the clock protection to our Governor and the Lieutenant Governor and their families. Often, these deputies must travel inter-island, nationally, and occasionally internationally in support of their operations but regardless of their location, the deputies are expected to perform their protection duties effectively and professionally to ensure the safety of our elected officials.



Deputies and supervisors assigned to this unit are highly trained and specialize in close-in protection, threat assessments, and advance reconnaissance. Due to the nature of this assignment, deputies often work with members of the U.S Secret Service, the U.S. State Department, and various law enforcement agencies at the local and international levels.

# Sheriff Division



## SHERIFF DIVISION SECTION DESCRIPTIONS

### CENTRAL PATROL SECTION

This Section protects the rights of persons and property statewide, with a particular focus for law enforcement including but not limited to the Civic Center Complex, Judiciary system, the State Capitol, and Washington Place. Patrol deputies respond to calls for assistance through either county 911 or Sheriff Dispatch, investigates and detects crime and arrests criminal offenders. Enforces and prevents criminal violations of state laws and city ordinances. Patrol deputies are responsible for general law enforcement activities in the preservation of peace including felony and misdemeanor investigations, submitting written criminal reports, assisting in subsequent prosecution, testifying under oath, traffic enforcement and traffic accident investigations.

### AIRPORT PATROL SECTION

The current Memorandum of Agreement with the Department of Transportation – Airports (DOT-A) specifies that the Department of Public Safety (PSD) agree to assign Deputy Sheriff personnel to provide law enforcement duties at the Daniel K. Inouye International Airport including the surrounding areas of the Department of Transportation – Airports jurisdiction; and the Kalaeloa and Dillingham Airfield.

Airport patrol deputies are responsible for general law enforcement activities. The delivery of the services under this unit includes but are not limited to criminal arrests, misdemeanor investigations, submitting written criminal reports, assisting in subsequent prosecution, traffic enforcement, and any other state or city law enforcement provision. Airport patrol deputies interface and operate with partnering federal agencies such as the Transportation Security Administration (TSA), the Federal Bureau of Investigation (FBI), and Customs and Border Protection (CBP) on a daily basis to secure and protect the Daniel K. Inouye International Airport.







## SHERIFF DIVISION SECTION DESCRIPTIONS

### RECORDS SECTION / RECEIVING DESK

The Records Section acts as the central clearinghouse for the collection, examination, storage, maintenance, distribution and disposal of all official records, documents and reports generated and/or utilized by the division.

The Sheriff Division Receiving Desk is the only State of Hawaii asset which has the ability to receive, book, and process arrests outside of the county police departments. The deputies assigned to the Receiving Desk service all Sheriff Division arrests as well as supporting other state law enforcement agencies process those arrested subsequent to "on-view" charges and/or arrests made by legal documents. It also maintains, stores and distributes official records and documents to criminal justice agencies.

### JUDICIAL SERVICE UNITS

These sections provide support to the Judiciary which involve patrol response and cellblock operations. Deputies assigned to the various Judicial Service Units support the neighbor-island court houses, the Honolulu District Court, Honolulu Circuit Court, Kapolei Court Complex, and the Hawaii Supreme Court. Deputies provide cellblock operations managing the tens of thousands of arrestees cycled through the courts annually as well as the inmate population scheduled for court hearings. Judicial services deputies provide threat assessments and personal protection to justices and judges targeted by threats. Judicial service deputies are also responsible for general law enforcement activities in the delivery of the duties, including transporting offenders, criminal arrests, investigations, submitting written criminal reports, assisting in subsequent prosecution, traffic enforcement, and any other state or city law enforcement provision.

Annually, Judicial Service Units take in, house, and process tens of thousands of freshly arrested offenders as well as inmates moving through the criminal justice system.







## SHERIFF DIVISION STATISTICAL DATA

### Sheriff Division Response to Calls for Service

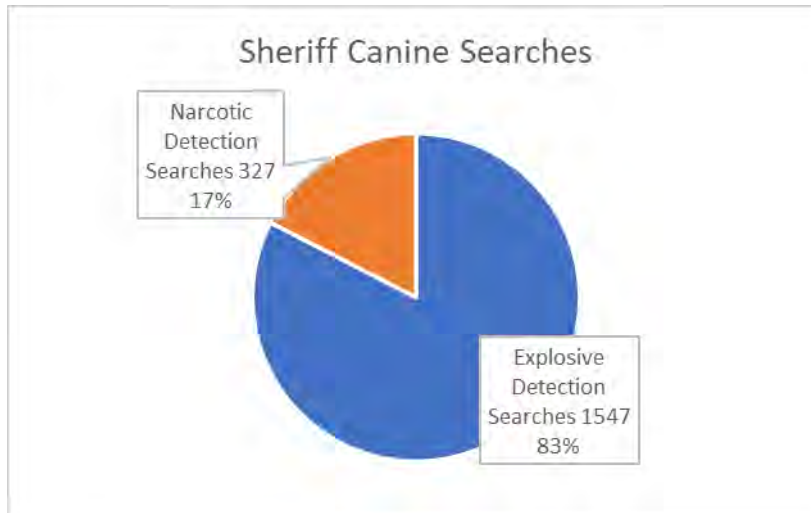
UCR Part 1 Crimes	Service Calls / Cases Made
Forcible Rape	3
Robbery	2
Aggravated Assault	19
Burglary	6
Larceny-Theft	327
Motor Vehicle Theft	11
Arson	5
Forgery	0
Place to Keep Firearms	8
Prohibited Weapons	111
Drug Offenses	114
Escape	10
Extortion	1
Terroristic Threatening	28
	645
<b>UCR Part 2 Crimes</b>	
Other Assaults	76
Sexual Assault	4
Forgery	5
Fraud	2
Stolen Property	1
Criminal Property Damage	53
Driving Under the Influence	27
Disorderly Conduct	23
Family Offenses	15
Weapons	24
Drug Abuse Violations	0
All Other Offenses	8886

\* 12,972 Service Calls were generated in FY2023 with a total of 2954 arrests statewide  
 \* Data retrieved from Sheriff Report Management System



## SHERIFF DIVISION STATISTICAL DATA

### Sheriff Canine Narcotic and Explosive Detection



*\*Narcotic Searches resulted in the seizure of :*

*253.62 lbs of Methamphetamine*

*86.5 lbs of Marijuana*

*12.14lbs of Cocaine*

*US Currency Seized via Canine Searches \$1,581,300.00*

*Sheriff Canine is a deployable asset which supports all Federal Agencies and each county police department upon request*



Patrol Interdiction Training



On Duty at Honolulu Mara-



On Duty at Kona Ironman Race



## SHERIFF DIVISION STATISTICAL DATA

### Illegal Firearms Seized

Throughout FY2023, the Sheriff Division has made significant efforts to collaborate with our brother and sister law enforcement agencies at the Federal, State, and County levels to help curb the rise of violent crime. Our efforts concentrated on identifying those in possession of illegal firearms and interdicting those weapons to take them off the streets. Additional attention was placed on those manufacturing or possessing "ghost guns" as well as those possessing illegally converted or owned automatic weapons. The following weapons were seized during Sheriff law enforcement operations:

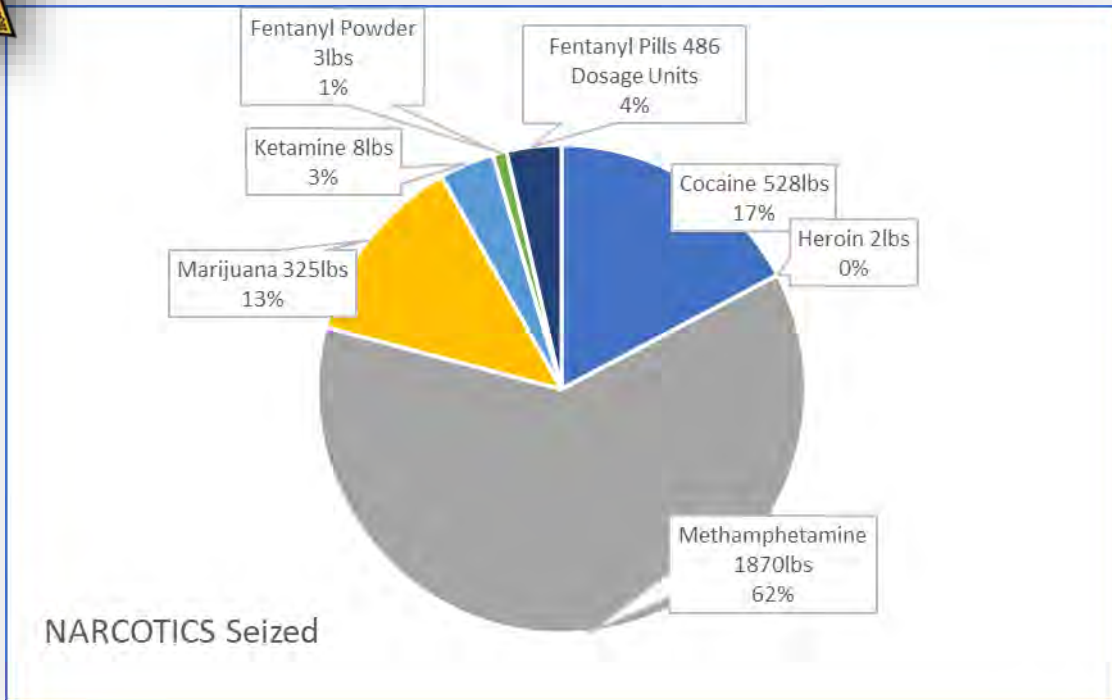
- 53 Automatic Long Guns / AR-15's and AK-47 variants
- 09 Ghost Long Guns
- 71 Handguns
- 07 Ghost Hand Guns





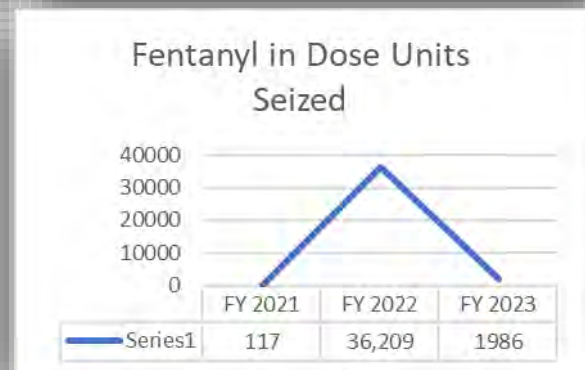
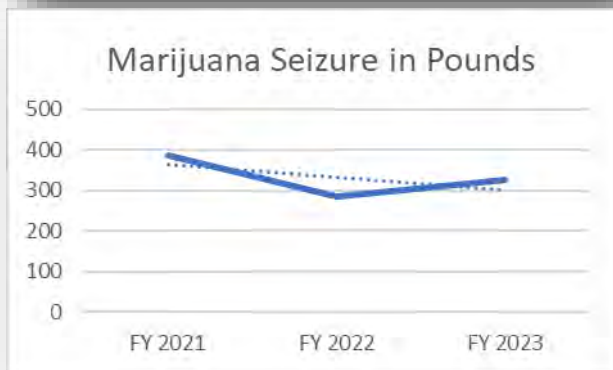
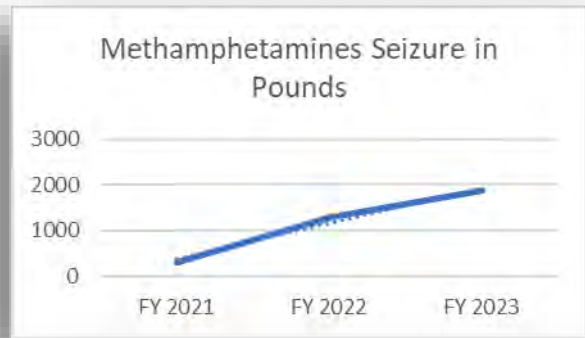
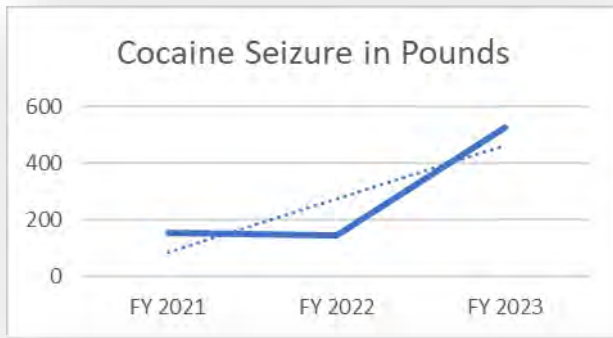


## SHERIFF DIVISION STATISTICAL DATA



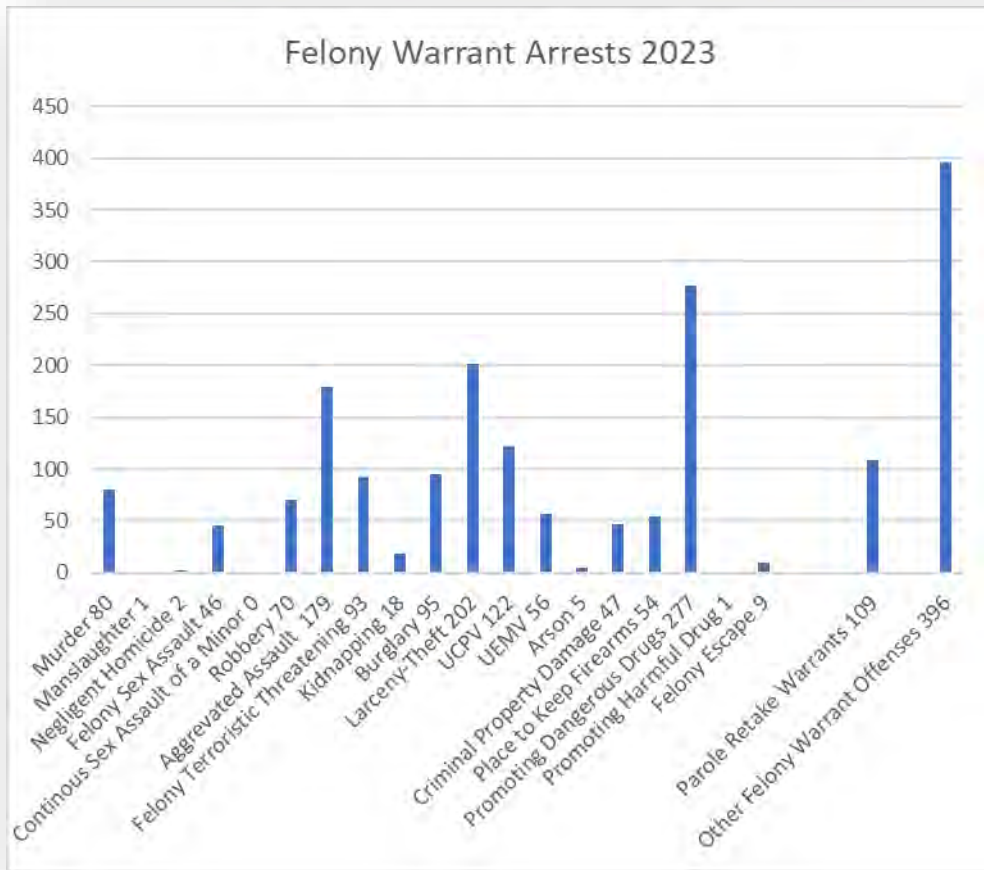
\*Over \$26 million in total narcotics street value seized by Sheriffs.  
Data provided by HIDTA

### Narcotic Trends



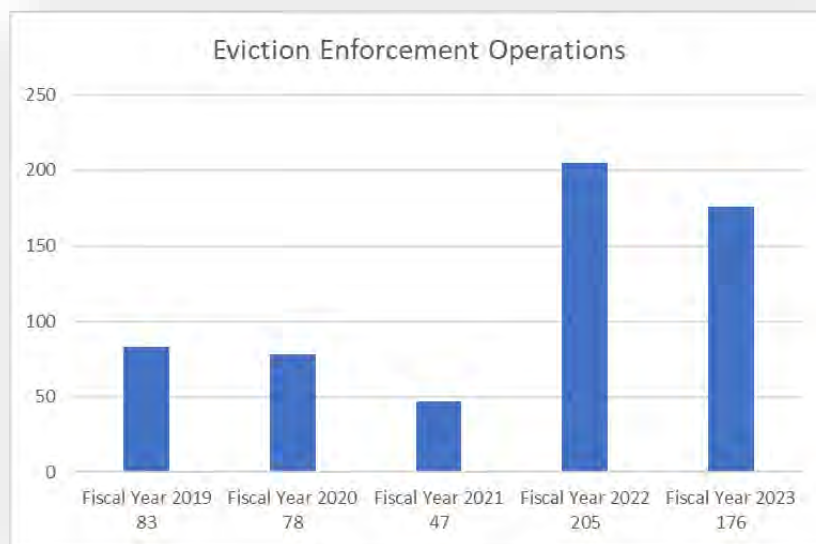


## SHERIFF DIVISION STATISTICAL DATA



\*1357 total felony warrant arrests.

\*770 total misdemeanor warrant arrests

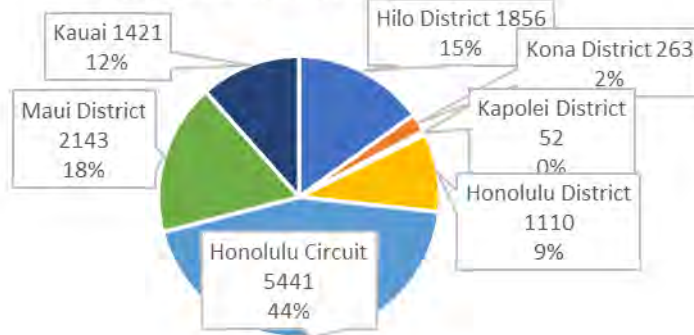




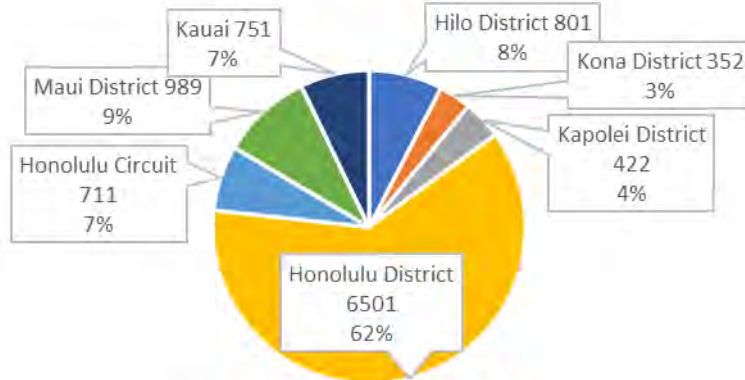
## SHERIFF DIVISION STATISTICAL DATA

### Judicial Services

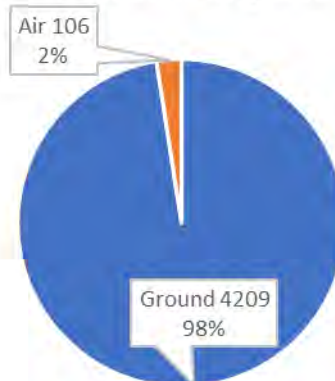
#### Correctional Facility Holds



#### Law Enforcement Holds



#### Prisoner Transports







## SHERIFF DIVISION STATISTICAL DATA

### Retirements and Resignations

Throughout the fiscal year of 2023, the Sheriff Division was impacted most directly by the loss of qualified law enforcement personnel and the difficulties in hiring new deputies. These are not areas that we suffer through alone. It's been noted that each law enforcement agency across the nation is having difficulties managing its staffing. Many of the staffing problems we suffer from is due to our deputies leaving the department for other agencies who are recruiting on a consistent basis within Hawai'i and have an easy time offering better wages, benefits, lateral bonuses, and covering moving expenses. Hawai'i State Sheriff's share in some of the best training offered nationally for which the deputies have become high demand for competing agencies. They see Hawai'i State Deputies as easy marks due to the lower wages and high costs of living in Hawai'i. Hawai'i State Deputies are ranked in the lower 10 percent for pay and benefit packages for police agencies across the nation and if the cost-of-living index is factored in, Hawai'i Deputy Sheriff's become the lowest paid state law enforcement agency in the United States.

### Retirements and Resignations

During FY2023, the Sheriff Division lost twenty-two (22) deputies due to resignation or retirement. This follows the forty-two (42) deputies who left our ranks in FY2022. The breakdown of the departing deputies was as follows:

- 4 Retirements
- 12 Resignations due to lateral transfer to mainland law enforcement agencies
- 02 Resignations due to employment with local City and County Police Department's

The following deputies met the requirements for State retirement benefits under the ERS:

Deputy Sheriff Chinen	Service dates from 1998-2022
Deputy Sheriff Gadaingan	Service dates from 2011-2022
Deputy Sheriff Wong	Service dates from 1998-2022
Deputy Sheriff Ayala	Service dates from 1990-2021

The following deputies resigned their commissions as deputy sheriff's to take a lateral transfer position or new hire with another law enforcement agency:

Deputy Sheriff Cantora	Battleground Washington
Deputy Sheriff Day	North Carolina
Deputy Sheriff Rice	North Vegas, Nevada
Deputy Sheriff Elliot	Battleground Washington
Deputy Sheriff Sellers	Honolulu Police
Deputy Sheriff Gomes	Hawaii Department of Transportation
Deputy Sheriff Thompson	US Customs and Border Protection
Deputy Sheriff Montano	Clayton County Sheriff, GA
Deputy Sheriff Barino	Honolulu Police
Deputy Sheriff Cabanting-Rafeal	Battleground Washington
Deputy Sheriff Mascarro	DOD Police, Washington DC
Deputy Sheriff Camacho	US Department of Interior



## SHERIFF DIVISION FY2022 GOALS & OBJECTIVES

The Sheriff Division projects the following initiatives for FY2023:

- Continue refining policies and procedures so that they meet the CALEA standards for accreditation and are consulted by the HGEA and signed by the Department appropriate authorities.
- Continue working with the DAGS engineering team on the Capitol Improvement Project at the Kalanimoku Building which when completed will relocate and house the Sheriff Division Receiving Desk and Special Operations Unit.
- Collaborate with DHRD and explore innovative methods for providing retention bonuses and recruitment bonuses to meet staffing needs.
- Ensure critical infrastructure is established to rollover all law enforcement services into the Department of Law Enforcement on January 1, 2024 including but not limited to payroll, databases,
- Emphasize and develop an enhanced patrol capability to respond to calls for service and assist other agencies with law enforcement services as requested.
- Update Memorandums of Agreement and Memorandums of Understanding to meet requirements of the Department of Law Enforcement.
- Reapply for legislative budget approval and line item designation for funds to replace 33 vehicles within the Sheriff Division fleet which have over 120,000 miles and are considered a risk to operate under certain conditions including the transport of arrested individuals.
- Pursue communication technology upgrades and procure a computer assisted dispatch that integrates with a purpose built report management system, provides situational awareness to responders, and actively links all neighbor island deputies through one dispatch center.
- Ensure Harbor Enforcement Officers attend deputy sheriff in-service training and establish a plan for firearms transition, inventory transition, and operational transition.

Production of this Sheriff Division annual report:  
**Lanikoa Dobrowolsky**  
Chief Deputy Sheriff



# Narcotics Enforcement Division



In fiscal year (FY) 2023, the Narcotics Enforcement Division (NED) received more than 981 calls regarding controlled substances incidents across the State. The NED works closely with and facilitates sharing of resources and information by working joint criminal investigations through its participation in initiatives with the Hawaii High Intensity Drug Trafficking Area (HIDTA), Western States Information Network (WSIN), Alliance of States with Prescription Monitoring Programs (ASPMP), National Association of States Controlled Substance Administrators (NASCSA) and the Drug Enforcement Administration (DEA) task forces and Domestic Cannabis Eradication Suppression Program (DCE/SP). NED is presently a part of law enforcement task forces with the Department of Homeland Security, the Hawaii Internet Crimes Against Children (ICAC) task force, and the Statewide Multijurisdictional Drug Task Force.

## **FY 2023 HIGHLIGHTS:**

FY 2023 was an exciting year for the NED because of many new changes in the controlled substances industry and in law enforcement. Those exciting changes include:

NED continued to participate in State Opioid Operational Work Groups and assisted with the creation of a statewide strategy to address opioid issues in Hawaii.

NED has activated additional functions in its Prescription Drug Monitoring Program (PDMP) such as “clinical alerts” and prescriber “report cards” allowing for greater compliance and improved prescriber decision making

The NED Forensic Laboratory maintained its accreditation as an analytical laboratory after undergoing an intensive inspection of the Laboratory’s technical, administrative and management processes.

## **UPDATE TO CONTROLLED SUBSTANCES LAWS:**

Chapters 329-11 (d) and 329-11 (e) of the Hawaii Revised Statutes allows the NED to propose changes to Hawaii’s controlled substances laws based on changes in controlled substances laws at the federal level, or to confront potential or actual conditions in the community that may present an imminent danger or hazard to the public. In FY 2023, the NED took actions to temporarily put numerous controlled substances onto the Hawaii controlled substances schedules in response to changes to federal law. The NED further made recommendations to allow the Hawaii Legislature to contemplate these changes into law.

## **PSD AGENCY (SHERIFF DIVISION AND IA REFERRED) DRUG CASES**

In FY 2023, NED Special Agents supported and/ or investigated 62 controlled substance and drug paraphernalia cases referred by Sheriff Division Deputies stemming from traffic

stops, law enforcement encounters and interdiction at security checkpoints. NED provides investigative and analytical support for all drug cases initiated by the Sheriff Division.

YEAR	TOTAL
2015	113
2016	103
2017	117
2018	166
2019	144
2020	99
2021	74
2022	50
2023	62

**HIGH INTENSITY DRUG TRAFFICKING AREA (CLANDESTINE LABORATORY INITIATIVE)**

In FY 2023, there was one (1) clandestine laboratories reported to the NED and one suspicious discovery of suspected drug manufacturing materials. These incidents resulted from complaints of chemical related odors or suspicious glassware found at residential and commercial locations. NED attributes the low number of clandestine laboratory seizures to enforcement actions, regulations on the key precursor chemical pseudoephedrine and increased education of retailers and the public on over the counter (OTC) chemicals utilized to manufacture methamphetamine. The new threats are the manufacturing of marijuana extracts using flammable liquids such as butane, propane, hexane and alcohol and the influx of fentanyl in Hawaii. During the 2015 legislative session HB 321 / Act 241 was signed into law by Governor David Ige. Act 241 established within the Department of Health the authority to regulate marijuana dispensaries in the state of Hawaii. Act 241 also made it illegal for individuals to manufacture marijuana extracts using butane. Fentanyl is a powerful opioid substance popularly smuggled across the world, and now more frequently into Hawaii and in our community.

In FY 2023, NED’s Clandestine Laboratory training initiative conducted a total of 4 OSHA required clandestine laboratory re-certification and 40-hour certification classes for Federal; State and County law enforcement personnel conduct clandestine methamphetamine lab investigations on the islands of Oahu, Hawaii, and Kauai. Additionally, the NED obtained a Department of Health grant that allowed it to forward position safety protective equipment in Hawaii County for an immediate response to incidents.

Additionally, NED increased the training certification of its law enforcement personnel to meet the evolving threat of fentanyl in Hawaii and the necessary safety precautions in dealing with the fentanyl threat. All NED law enforcement officers have been certified as industry and/or government certified hazardous materials technicians allowing these officers to take proactive measures to mitigate chemical hazards.

**PSEUDOEPHEDRINE TRACKING PROGRAM UPDATE**

In accordance with Act 184, signed into law by the Honorable Governor Linda Lingle on June 6, 2008, the NED was mandated to develop and implement an electronic tracking program for all pharmacies and retailers selling products, mixtures, or preparations con-

taining pseudoephedrine by January 1, 2010. Act 184 mandated that this electronic log be transmitted to the NED monthly where the information would be retained for a period of two years. The electronic log would be capable of being checked for compliance against all State and Federal laws, including interfacing with other states to ensure comprehensive compliance. NED formed a partnership with the Western States Information Network (WSIN) whose mission is to support law enforcement efforts nationwide to combat illegal drug trafficking, identity theft, human trafficking, violent crime, terrorist activity, and to promote officer safety in Alaska, California, Hawaii, Oregon, Washington, as well as Canada and Guam. NED was able to work with WSIN to host and collect all of the retail pseudoephedrine data at no cost to the State of Hawaii.

Pseudoephedrine is a precursor chemical used in the illicit manufacturing of methamphetamine.

The purchasing limit for pseudoephedrine is 3 grams per day, or 9 grams in a month. Before completing the sale of an over-the-counter product containing pseudoephedrine, a pharmacy or retailer shall electronically submit the information required in statute to the National Precursor Log Exchange (NPLEx) administered by the National Association of Drug Diversion Investigators (NADDI). If this submission generates a stop sale alert, the pharmacy or retailer cannot sell the product containing pseudoephedrine and this alert is then forwarded by NPLEx to the NED. In addition, NPLEx is required to forward weekly reports to the NED and provide “real time” access via the NPLEx online portal to law enforcement in the State as authorized by the NED Administrator. This service is required by law to be without charge to pharmacies, retailers or law enforcement in the State. In FY 2023 NED’s Pseudoephedrine monitoring program was successful in blocking or diverting 7223 boxes illegally sold or 18836 grams from being sold and possibly utilized to manufacture methamphetamine. The only unknown factor is how much pseudoephedrine is being prescribed by Hawaii’s physicians to patients that are also purchasing pseudoephedrine at retail distributors.

FY 2023 Purchases	149177
FY 2023 Blocked Purchases	5376
FY 2023 Grams Sold	313779
FY 2023 Boxes Sold	165769
FY 2023 Grams Blocked	18836
FY 2023 Boxes Blocked	7223
FY 2023 Average Grams Per Box Blocked	2.61

The chart above shows that the Hawaii pseudoephedrine tracking system was effective in stopping the unlawful purchase of pseudoephedrine 5376 times in FY 2023. Consequently, the use of over-the-counter pseudoephedrine to manufacture methamphetamine continues to be frustrated by this effective program.

**CORRECTIONAL FACILITIES**

In FY 2023, NED teamed up with corrections security personnel at each facility to assist in the investigation of contraband being smuggled into the facility by visitors, inmates and staff. During this period, NED Special Agents responded to 37 criminal cases originating from PSD Correctional facilities or other related investigations connected to these facilities. NED has also assisted corrections by conducting recruit training for ACO’s on evi-



dence handling and facility drug investigations. Training and strong security controls continue to show a downward trend in reported contraband cases.

## PHARMACEUTICAL CONTROLLED SUBSTANCE DIVERSION



In FY 2023, NED Special Agents looked into 32 controlled substance prescription fraud cases, 0 multi-doctor cases, 5 cases involving licensed healthcare, and 38 requests by law enforcement or prosecutorial agencies for information on patients or practitioners utilizing NED's electronic prescription accountability program for suspicion of diversion of pharmaceutical controlled substances. There were also 569 reports of controlled substances that were reported lost or missing by controlled substances registrants.

Current Hawaii law creates unique advantages over many of the other states across the nation in terms of combating illegal controlled substance diversion:

- Hawaii is a dual-registration state requiring all practitioners to obtain a State Controlled Substance registration as well as a Federal DEA registration.
- Hawaii law prohibits and does not allow out-of-state controlled substance prescriptions to be filled in the State.
- All controlled substance prescriptions must originate from within the State. (Practitioner must physically be in the State when issuing the prescription)
- Hawaii has an Electronic Prescription Monitoring Program for all Schedule II through IV controlled substances.
- NED has a Pharmacy Alert System connected to all of Hawaii's pharmacies.
- NED's Administrator has emergency scheduling powers for controlled substances and regulated chemicals.
- NED is a law enforcement organization that specializes in pharmaceutical and chemical diversion cases.

## INSPECTIONS

NED Special Agent's conducted 19 pre-opening pharmacy, medical office and medical marijuana dispensary facility registrant inspections at various locations statewide and initiated new medical marijuana dispensary retail and laboratory inspections.



## ELECTRONIC DETECTION CANINE PROGRAM

In 2022, NED partnered with a non-profit organization to obtain Hawaii's only certified electronic device detection canine. The canine is used to locate concealed electronic devices which can hold crucial evidence in the resolution of criminal investigations, including narcotics and prison contraband cases. Since its inception a year and a half ago, the canine has been used in 5 prison search operations, 8 federal and state search warrants, and 15 calls for service by various federal, state, and local agencies for service. The use of the canine has resulted in 44 hidden devices being found.



## CORRECTIONS CRIME REDUCTION UNIT

NED is part of a PSD crime reduction initiative designed to reduce prison crime in Hawaii. In FY 2023, NED partnered with members of the PSD-Internal Affairs Office, Sheriff Division and Corrections Division to disrupt a prison contraband smuggling cell. The joint investigation, named "Operation Paper Shredder" resulted in a total of five arrests both on Oahu and Hawaii Island.

## INTERNET CRIMES AGAINST CHILDREN

Illegal drugs have a ubiquitous presence during crimes against children investigations. Consequently, in FY 2023 NED was asked to partner with military law enforcement agencies in an all-military investigative operation as part of Operation Keiki Shield. The operation resulted in several arrests of suspects on Oahu for charges related to inappropriate communications with children.

## NED'S PREVENTION PROGRAMS

### DRUG EDUCATION/ TRAINING/PREVENTION PROGRAMS

NED continues its work in this area informing the public, schools, businesses and law enforcement on Hawaii's illicit and pharmaceutical controlled substance drug problems. Presentations generally cover Hawaii's drug trends, drug identification, medical use of marijuana program, Hawaii's electronic prescription monitoring program now the prescription drug monitoring program, clandestine laboratories, chemicals utilized in the illegal manufacture of controlled substances and the physical / psychological effects that drugs do to the human body. Furthermore, in 2016, the NED partnered with the Department of the Attorney General in mentoring rural and underserved public school students in a drug prevention program known as "I Choose Me." The I Choose Me program provides high school-aged students with drug prevention knowledge that would not necessarily be part of the school curriculum. In FY 2023, NED conducted 10 educational drug/chemical, medical use of marijuana and clandestine laboratory presentations on all islands that was attended by approximately 400 individuals. The number is significantly lower than previous years due to gathering restrictions related to COVID-9 and hesitance to meet in group settings.

In July 2016, NED also partnered with the Department of the Attorney General, the county police departments, and the Department of Health to begin a drug takeback program based in local police stations across the State. The program allows the public to visit neighborhood police stations where they can deposit their unwanted medications any-



mously and conveniently. The unwanted medications are later safely destroyed. To date, the program has been extremely successful.

FISCAL YEAR	TRAINING SESSIONS	# OF INDIVIDUALS TRAINED
2023	12	400
2022	10	400*
2021	19	380*
2020	7	60*
2019	40	2500

\* Number significantly reduced due to COVID-19.

### **ELECTRONIC PRESCRIPTION MONITORING PROGRAM**

State law requires mandatory registration of all pharmacies and dispensing physicians to submit prescription data to the PDMP, the program allows readily available prescription history for anyone prescribed controlled substances in schedule II-IV. This allows physicians or pharmacists the capability of retrieving prescription history for their patients to assist in best providing care, especially where controlled substance abuse is suspected.

The Hawaii Prescription Drug Monitoring Program (HI PDMP) is Hawaii’s solution for monitoring Schedule II-IV controlled substances dispensed in Hawaii. Hawaii Revised Statutes (HRS), Chapter 329, Part VIII, Electronic Prescription Accountability System requires the Hawaii Narcotics Enforcement Division to establish and maintain an electronic controlled substances prescription database for the reporting of dispensed prescriptions for all Schedule II-IV controlled substances under federal law. This program was created to improve patient care and foster the goal of reducing misuse, abuse, and diversion of controlled substances; and to encourage cooperation and coordination among state, local, and federal agencies and other states to reduce the misuse, abuse, and diversion of controlled substances.

Chapter 329, Part VIII requires that each dispenser shall submit, by electronic means, information regarding each prescription dispensed for a controlled substance. Each dispenser shall submit the information required by HRS, Chapter 329, Part VIII to the central repository within seven (7) days of dispensing the controlled substance unless the NED waives this requirement for good cause shown by the dispenser.

The HI PDMP database and the information contained within the database are confidential; they are not public records and, therefore, are not subject to public disclosure. The HI PDMP shall ensure the security and confidentiality of the database and the information contained within the database.

During FY 2023, NED’s PDMP program collected data from all of Hawaii’s dispensers resulting in over one million new Schedule II through V controlled substance prescriptions entered into the system of which approximately 50 % were opioid prescriptions dispensed. Hawaii’s PDMP authorizes controlled substance registrants (physicians, pharmacist, veterinarians, APRN and PAs) to access Hawaii’s PDMP directly resulting in re-

duced manual runs by NED Special Agents for practitioners. The per capita ratio is approximately one prescription per person in Hawaii.

Additionally, NED entered into agreements to allow for electronic integration of health records (EHRs) with the HI PDMP and to allow for integration and communication with the PDMP of the of the other states. This exciting integration allows for seamless access to HI-PDMP in the doctor's office, increasing healthcare efficiency and reducing the time it takes to be issued a prescription. Integration also allows healthcare professionals to gain information about their patients from prescriptions issued in other states. All of these things allow for safer prescribing of controlled substances.

The following lists the top-10 prescription-controlled substances in Hawaii:

1. HYDROCODONE
2. OXYCODONE
3. DEXTROAMPHETAMINE
4. ZOLPIDEM
5. ALPRAZOLAM
6. CODEINE
7. TRAMADOL
8. LORAZEPAM
9. PREGABALIN
10. CLONAZEPAM

### **FORENSIC LABORATORY PROGRAM**

In November 2009, the Narcotics Enforcement Division Forensic Laboratory (NEDFL) began operations and during FY2011-2012 the laboratory attained international laboratory accreditation through the American Society of Crime Laboratory Directors/Lab Accreditation Board (ASCLD/LAB) accreditation program. This was a significant accomplishment as laboratories that demonstrate compliance with the highly recognized ASCLD/LAB-International standard have demonstrated they operate using sound management practices and are technically competent to perform forensic analytical tests for which they hold accreditation. The NEDFL's scope of accreditation includes controlled substance analysis, general chemical testing and clandestine laboratory analysis.

The NEDFL also serves to educate law enforcement, civilian support, correctional officers, and students in drug awareness, recognition and forensics. NEDFL forensic analysts have done presentations, in Clandestine Laboratory Chemical Recognition and Safety Awareness for law enforcement and civilian responders. Laboratory personnel have also presented seminars on New Emerging Drugs of Concern to educate correctional facility officers in the recognition of spice and bath salt related drugs that are of increasing community concern. Further, the NEDFL is committed to encouraging participation and education of Hawaii's youth in Sciences and has participated in events, such as the Hawaii State Science Olympiad in which high school students statewide compete in their knowledge of forensics.

The laboratory applied to ASCLD/LAB for laboratory accreditation in April 2011 and the on-site assessment was completed in mid-July 2011. The assessment team did not issue any finding that required corrective actions. The assessment team reported their assessment results back to the ASCLD/LAB Board.

On August 9, 2011, the ASCLD/LAB Board officially awarded accreditation, under its International Testing Program, to the NED Forensic Laboratory. Accreditation by ASCLD/LAB is recognized by the criminal justice system as a means of determining that a labora-

tory has met a set of internationally recognized standards of operation for forensic laboratories.

Today, the NED Forensic Laboratory continues its commitment to professional excellence by providing reliable, timely and quality forensic laboratory services. Continued maintenance of the accreditation the laboratory has received is essential to this commitment.

During FY 2023, NED’s Special Agent / Criminalists analyzed samples approximately 1440 samples. While this number is lower than FY 2022, NED’s chemists reported that the examinations were more complex due to the increasing amount of fentanyl examinations performed in the laboratory. Due to fiscal restraints, NED has been screening all forensic drug laboratory requests and prioritizing them by their court or prosecution requirements.

**REGISTRATION SECTION**

In FY 2023, NED’s Registration section processed a combined total of 8923 certificates. NED’s registration staff continues to maintain appropriate service levels to the medical community with the controlled substance registration program, chemical warehouse and storage companies through the regulated chemical program and addressing the numerous telephone calls that come in to NED during a normal workday.

The following table lists the type of registration issued and the location of the registrant in our state:

Registration Type	Total	Kauai	Oahu	Molokai	Lanai	Maui	Hawaii	Out of State
CLINIC	48	1	24	1	0	10	12	0
DISTRIBUTOR	216	0	8	0	0	0	0	208
LABORATORY	5	0	5	0	0	0	0	0
LAW ENFORCEMENT	16	2	6	0	0	3	5	0
LONG TERM CARE	30	3	22	0	0	2	3	0
MANUFACTURE	16	0	0	0	0	0	0	16
MEDICAL CANNABIS DISPENSARY	35	2	14	0	0	9	10	0
OTHER	33	0	8	0	5	3	17	0
PHARMACY	237	27	149	1	2	26	32	0
PHARMACY - MAIL	310	0	0	0	0	0	0	310
PHYSICIAN ASSISTANT	379	20	251	0	0	58	50	0
PRACTITIONER	6,713	374	4,759	19	8	710	843	0
REGISTERED NURSE	877	37	601	7	4	80	147	1
RESEARCHER	8	0	8	0	0	0	0	0
Total	8,923	466	5,855	28	19	901	1,119	535



**NED PHARMACEUTICAL DRUG TAKEBACK PROGRAM AND REGISTRANT DISPOSAL PROGRAM**

With pharmaceutical drug abuse continuing to be one of the fastest growing drug abuse concerns across the country, NED continues to manage the drug take back program in Hawaii. A large percentage of people abusing prescription drugs obtain them from friends and relatives, often raiding the family medicine cabinet. In order to stem this trend, NED, along with our law enforcement and community partners, continues hosting State Prescription Drug Take Back Events. These Take Back Events provide a free, anonymous and environmentally safe opportunity for the public to turn in unused, unwanted or expired prescription medications. NED partnered with Kupuna Alert Partners (KAP) and other community groups and county police departments. The KAP consists of NED, the Department of the Attorney General, Department of Consumer Affairs, Department of Health and UH School of Pharmacy.

The NED also partnered with the DEA in one national drug take back event where thousands of pounds of unwanted medication was taken back and destroyed.



# Administration Division



**Melanie Martin**, Deputy Director for Administration

The Administration Division provides administrative support services that enable corrections and law enforcement staff to carry out their responsibilities. Some of these services include training and staff development, fiscal and personnel management, management of the operating budget and capital improvements program budget, procurement, management information systems and research.





# Administrative Services Office

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The Administrative Services Office provides a variety of support services to the entire department through the following units:

## **Planning and Research Unit**

The **Research & Statistics** area highlights the following activities in FY 2023:

### **Weekly Reports**

Departmental Population Reports  
Jail Reports  
Intake Services Population Reports

### **Monthly Reports**

Departmental Population Reports  
Inmate Max Out Report  
VA report  
JRI data extraction  
OHA Fatherhood Report  
Consular Reports

### **Yearly Reports**

Hawaii State Recidivism Report  
Federal IRS Report  
National Corrections Reporting Program  
National Prisoner Statistics  
National Inmate Survey  
Deaths in Custody  
State Criminal Alien Assistance Program  
Prison Rape Elimination Act Reporting  
Survey of Prison Inmates  
Compact of Free Association reporting

### **Research Projects**

Grant Submissions  
Experimental Evaluation of HOPE Pretrial  
Bureau of Justice Statistics Prison Population Survey  
ASCA Restrictive Housing Survey  
Population projections for facility rebuild renovation projects  
ACA Survey Completion  
Creation of Inmate Release Lists for Hawaii Supreme Court

### **Legislative Coordinator**

Triage and track bills during legislative session  
Attend Legislative Coordinator Meeting at the Governor's Office

The **Planning** area highlights in FY 2023 are as follows:

### **OCCC**

- OCCC Relocation – Obtained funding to continue planning and design process for OCCC relocation.
- OCCC, LWFC Repair and Maintenance Improvements – DAGS planning design and design complete and project going into construction bid phase for the interim repairs



# Administrative Services Office

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and improvements, to maintain and support current operations at LWFC.

## MCCC

- New MCCC at Pulehunui – Planning continues for a new MCCC at the Pulehunui Regional Development District.

## KCCC

- Planning for a New KCCC Facility, Kauai – Planning for a new Kauai facility underway.

## HCCC

- Preliminary budgetary planning for a new West Hawaii Facility is underway.

## Others

- Working with DOE on cooperative procurement agreement to utilize job order contracting process for PSD projects statewide.

The **Management Analyst** reports the following activities:

- The Management Analyst position was relocated from the Planning and Research Section to the supervision of the ASO Business Management Officer.
- Assigned as the Department of Public Safety coordinator for planning the transition into the Department of Corrections and Rehabilitation (DCR) and the Department of Law Enforcement (DLE) effective January 1, 2024.
  - ◊ Assisted with establishing the DLE's Program, Accounting, and Human Resource codes with central agencies.
  - ◊ Coordinating and assisting with office allocation changes to accommodate organizational structure changes involved with DCR and DLE transition.
  - ◊ Assisted with and coordinated the transition of DAGS Risk Management functions to the DLE staff.
  - ◊ Hosted multiple coordinating sessions between PSD Administrative Staff and DLE Staff to establish a transition task list.
  - ◊ Drafted Sheriff Division State Parking Policy letter and Parking Coordinator assignment letter in preparation for DLE transition. Coordinated with the DAGS Automotive Division Administrator to implement a structured parking management procedure for the Sheriff Division parking allocation.
- Coordinated the relocation of the SAVIN office from the Keoni Ana building to the Crime Victim Compensation Commission office space located on Bishop Street.
- Provide training and coordinate the B&F Finance Memorandum 22-01 and 22-09, Major Program Structure Review, and Program Memorandum document. Provided three training sessions to the Administrative Staff and Program Administrators.
- Project lead for a six-month effort to update the department Program Memoranda for Major Programs of the State. Coordinated with B&F and PSD leadership to:
  - ◊ Coordinate the development of an overview and discussion of emerging trends and issues
  - ◊ Coordinate draft statement of Proposed Major Program Changes
  - ◊ Coordinate input concerning changes related to Act 278, SLH 2022, that removes Major Program Structure from the Department of Public Safety as it transitions to the Department of Corrections and Rehabilitation in January 2024.
- Coordinated Range Safety Officer (RSO) certification and examination proctoring necessary to schedule and access firearms ranges managed by the U.S. Marine Corps. This was in response to the closure of the City & County of Honolulu Koko Head Shooting Complex, where firearms training was previously conducted.
- Coordinated the relocation of the Sheriff Division Special Operations and Receiving operations from leased space on Keawe Street to the Kalani Moku Building. Assisted Sheriff Division with identifying space requirements and design for DAGS Public Works, Planning Division.
- Participated in the Statewide exercise Makani Pahili as the Alternate for the Business Man-



# Administrative Services Office

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agement Officer/Logistics team member. The exercise was held in the PSD Emergency Operations Center (EOC) over a two-day simulated weather event.

- Coordinated with Information Technology Systems (ITS) to create the Department of Public Safety historical archive within the PSD Intranet. This was expanded to include a section about Building and Architecture Sites in downtown Honolulu.
- Conducted leased property site visits with the DAGS Leasing Branch to the Mainland Branch and Narcotics Enforcement Division. Both leases were being renegotiated for renewal.

## **Risk Management Coordination**

- Distributed Annual Self-Insurance certificates to the programs (Risk Management)
- Completed annual vehicle inventory and insurance coverage adjustments to DAGS.
- Reviewed and updated capital property locations and values for insurance coverage including the most recent property value for the Halawa Correctional Facility.
- Reviewed and updated the department's real property locations as part of the State Building Asset Management (SBAM) System Review and Facility Information. (Risk Management)
- Worked to resolve the flood damage claim for the Training & Staff Development Office located at 801 Dillingham Blvd.

The **Capital Improvement Projects (CIP)** reports 30 projects statewide in FY 2023 (DAGS as expending agency):

6	Projects	Halawa Correctional Facility
1	Projects	Kulani Correctional Facility
3	Projects	Waiawa Correctional Facility
8	Projects	Hawaii Community Correctional Center
5	Projects	Maui Community Correctional Center
2	Projects	Oahu Community Correctional Center
3	Projects	Kauai Community Correctional Center
2	Projects	Women's Community Correctional Center

The **Administrative Projects** (PSD – expending agent):

10	Projects	Hawaii Community Correctional Center
2	Projects	Kulani Correctional Facility
2	Projects	Waiawa Correctional Facility
2	Projects	Maui Community Correctional Center
3	Projects	Halawa Correctional Facility
3	Projects	Oahu Community Correctional Center
3	Projects	Kauai Community Correctional Center
3	Projects	Women's Community Correctional Center

- PSD state-wide Sustainability Master Plan CIP project
- PSD Facilities Statewide – Architectural Barrier Removal and Related Improvements
- PSD Professional Services Contract

## **Procurement and Contracts Unit**

The Procurement and Contracts Unit (PC) continues to provide departmental services on the procurement of health and human services, equipment, various goods and services using the formal bid process and the HlePRO.

The following are highlights of PC's activities in FY 2023:

- 60 new solicitations for 103D and 103F contracts
- 24 contract extensions

# Administrative Services Office

## Active Contract Log

Department Name: PSD  
Annual Report: FY 2023

Contract Information*													Period of Performance	
Authorized Statute 103(D) or 103(F)	Division // Office Name // Attached Agency	Procurement Officer Name	Contract No.	Type: Goods/ Services/ Construction/HHS	Method of Procurement	Contract Description	Declared Disaster Ready? Could the contract scope be used during a declared disaster? Y/N	Contractor Name	Notice of Award Date	Awarded Amount	Funds added through Modifications	Total Contract Amount	From (MM/DD/YY)	To (MM/DD/YY)
103(D) Goods, Services, Construction	PSD 410 (SCD)	PSD Procurement & Contracts Unit - Marc Yamamoto	88979	S - Services	#B	Controlled Substance And Alcohol Testing Services, Statewide (20-20) 68979	N	Diagnostic Laboratory Services, Inc.	6/24/2020	\$ 100,662.50	\$ 78,000	\$ 178,662.50	07/01/20	06/30/24
103(D) Goods, Services, Construction	PSD 420 (CPS-FS)	PSD Procurement & Contracts Unit - Marc Yamamoto	19-28	G - Goods	#B	Frozen Foods for Various Correctional Facilities on Oahu, Hawaii, Maui, and Kauai (22-28)	N	P & E Foods Incorporated	7/1/2022	\$ 2,743,627.50	\$ 2,743,628	\$ 5,487,255.00	07/01/22	06/30/24
103(D) Goods, Services, Construction	PSD 421 (HCD)	PSD Procurement & Contracts Unit - Marc Yamamoto	20-28	S - Services	#B	Laboratory Diagnostic Services for the Department of Public Safety, Health Care Division (20-28)	N	Clinical Laboratories of Hawaii, LLP	8/13/2020	\$ 500,000.00	\$ 2,700,000	\$ 3,200,000.00	09/01/20	08/31/23
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	89385	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Employment Services for Inmates and Parolees Statewide (21-07) 89385	N	Goodwill Industries of Hawaii, Inc.	2/19/2021	\$ 300,000.00	\$ 300,000	\$ 600,000.00	03/01/21	02/28/24
103(D) Goods, Services, Construction	PSD 404 (WCF)	PSD Procurement & Contracts Unit - Marc Yamamoto	T80	S - Services	#B	Operation and Maintenance Services of Surface Water Treatment Plant Waiawa Correctional Facility (23-24)	N	Pural Water Specialty Co., Inc.	7/7/2023	\$ 192,061.37		\$ 192,061.37	07/01/23	06/30/24
103(F) Health and Humans Services	PSD 420 (CPS-SO)	PSD Procurement & Contracts Unit - Marc Yamamoto	69425	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Sex Offender Treatment Services Statewide (21-24) 69425	N	Journey to Pono	1/19/2021	\$ 233,300.00	\$ 274,300	\$ 507,600.00	03/01/21	02/28/24
103(F) Health and Humans Services	PSD 420 (CPS-SO)	PSD Procurement & Contracts Unit - Marc Yamamoto	69424	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Sex Offender Treatment Services Statewide (21-24) 69424	N	Community Assistance Center	1/19/2021	\$ 208,000.00	\$ 272,000	\$ 480,000.00	03/01/21	02/28/24
103(D) Goods, Services, Construction	PSD 808 (NSF)	PSD Procurement & Contracts Unit - Marc Yamamoto	22-02	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Prison Contract Compliance Monitoring Services for Sagunaro Correctional Center (22-02)	N	Jennifer L. Bechler	8/30/2021	\$ 77,945.00	\$ 155,890	\$ 233,835.00	09/01/21	08/31/24
103(D) Goods, Services, Construction	PSD (CPS)	PSD Procurement & Contracts Unit - Marc Yamamoto	19-27A	G - Goods	#B	Liquefied Petroleum Gas (LPG) for Various Correctional Facilities, Statewide (19-27 A)	N	AmeriGas Propane, L.P., dba AmeriGas Kauai	4/13/2019	\$ 729,750.00	\$ -	\$ 729,750.00	04/15/19	04/14/24
103(D) Goods, Services, Construction	PSD 420 (CPS)	PSD Procurement & Contracts Unit - Marc Yamamoto	19-27B	G - Goods	#B	Liquefied Petroleum Gas (LPG) for Various Correctional Facilities, Statewide (19-27 B)	N	The Gas Co., LLC, dba Hawaii Gas	4/13/2019	\$ 1,818,880.00	\$ -	\$ 1,818,880.00	04/15/19	04/14/24
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	69326	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Correctional Work Furlough and Halfway House Program for Women Inmates on Oahu (21-06) 69326	N	YWCA	9/28/2020	\$ 399,385.00	\$ 420,000	\$ 819,385.00	10/1/2020	6/30/2024
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	71552	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Clean and Sober Housing for Adult Male Offenders and Parolees of the Island of Oahu (23-03A) 71552	N	Makana O Ke Aloha, Inc.	2/1/2023	\$ 360,000.00	\$ -	\$ 360,000.00	02/01/23	01/31/25
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	71553	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Clean and Sober Housing for Adult Male Offenders and Parolees of the Island of Oahu (23-03B) 71553	N	Women in Need	2/1/2023	\$ 190,000.00	\$ -	\$ 190,000.00	02/01/23	01/31/25
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	71220	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Residential, Intensive Outpatient, and Outpatient Substance Abuse Treatment Services for Adult Male and Female Defendants Statewide (23-16A) 71220	N	Salvation Army, dba The Salvation Army-Addiction Treatment Services	5/1/2023	\$ 120,000.00		\$ 120,000.00	05/01/23	04/30/24
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	71255	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Residential, Intensive Outpatient, and Outpatient Substance Abuse Treatment Services for Adult Male and Female Defendants Statewide (23-16B) 71255	N	Care Hawaii	5/1/2023	\$ 40,000.00	\$ -	\$ 40,000.00	05/01/23	04/30/24
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	67679	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Residential, Intensive Outpatient, and Outpatient Substance Abuse Treatment Services for Adult Male and Female Defendants Statewide (23-16C) 71256	N	Care Hawaii	5/1/2023	\$ 70,000.00	\$ -	\$ 70,000.00	05/01/23	04/30/24
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	67680	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Residential, Intensive Outpatient, and Outpatient Substance Abuse Treatment Services for Adult Male and Female Defendants Statewide (23-16D) 71256	N	Big Island Substance Abuse Council	5/1/2023	\$ 30,000.00	\$ -	\$ 30,000.00	05/01/23	04/30/24
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto	64553	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	DVI for Inmates at MCCC (19-26) 69213	N	Parents and Children Together	9/26/2019	\$ 85,000.00	\$ 211,300	\$ 296,300.00	10/01/19	09/30/23
103(D) Goods, Services, Construction	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto		S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	ORAS-PTA Revalidation (22-13) 70570	N	Janet T. Davidson, Ph.D	7/15/2022	\$ 30,000.00	\$ -	\$ 30,000.00	09/01/22	08/31/24
103(D) Goods, Services, Construction	PSD 808 (NSF)	PSD Procurement & Contracts Unit - Marc Yamamoto	22-20	S - Services	#B	Chartered Inter-Island Air Transport of Passengers, Statewide (22-20)	N	Trans Executive Airlines of Hawaii, Inc., dba InterIsland Airways	1/1/2022	\$ 831,969.80	\$ 1,005,411	\$ 1,837,381.06	01/15/22	01/14/24
103(D) Goods, Services, Construction	PSD 900 (TSD)	PSD Procurement & Contracts Unit - Marc Yamamoto	69014	L	SOLE SOURCE - PREAPPROVED	SOH Private Office Lease, Department of Public Safety, Training and Staff Development Office - Lease no. 72-27-0598 (21-13) 69014	N	Castle & Cooke Commercial, Inc., a Hawaii Corporation	NA	\$ 846,634.03	\$ 2,537,884	\$ 3,404,317.73	08/01/20	07/31/25
103(F) Health and Humans Services	PSD 900 (COR)	PSD Procurement & Contracts Unit - Marc Yamamoto		G - Goods	SOLE SOURCE - PREAPPROVED	Services for the Technical Assistance, Design/Development, and Implementation of a Web-based Audit and Inspection System for State Correctional Facilities (23-07)	N	Accreditation, Audit & Risk Management Security, dba AARMS	5/9/2022	\$ 25,804.80	\$ 23,800	\$ 51,609.60	05/09/22	05/08/27



# Administrative Services Office


Authorized Statute 103(D) or 103(F)	Division // Office Name // Attached Agency	Procurement Officer Name	Contract No.	Type: Goods/ Services/ Construction/HHS	Method of Procurement	Contract Description	Declared Disaster Ready? Could the contract scope be used during a declared disaster? Y/N	Contractor Name	Notice of Award Date	Awarded Amount:	Funds added through Modifications	Total Contract Amount	From (MM/DD/YY)	To (MM/DD/YY)
103(D) Goods, Services, Construction	PSD 420 (CPS-FS)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-06	G - Goods	IFB	Bread and Other Bakery Products to Correctional Facilities, statewide (22-06)	N	Hawaii Foodservice Alliance, LLC	11/1/2021	\$ 182,079.50	\$ 219,597	\$ 401,676.08	11/01/21	10/31/23
103(D) Goods, Services, Construction	PSD 420 (CPS-FS)	PSD Procurement & Contracts Unit-Marc Yamamoto	20-11	G - Goods	IFB	Fresh Produce for Various Correctional Facilities Statewide (23-09)	N	Ham Produce and Seafood, Inc.	8/22/2022	\$ 172,025.58	\$ 782,863	\$ 954,628.58	12/16/22	12/15/23
103(F) Health and Humans Services	PSD 420 (CPS-SA)	PSD Procurement & Contracts Unit-Marc Yamamoto	69211	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Residential Treatment Services for Female Offenders (21-09) 69211	N	The Alcoholic Rehabilitation Services of Hawaii, Inc., dba Hina Mauka	10/16/2020	\$ 422,000.00	\$ -	\$ 422,000.00	11/01/20	10/31/23
103(D) Goods, Services, Construction	PSD 404 (WCF)	PSD Procurement & Contracts Unit-Marc Yamamoto	69282	S - Services	IFB	Operation and Maintenance Services of Wastewater Treatment Plant Waiawa Correctional Facility (21-20) 69282	N	Aqua Engineers, Inc.	12/1/2020	\$ 123,000.00	\$ 246,000	\$ 369,000.00	12/01/20	11/30/23
103(F) Health and Humans Services	PSD 612 (HPA)	PSD Procurement & Contracts Unit-Marc Yamamoto	68798	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Multiple Substance Abuse Treatment Services for Male and Female Parolees on Oahu (20-07) 68798	N	The Salvation Army, dba The Salvation Army Addiction Treatment Services	3/13/2020	\$ 100,000.00	\$ -	\$ 100,000.00	03/16/20	03/15/24
103(F) Health and Humans Services	PSD 612 (HPA)	PSD Procurement & Contracts Unit-Marc Yamamoto	71440	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Multiple Substance Abuse Treatment Services for Male and Female Parolees on Oahu (23-29) 71440	N	The Salvation Army, dba The Salvation Army Addiction Treatment Services	5/30/2023	\$ 217,000.00	\$ -	\$ 217,000.00	06/01/23	05/31/25
103(F) Health and Humans Services	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-12A	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Temporary Nursing Services at Correctional Facilities Statewide (22-12A)	N	RCM Technologies (USA) Inc., dba RCM Health Care Services	11/1/2021	\$ 4,200,000.00	\$ -	\$ 4,200,000.00	11/01/21	10/31/23
103(F) Health and Humans Services	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-12B	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Temporary Nursing Services at Correctional Facilities Statewide (22-12B)	N	ALTRES Staffing Inc., dba ALTRES Medical	11/1/2021	\$ 4,200,000.00	\$ -	\$ 4,200,000.00	11/01/21	10/31/23
103(F) Health and Humans Services	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-12C	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Temporary Nursing Services at Correctional Facilities Statewide (22-12C)	N	Staffing Today	11/1/2021	\$ 4,200,000.00	\$ -	\$ 4,200,000.00	11/01/21	10/31/23
103(F) Health and Humans Services	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-12D	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Temporary Nursing Services at Correctional Facilities Statewide (22-12D)	N	Hawaii Nursing	11/1/2021	\$ 4,200,000.00	\$ -	\$ 4,200,000.00	11/01/21	10/31/23
103(F) Health and Humans Services	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	22-12E	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Temporary Nursing Services at Correctional Facilities Statewide (22-12E)	N	Worldwide Travel Staffing	11/1/2021	\$ 4,200,000.00	\$ -	\$ 4,200,000.00	11/01/21	10/31/23
103(D) Goods, Services, Construction	PSD 421 (HCD)	PSD Procurement & Contracts Unit-Marc Yamamoto	19-23	G - Goods	RFP/COMPETITIVE PURCHASE OF SERVICES	Pharmaceutical (19-23)	N	Contract Pharmacy Services	7/19/2021	\$ 4,800,000.00	\$ 9,600,000	\$ 14,400,000.00	08/01/21	07/31/24
103(F) Health and Humans Services	PSD 420 (CPS-SA)	PSD Procurement & Contracts Unit-Marc Yamamoto	70404	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Family Therapy and Counseling Services for Bridge Program on Oahu (22-25) 70404	N	The Salvation Army, dba The Salvation Army Addiction Treatment Services	5/1/2022	\$ 300,000.00	\$ -	\$ 300,000.00	05/01/22	04/30/24
103(F) Health and Humans Services	PSD 421	PSD Procurement & Contracts Unit-Marc Yamamoto	22-07	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Mobile Dentistry Services for Inmates, Statewide (22-07)	N	Dental Health Management Solutions, Inc., dba Dental Health Management Solutions, Inc.	10/1/2021	\$ 258,960.00	\$ 258,960	\$ 517,920.00	10/01/21	09/30/23
103(D) Goods, Services, Construction	PSD 900 (COR)	PSD Procurement & Contracts Unit-Marc Yamamoto	21-11	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Notified Automated Victim Information Station (SAVIN) System (21-11)	N	Appriss, Inc.	5/1/2021	\$ 168,677.00	\$ 91,955	\$ 260,632.16	05/01/21	04/30/24
103(D) Goods, Services, Construction	PSD 407 (DCCC) / 402 (HCF)	PSD Procurement & Contracts Unit-Marc Yamamoto	68784	S - Services	IFB	Refuse Collection Service Oahu Community Correctional Center and Halawa Correctional Facility (20-19) 68784	N	Honolulu Disposal Service, Inc., dba Honolulu Disposal Service, Inc.	6/1/2020	\$ 211,341.60	\$ 634,025	\$ 845,366.40	06/01/20	05/31/24
103(D) Goods, Services, Construction	PSD 405 (HCCC)	PSD Procurement & Contracts Unit-Marc Yamamoto	69364	S - Services	IFB	Operation and Maintenance Services of Wastewater Treatment Plant and Lift Station-Hale Nani Work Release Center (21-32) 69364	N	Aqua Engineers, Inc., dba Aqua Engineers, Inc.	1/7/2021	\$ 58,573.00	\$ 117,148	\$ 175,719.00	02/01/21	01/31/24
103(F) Health and Humans Services	PSD 808 (NSF)	PSD Procurement & Contracts Unit-Marc Yamamoto	21-28	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Multi-Custody Level Correctional Facility for the Care, Custody and Confinement of Hawaii Adult Male Offenders (21-28)	N	Corrections Corporation of America	7/1/2021	\$ 50,670,030.00	\$ 108,844,170	\$ 156,614,200.00	08/01/21	07/31/24
103(D) Goods, Services, Construction	PSD 408 (KCCC)	psd	69496	S - Services	IFB	Operation and Maintenance of Main Force Sewer Lift Station at KCCC (21-33) 69496	N	Aqua Engineers, Inc.	7/1/2021	\$ 21,600.00	\$ 43,200	\$ 64,800.00	07/01/21	06/30/24
103(D) Goods, Services, Construction	PERS	PSD Procurement & Contracts Unit-Marc Yamamoto	17-PERS-33	P - Professional Services	PROFESSIONAL SERVICES	Pre and Post Employment Offer Psychological Evaluation Services for ACO Applicants (17-33)	N	Herbert M. Gupton, Ph.D	7/25/2017	\$ 164,700.00	\$ 329,400	\$ 494,100.00	08/01/17	07/31/23
103(D) Goods, Services, Construction	ADM	PSD Procurement & Contracts Unit-Marc Yamamoto	21-ADM-21	S - Services	IFB	Security Guard Services for the Keoni Ana Building (21-21)	N	Alii Security	12/1/2020	\$ 62,836.80	\$ 134,310	\$ 197,147.28	12/01/20	11/30/23
103(D) Goods, Services, Construction	PERS	PSD Procurement & Contracts Unit-Marc Yamamoto	69169	S - Services	IFB	Controlled Substance Testing Services and Medical Review Officer Services, Statewide (21-08A) 69169	N	Diagnostic Laboratory Services, Inc.	9/20/2020	\$ 46,597.50	\$ 46,598	\$ 93,195.00	12/01/20	11/30/23
103(D) Goods, Services, Construction	PERS	PSD Procurement & Contracts Unit-Marc Yamamoto	69702	S - Services	IFB	Controlled Substance Testing Services and Medical Review Officer Services, Statewide (21-08B) 69702	N	Straub Clinic & Hospital	9/20/2020	\$ 16,880.00	\$ 16,880	\$ 33,760.00	12/01/20	11/30/23



# Administrative Services Office

Authorized Statute 103(D) or 103(F)	Division / Office Name // Attached Agency	Procurement Officer Name	Contract No.	Type: Goods/ Services/ Construction/HIS	Method of Procurement	Contract Description	Declared Disaster Ready? Could the contract scope be used during a declared disaster? Y/N	Contractor Name	Notice of Award Date	Awarded Amount	Funds added through Modifications	Total Contract Amount	From (MM/DD/YY)	To (MM/DD/YY)
103(D) Goods, Services, Construction	HPA	PSD Procurement & Contracts Unit- Marc Yamamoto		Document Imaging ES3and Document Management (23-22) 7090+4532	IFB	Document Imaging and Document Management (23-22) 70902	N	SIMS Hawaii Consulting, Inc., dba SIMS Hawaii	2/16/2023	\$ 79,400.00		\$ 79,400.00	02/16/23	02/15/24
103(D) Goods, Services, Construction	ROD	PSD Procurement & Contracts Unit- Marc Yamamoto	69478	S - Services	IFB	Document Imaging and Document Management (21-38) 69478	N	SIMS Hawaii Consulting, Inc., dba SIMS Hawaii	3/29/2021	\$ 28,467.00	\$ 15,080	\$ 43,547.00	04/16/21	04/15/24
103(D) Goods, Services, Construction	CPS_SOTP	PSD Procurement & Contracts Unit- Marc Yamamoto	69572	S - Services	IFB	Document Imaging and Document Management (21-42) 69572	N	SIMS Hawaii Consulting, Inc., dba SIMS Hawaii	3/29/2021	\$ 21,042.00	\$ 9,984	\$ 31,026.00	04/23/21	04/22/24
103(F) Health and Humans Services	CPS	PSD Procurement & Contracts Unit- Marc Yamamoto	68735	S - Services	RFP/COMPETITIVE PURCHASE OF SERVICES	Outpatient & Continuing Care Substance Abuse Treatment for Male and Female Offenders Statewide (20-05) 68735	N	Salvation Army, dba The Salvation Army- Addiction Treatment Services	2/25/2020	\$ 550,000.00		\$ 550,000.00	01/01/20	12/31/23
103(D) Goods, Services, Construction	CPS	PSD Procurement & Contracts Unit- Marc Yamamoto	6-CPS/SA-3	G - Goods	IFB	ENZIME IMMUNOASSAY URINALYSIS DRUG TESTING SYSTEM for Facilities on the Islands of Oahu, Hawaii, Maui and Kauai Corrections Program Services (22-05)	N	Microgenics Corporation	8/26/2021	\$ 95,000.00	\$ 38,000	\$ 133,000.00	08/26/21	08/25/23
103(D) Goods, Services, Construction	COR	PSD Procurement & Contracts Unit- Marc Yamamoto		S - Services		Inmate Pay Telephone System (16-17)	N	Global Tel*Link Corp	11/29/2016	\$ 200,000.00		\$ 200,000.00	06/01/18	11/27/23
										\$ 89,903,130	\$ 129,323,970	\$ 219,227,100		

\* Note: Definition of Contract for Purposes of this contract log: Any contract or Purchase Order that has a Period of Performance.


 Department Head Signature      Date      Jul 19, 2023

## Information Technology Systems Unit

The Information Technology Systems (ITS) Unit is responsible for the infrastructure architecture, hardware, software, and networking of computers in the Department to support the delivery of services. ITS maintains the computer systems and networks across the state, resolving technical problems while managing end-user requests.

ITS support interfaces, in-house applications as well as acquired applications and enhancements. We administer, plan and direct Application System Design, development, implementation, and maintenance of departmental business application computer systems.

We strive to maintain up-to-date technology, knowing the importance of regulatory compliance, security, and increased productivity. We are dedicated to evaluating and managing the software and hardware necessary to keep the network online and functioning at a high level.

The following are projects ITS started/completed in FY 2023:

- **GTL KIOSK PROJECT**  
 Approved visitors can now easily deposit funds for inmates via special GTL kiosks located at all facilities. These funds are then electronically transferred over to the Inmate Trust Acct (ITA) system. This went Live on 10/19/2022.
- **OFFENDERTRAK CLASSIFICATION CHANGES**  
 Modifications to drop-down menus for Classification instruments (specifically for incidents and charges) were moved to Offendertrak Production on 11/04/2022. These changes provided improvements to better align with Classification operational requirements.
- **PROCUREMENT DOCUMENT MANAGEMENT**  
 A document management solution was implemented for Procurement on 12/12/2022. This new process includes a stream-lined document filing setup in SharePoint, and also incorporated a change to Procurement's Contract Management application called PCM. PCM was updated to



# Administrative Services Office

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now link over to Procurement's contracts/documents in SharePoint. This switchover to Share-Point enables the Procurement team to easily store and access their documents at any time and from anywhere.

- **VXRAIL UPGRADES**

Required upgrades for the VxRail (VM/virtual servers) appliance were completed in FY23. Additional memory was installed in November 2022 to meet the new server needs for the Health Care application (eCW). In addition, the VMware vSphere server virtualization platform software was upgraded from version 6 to version 7 in January 2023.

- **OFFENDERTRAK GTL PHONE INTERFACE ENHANCEMENT**

The addition of Gender information is now included in the GTL Phone Interface. This was successfully moved to Live on 1/26/2023. This gender detail was needed for both the phones and tablets that are being used at all the facilities.

### **SYSTEM UPGRADES FOR HEALTH CARE'S EMR SYSTEM (eCW)**

Various high priority upgrades were completed for Health Care's eCW application. On the hardware side, all new servers were setup/configured. On the software side, the eCW application was upgraded from v9 to v10. Health Care went Live on the new version 10 on 2/10/2023. The system has been up and running and stable.

- **AUTOMATED REPORTS**

Two (2) weekly reports that were previously handled manually are now fully automated. The reports that were automated are: 1) Facility Locator and 2) INS report. Automating these reports not only saved staff time and effort, but the reports are now available to the users reliably on the same day/time each week (users include Police dept, Courts, DHS, and other State agencies). This project was completed in June 2023.

- **CORRECTIONS COLLABORATION SYSTEM (CCS)**

A Request for Proposals has been posted and the procurement process is underway. With unexpected delays, the Department expects to award a contract in early calendar year 2024. A critical priority of the Corrections Collaboration System is to replace the current Offender Management System, "OffenderTrak", before the Department loses vendor support at the end of Fiscal Year 2025. Additionally, the CCS will consolidate all major functions of the Department's Correctional Division onto a single platform to provide comprehensive inmate profiles to authorized individuals and provide improved support for data driven decision-making to reduce inmate recidivism.

- **INFORMATION TECHNOLOGY (IT) SUPPORT DESK ONLINE SYSTEM**

The IT help desk/trouble ticket system has streamlined the services which handles:

- a. imaging laptops and computers
- b. responding to computer and application issues
- c. installing approved software programs
- d. installing printers and
- e. addressing network connectivity issues.

Since implementation of the trouble ticket system, response times to the user were shortened, reduced service disruption, improved IT staff productivity, and provided historical data on service tickets. (The historical data has been used for training IT personnel when unusual issues presented themselves and how it was resolved.)



# Administrative Services Office

Below are the number of trouble tickets received by month:

MONTH	NUMBER OF TICKETS RECEIVED	NUMBER RESOLVED
Jul-22	228	228
Aug-22	265	265
Sep-22	292	292
Oct-22	259	259
Nov-22	214	214
Dec-22	212	212
Jan-23	259	259
Feb-23	232	232
Mar-23	255	255
Apr-23	182	182
May-23	219	219
Jun-23	233	232
<b>TOTAL:</b>	<b>2850</b>	<b>2849</b>

- **NETWORK REFRESH ONGOING:** Replacement of outdated hardware includes switches, routers, and cables. To improve the performance, reliability, and security of the network.

## Office Services Unit

- Continue to monitor and adjust PSD at Keoni Ana staff's shredding/ document destruction and media destruction needs.
- Continue to monitor, purchase, and distribute sanitizing products for PSD Keoni Ana staff to address the COVID-19 PANDEMIC.
- Assist the PSD Information Technology section with digitizing PSD policy and procedures manuals

## Operating Budget Unit

See attached table showing Annual Expenditure Report for Fiscal Year 2023.



# Administrative Services Office

## ANNUAL EXPENDITURE REPORT

7/26/2023

Fiscal Year 2023

Program	Total	General	Means of Financing		
			Special / Revolving	Inter- Departmental	Federal
<b>Corrections</b>					
Halawa Correctional Facility	33,329,172	33,329,172			
Kulani Correctional Facility	6,093,900	6,093,900			
Waiawa Correctional Facility	8,106,358	8,106,358			
Hawaii Community Correctional Center	13,804,116	13,804,116			
Maui Community Correctional Center	13,342,863	13,342,863			
Oahu Community Correctional Center	41,725,702	41,725,702			
Kauai Community Correctional Center	6,145,400	6,145,400			
Women's Community Correctional Center	12,894,724	12,894,724			
Non-State Facilities	46,259,565	46,259,565			
Intake Service Centers	4,057,457	4,057,457			
Corrections Program Services	24,374,418	24,150,973			223,445
Health Care	33,810,841	33,810,841			
Correctional Industries	5,399,189		5,399,189		
<b>Total - Corrections</b>	<b>249,343,705</b>	<b>243,721,071</b>	<b>5,399,189</b>	<b>-</b>	<b>223,445</b>
<b>Law Enforcement</b>					
Narcotics Enforcement Division	2,135,535	1,337,684	448,823		349,028
Sheriff Division	33,069,172	23,827,029		8,777,184	464,959
<b>Total - Law Enforcement</b>	<b>35,204,708</b>	<b>25,164,713</b>	<b>448,823</b>	<b>8,777,184</b>	<b>813,987</b>
<b>General Administrative and Attached Agencies</b>					
Hawaii Paroling Authority - Determinations	524,338	524,338			
Hawaii Paroling Authority - Supervision & Counseling	4,174,930	4,174,930			
Crime Victim Compensation Commission	1,517,951	1,002,066	515,885		
General Administration*	46,223,728	17,689,479	357,069		28,177,180
<b>Total - General Administrative and Attached Agencies</b>	<b>52,440,947</b>	<b>23,390,813</b>	<b>872,954</b>	<b>-</b>	<b>28,177,180</b>
<b>Grand Total - Department of Public Safety</b>	<b>336,989,360</b>	<b>292,276,598</b>	<b>6,720,966</b>	<b>8,777,184</b>	<b>29,214,612</b>

Report is based on MBPE02-1 and includes encumbrances

\*General Administration General Funds include funds appropriated by Acts 118, 125, and 245, SLH 2022.



## Fiscal Office

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The Fiscal Office services the entire department by providing fiscal management services through three subunits:

- Accounting
- Payroll
- Vouchering

The Fiscal Office provides fiscal management including accounting, record keeping, and auditing; financial reporting to the Department of Accounting and General Services and granting agencies; vouchering for procurement of goods and services, payroll preparation; and site guidance and record auditing of equipment and capital assets inventory and disposal management.

- Plans, organizes, directs, and coordinates subordinate staff services to meet operating requirements of the Department and to comply with applicable Federal, State, and Departmental laws, rules, and regulations.
- Initiates staff studies pertinent to assigned functions and recommends changes in policies and procedures, organization, staffing, equipment, and other management elements; prepares budget justifications and operational expenditure plans.
- Oversees compliance by all Departmental components of approved policies and procedures and institutes instructional and informational materials, workshops, and other means to ensure compliance.
- Advises and instructs operating management on relevant aspects to ensure the effectiveness and efficiency of operations; prepares reports on operations for top management.
- Maintains liaison with central services agencies for purposes of coordination and general work scheduling relative to ongoing activities and special projects, and to obtain specialized assistance.
- Develops and maintains Department-wide methods, procedures, and controls consistent with central agency requirements and sound administrative practice relative to fiscal responsibilities.
- Coordinates with central information technology and accounting agencies to ensure the accuracy of records and the timeliness of payments; and deals with vendors to effect purchases and deliveries, verify agreements and actions take, explain procedures, and so forth.
- Advises and instructs operating management on fiscal management methods, procedures, policies, and guidelines.
- Prepares reports on Departmental fiscal management as well as operational concerns and developments.

### **ACCOUNTING UNIT**

Maintains the Departmental accounts record keeping systems for State appropriations and allotments as well as federal grants, inmate trust accounts, special funds, interdepartmental funds, and other funds.

- Establishes and maintains general and detailed ledger of accounts, including the internal transfer of funds and reconciliation with the Department of Accounting and General Services central ledgers.
- Compiles and analyzes fiscal data and prepares reports on appropriations and allotments, status of funds, and encumbrances and expenditures, including reports on financial trends, potential problems, and other developments; interprets





## **Fiscal Office**

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fiscal data for management purposes.

- Informs and instructs operating units on fiscal record keeping, reporting requirements, and related topics.
- Initiates and oversees annual Departmental physical inventory and conducts equipment disposal activities. Also confers with Capital Improvements Program Coordinator in overseeing the proper maintenance of the capital assets inventory for buildings and improvements.
- Prepares Annual Comprehensive Financial Report (ACFR) for the State Audit, and Schedules of Expenditures for Federal Awards (SEFA)
- Keeps abreast of evolving GASB statements and directs Department-wide implementation based on central agency guidelines.
- Manages all Audit Requests and Responses to all Agencies

### **PAYROLL UNIT**

Processes departmental payroll and maintains supporting documents.

- Reviews payroll transactions, calculating and verifying adjustments, follows up on discrepancies and corrections, posts changes to the Hawaii Information Portal (HIP) for preparation of salary ACH payments and warrants, and performs other related functions.
- Support facilities and sites with review and submissions of HIP timesheets saved but not submitted by employees.
- Receive, review and complete work comp forms, making necessary changes, calculates and submits for payments.
- Receives, reviews, and completes TDI forms, calculates, and submit for payments.
- Receives, reviews, and completes AIL forms, calculates, and submits for payment.
- Receives, reviews and Works on Leave Without Pay Reports received by HR and facilities and submit for collections.
- Support ERS in assisting with past payroll questions and calculations. Submissions of payroll templates due to errors in reporting.
- Complete forms and calculations of Contributions for Military Leave Under the Servicemen's Act.
- Support facilities and sites regarding any missing pay by researching the causes and communicating said research.
- Provides guidance and direction to site payroll staff.
- Receives, reviews, and processes transfer of vacation and sick leave credits.
- Maintains applicable records, files, and other documents.

### **VOUCHERING UNIT**

Processes departmental encumbrances and expenditures.

- Pre-audits encumbrance and expenditure documents, posts records, and performs data entry to encumber funds or liquidate encumbrances in State's financial management information system; verifies computer printouts.
- Prepares summary warrant vouchers with attachments and submits to the Department of Accounting and General Services for preparation of payment warrants.
- Maintains applicable records, files, and other documents.



# Human Resources (HR) Office

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The Personnel Management Office transitioned to become the Department of Public Safety's Human Resources (HR) Office. HR manages a comprehensive system of personnel staff services to assist PSD's management in the effective recruitment, retention, and utilization of personnel resources through programs of staffing and technical services, labor relations, employee relations and safety, and employment transactions and records, and while assuring PSD's compliance with Federal and State employment laws, rules and regulations, and various collective bargaining agreements.

## **HUMAN RESOURCES-EMPLOYEE RELATIONS & TRANSACTIONS**

The Employee Relations and Transactions (ERT) comprises one of three sections of the Human Resources (HR) Office. HR-ERT manages all State employee wage and benefits programs including but not limited to Employer-Union Health Benefits Trust Fund (medical and life insurance), Island Savings Deferred Compensation Plan (IRC 457), Retirement, Family and Medical Leave Act (FMLA), Temporary Disability Insurance (TDI), Leave Sharing, Incentive and Service Awards, Workers' Compensation, Return to Work Priority Placement, and Performance Appraisals.

Workers' Compensation is a wage loss replacement benefit provided to employees who suffer a work-related injury as defined by Hawaii Revised Statutes (HRS) §386.

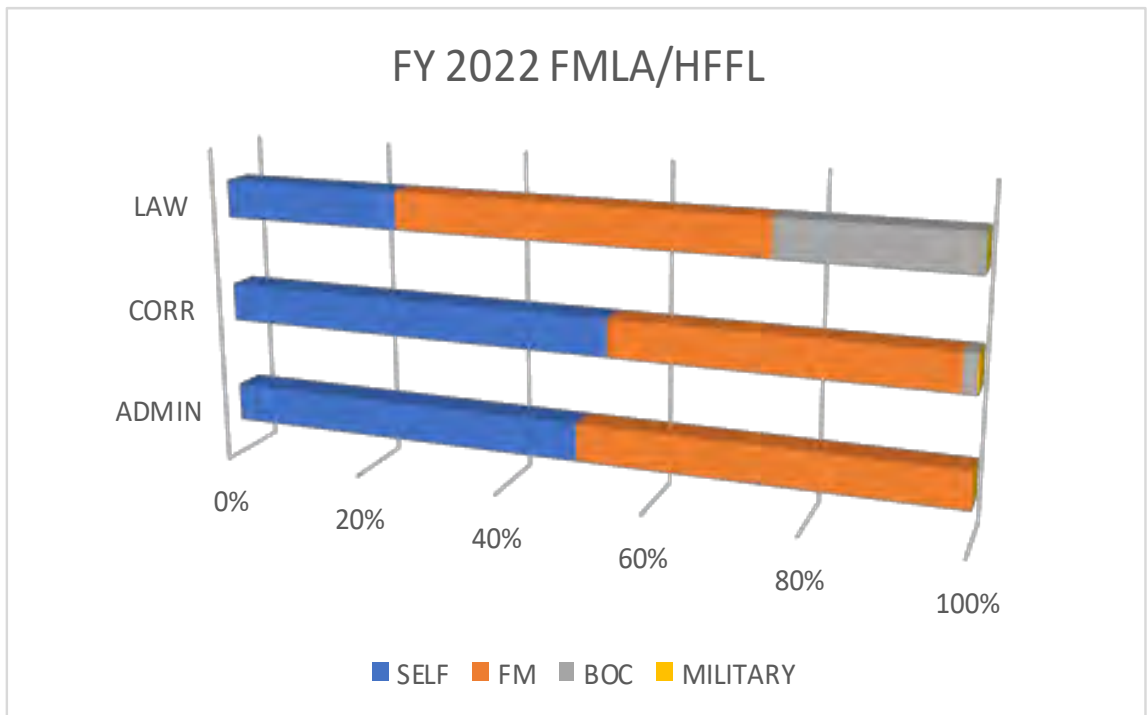
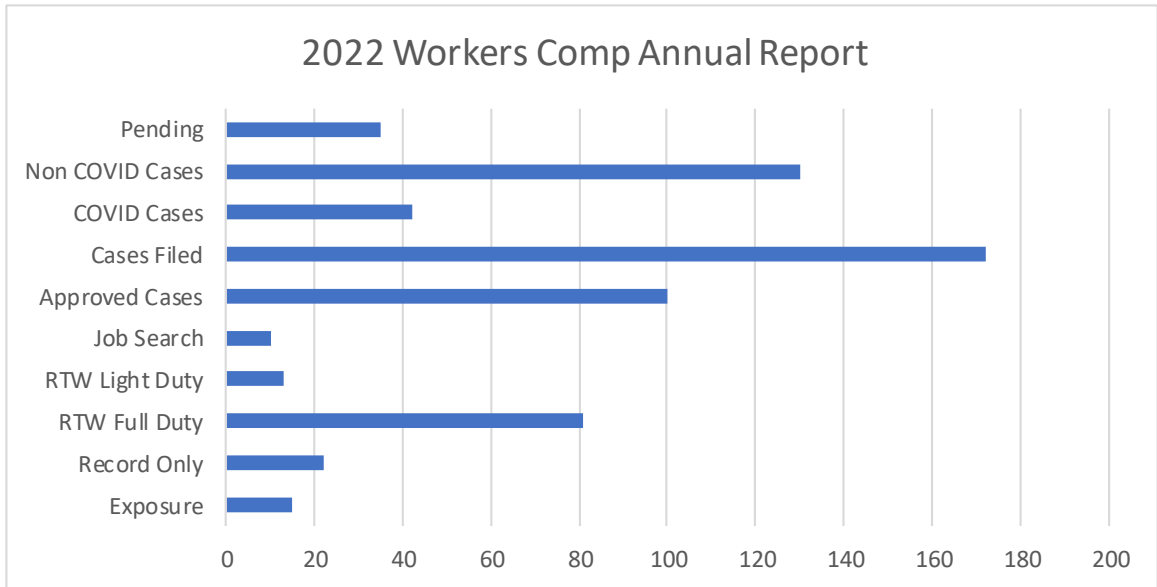
<b>2022 Workers Comp Annual Report</b>	
<i>Pending</i>	35
<i>Non COVID Cases</i>	130
<i>COVID Cases</i>	42
<i>Cases Filed</i>	172
<i>Approved Cases</i>	100
<i>Job Search</i>	10
<i>RTW Light Duty</i>	13
<i>RTW Full Duty</i>	81
<i>Record Only</i>	22
<i>Exposure</i>	15

FMLA entitles eligible employees job protection while utilizing authorized leave with or without pay due to personal illness or to care for family members suffering from an illness.

TDI, like workers' compensation is a wage loss replacement program. An eligible employee who suffers a non-work-related disability is entitled to receive 58% of his/her average weekly wages.

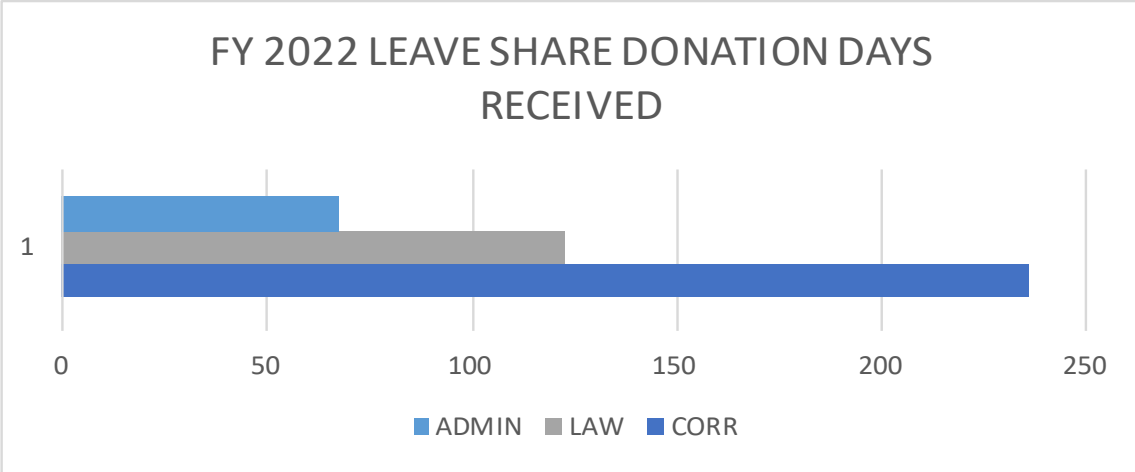
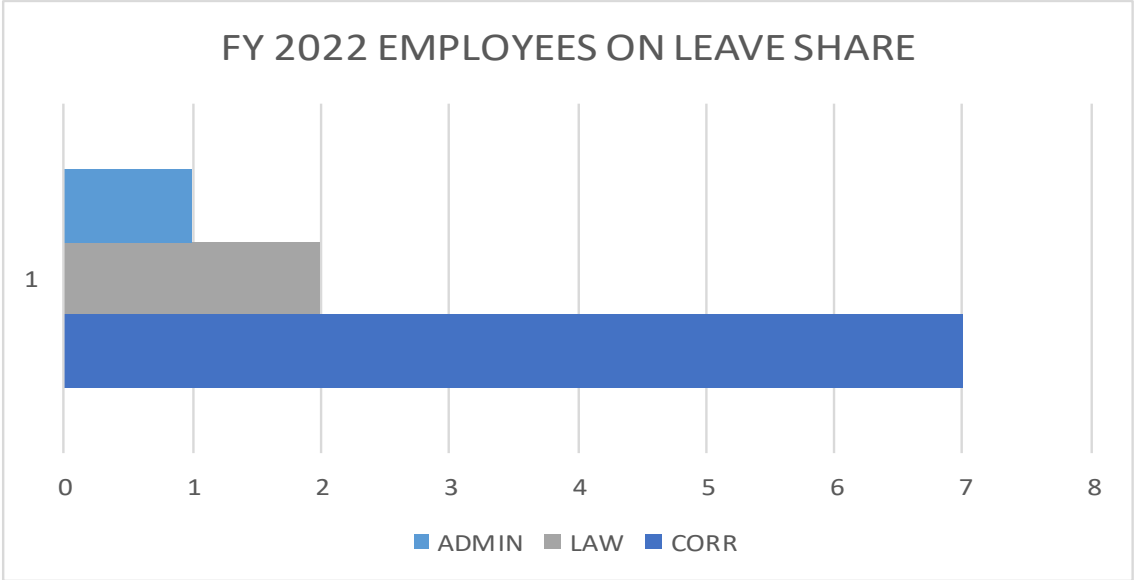
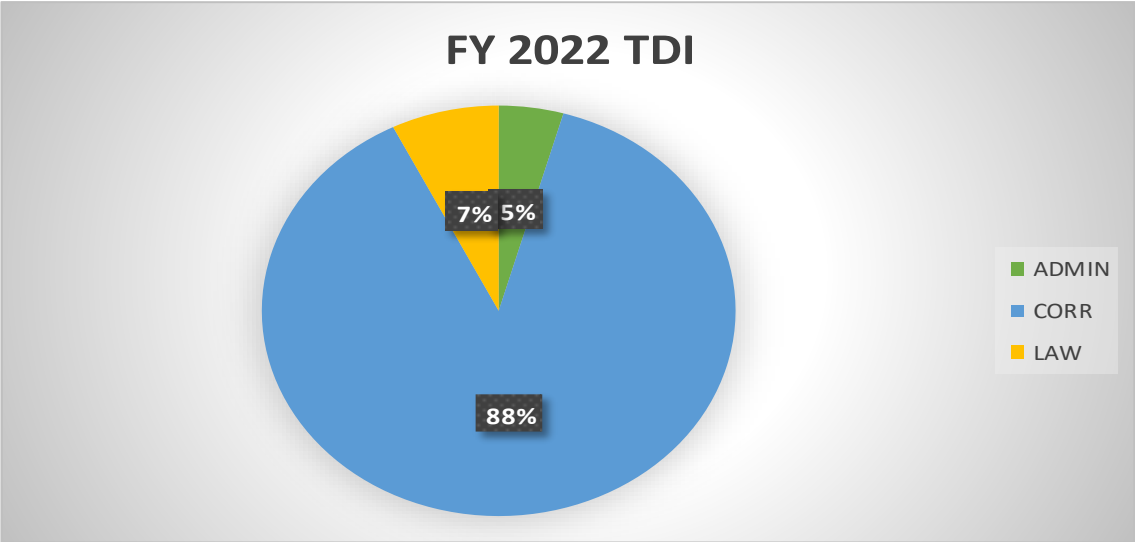


# Human Resources (HR) Office





# Human Resources (HR) Office



# Human Resources (HR) Office

The Department Leave Sharing Program allows employees to donate vacation leave to ease the financial burdens of fellow employees, who would otherwise be on leave without pay due to a personal injury or illness or to care for a family member who is suffering from a personal injury or illness.

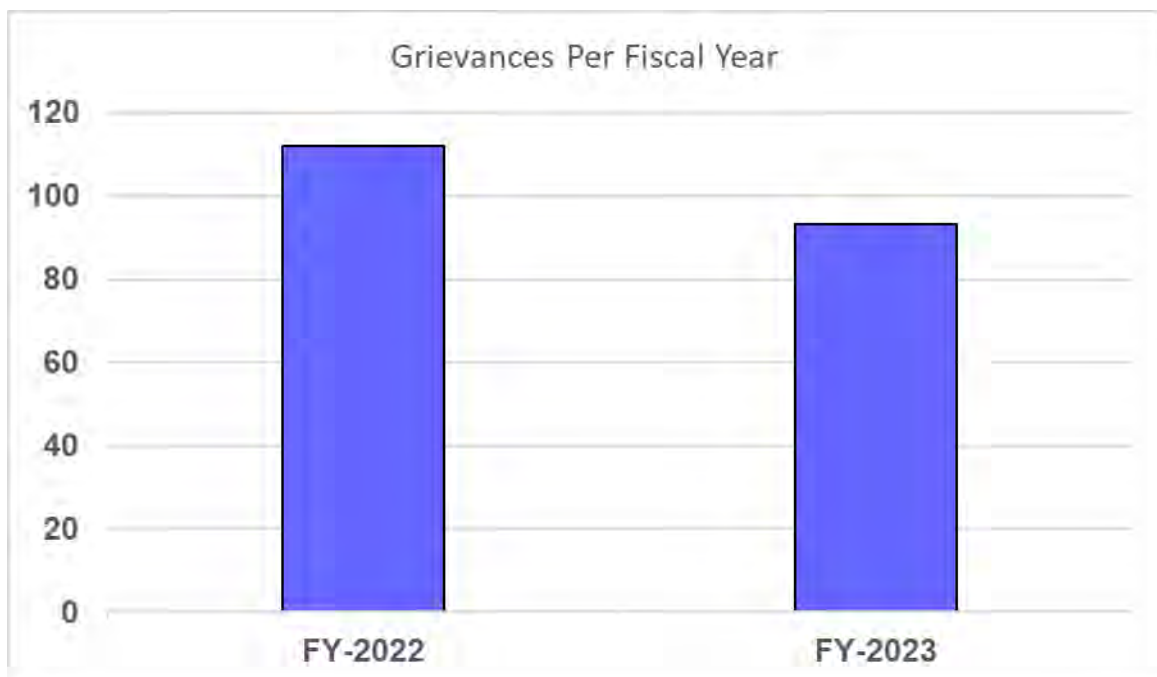
HR-ERT is also the Department's official record keeper and responsible for providing advisory assistance for all employee leave and compensation matters such as Uniformed Services Employment and Reemployment Act (USERRA), Federal Labor Standards Act (FLSA), Employment Verification, Temporary Assignments, Pay Increases, Step Movements, processing Employee Personnel Action Report (EPAR) data into HRMS. HR-ERT received and processed over 15,000 Departmental Personnel actions Fiscal Year 2022.

## **LABOR RELATIONS UNIT**

The Labor Relations Unit (PER-LR) is one of three units within the Department of Public Safety's Human Resources Office. PER-LR handles employment matters related to applicable Collective Bargaining Agreements (CBA).

The Department of Public Safety (PSD) employs approximately 2,800 employees. We are staffed with approximately 2,060 employees. These employees are covered by three (3) unions, the Hawaii Government Employees Association (HGEA), the United Public Workers (UPW), and the excluded staff may voluntarily enroll as a member of the AF-SCME-Managerial Confidential Employees Chapter (MCEC) A majority of our employees or about 52% are covered by UPW and work as uniformed staff in the correctional setting. The remaining employees or about 48% are covered by HGEA and AFSCME-MCEC, working in law enforcement, healthcare, and administrative services.

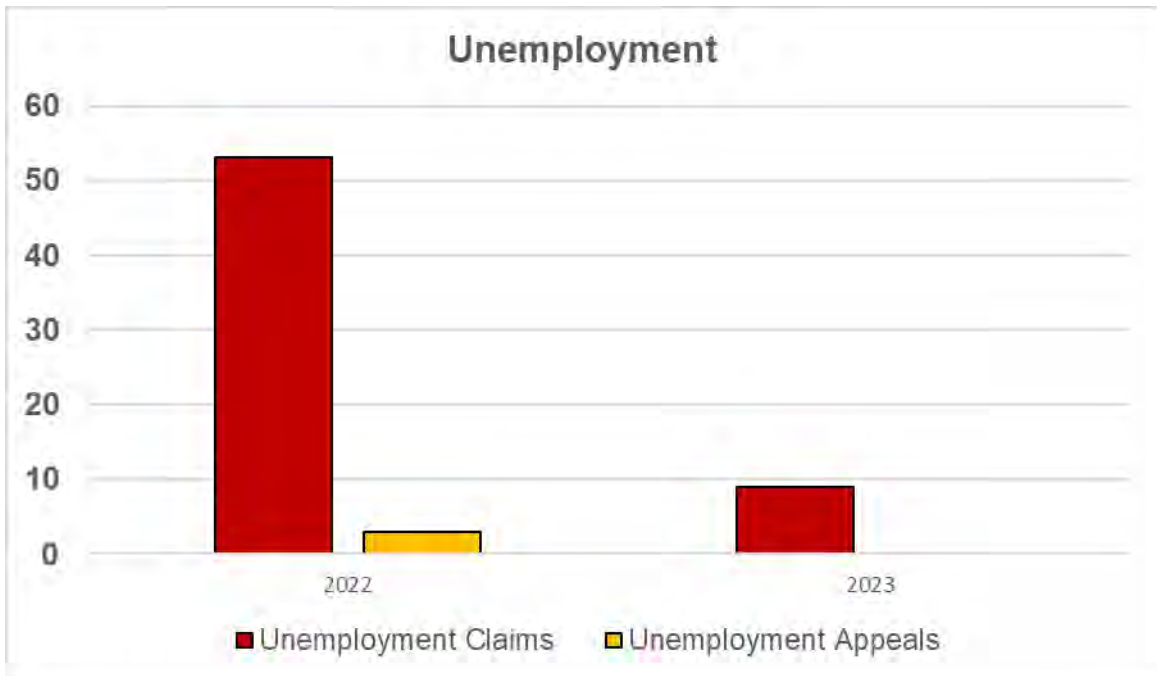
One function of PER-LR is handling grievances received by HGEA and UPW alleging violations of the CBA. This chart indicates a summary of work-related grievances received by UPW and HGEA within the past 2 years. Data reflects a decrease in grievances filed in the fiscal year 2023.





# Human Resources (HR) Office

Another function of PER-LR is responding to unemployment claims and attending unemployment appeals filed by current and former PSD employees. There has been a decline in unemployment claims filed. According to the chart below, unemployment claims decreased by approximately 65% from 2022 to 2023. PER-LR represents PSD when an employee files an appeal with the Unemployment Security Appeals Referees' Office (ESARO).



## **STAFFING AND TECHNICAL SERVICES**

Staffing and Technical Services (STS) manages recruitment, examination, classification, and employment suitability, which includes important responsibilities of examination and testing functions for uniform positions such as Adult Corrections Officer & Deputy Sheriff Recruits. This process includes the written civil service examination, physical agility test, oral interviews, truth verification, CVSA and psychological testing.



The economy still shows a labor shortage of workers, and therefore, the department relies on mass hiring of 89-day or emergency-hire employees in the interim when filling permanent vacancies. It resulted in approximately a 170% increase from FY 2022. Additionally, there was a 8% in-



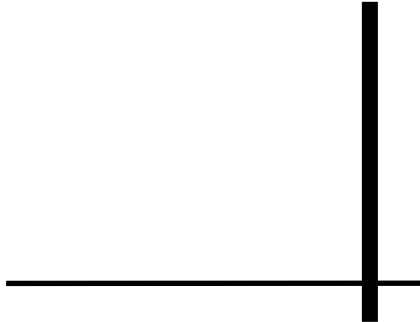
# Human Resources (HR) Office

crease of position classification actions taken for FY 2023, and a 14% increase in employment suitability reviews.

<b># of Positions Filled</b>	FY 2023	FY 2022	FY 2021	FY 2020
Adult Corrections Officer*	225	228	302	147
<i>(Each 89-day cycle counts as one vacancy filled)</i>	<i>(252)</i>	<i>(93)</i>		
Deputy Sheriff	46	35	36	36
Other (Non-uniform)*	357	320		
<i>(Each 89-day cycle counts as one vacancy filled)</i>		<i>(88)</i>	280	192
<b>Total</b>	<b>628</b>	<b>583</b>	<b>618</b>	<b>375</b>
<b># Position Classification Actions Taken</b>	FY 2023	FY 2022	FY 2021	FY 2020
Total	791	630	537	501

<b># Employment Suitability Reviews Processed:</b>	FY 2023	FY 2022	FY 2021	FY 2020
Adult Corrections Officer	200	227	184	237
Deputy Sheriff	70	30	45	30
Other (Non-uniform)	255	202	168	210
<b>Total</b>	<b>525</b>	<b>459</b>	<b>397</b>	<b>477</b>

The Recruitment unit has been actively participating in career or job fairs every month since the calendar year began, more than 15 career/job fairs in all facets of government and education, such as federal military bases, University of Hawaii system, State Legislature, etc., and private sector entities, as well as the tri-annual Star Advertiser Career Expo.



# Training & Staff Development Office



The mission of the Training and Staff Development (TSD) Office is to provide high quality, job-related, and competency-based training for Department of Public Safety (PSD) and its employees. TSD is responsible for planning, developing, implementing, and coordinating appropriate training for both uniformed and civilian personnel of the Department.

## FY23 Training Academy Summary

### Basic Courses

1005: Basic Corrections Recruit Course	4 Classes	72 Trained
1001: Corrections Familiarization Training	1 Class	28 Trained
1011: Law Enforcement Recruit Course	2 Classes	20 Trained
1031: LE Annual In-Service	12 Classes	195 Trained
3223: First Line Supervisor (Uniform Staff)	1 Class	30 Trained
Healthcare Division Report Writing	1 Class	20 Trained
Admin Investigations/Report Writing	2 Classes	49 Trained
Performance Appraisal System	1 Class	15 Trained
COR/LE: Firearms Qualifications Oahu	86 Classes	928 Trained
COR/LE: Firearms Qual. (HI, Maui, Kauai)	52 Classes	232 Trained

### Instructor Certification Courses

AHA Basic LifeSaver Instructor	2 Classes	18 Trained
Arrest & Control Tactics (Basic/Advanced)	2 Classes	37 Trained
Basic Instructor Dev. Train-the-Trainer	2 Classes	20 Trained
Field Training Officer Instructor	1 Class	10 Trained
Firearms Instructor/Armorer	4 Classes	76 Trained
First Line Supervisor Instructor	1 Class	10 Trained
Less Lethal System Instructor	2 Classes	26 Trained
Manufacturer LIDAR Speed Detection Inst.	1 Class	3 Trained

# Training & Staff Development Office



## Corrections Subject Areas Taught During FY2023

Academy Orientation & Requirements  
 Academy Equipment Turn In  
 ACO / UPW BU Attendance 37.17 & 38.A.11  
 ADA Rights and Requirements  
 Alcohol and Substance Abuse (UPW) Attendance / FMLA Policies  
 Baton Initial Certification  
 Bloodborne Pathogens & Comm. Diseases  
 Classification & Housing  
 Communication & Conflict Resolution  
 Computer & Internet Usage  
 Confidential Information & Documents  
 Constitutional Law for Corrections  
 Contraband: Identifying & Processing  
 Control Tactics Initial Certification  
 Crime Scene and Evidence Preservation  
 Criminal & Civil Liability  
 Criminal Justice System  
 Criminal Law & Hawaii Revised Statutes  
 Crisis Intervention Techniques  
 De-escalation  
 Department ID  
 Department Organization/Chain of Command  
 Disturbance / Riot Control  
 Diversity in Corrections  
 Domestic Violence  
 Edged Weapon Defense Initial Certification  
 EEO / Unlawful Harassment  
 Effective Communication & Conflict Resolution  
 Escorting Inmates  
 Ethics & Professionalism  
 Evidence Preservation & Collection  
 Facility Security & Safety Equipment

Female Offender Considerations  
 Fingerprinting & Photographs  
 Fire Safety & Prevention  
 Firearm Qualification - Low Light  
 Firearms 12 GA Less Lethal Initial Certification  
 Firearms Fundamental Training: Rifle, Shotgun, Pistol, UOF, Safety.  
 Firearms Qualification – Pistol / Rifle / Shotgun  
 AHA First Aid/ CPR/ AED  
 Forced Cell Movement Extraction/ Insertion  
 FTO Orders Issued  
 Ground Assault Defense Initial Certification  
 Health & Wellness  
 Hepatitis B Shot #1, #2  
 Hospital & Special Assignments  
 Hostage Incidents & Survival  
 Identification  
 Incident Command System (100,200,700 & 800)  
 Inmate Constitutional Rights  
 Inmate Discipline & Grievance  
 Inmate Manipulation & Deception  
 Inmate Mental & Medical Health Services  
 Inmate Misconduct, Discipline & Grievance  
 Inmate Personal Property Management  
 Inmate Substance Abuse  
 Inmates with Special Needs: Disabled & Elderly  
 Intake, Assessment & Consular Notification  
 Intake: Release  
 Interpersonal Communication Skills  
 Investigating Disturbances  
 Issuing & Receiving Equipment and Tools  
 Key & Tool Control



# Training & Staff Development Office



LGBTQ Offenders Considerations  
Managing Offenders and their Behavior  
Media Relations  
Narcotics & Dangerous Drug Identification  
Observation and Monitoring of Inmates  
OC Spray Initial Certification  
PepperBall Operator Initial Certification  
Perimeter Security  
Post/Area Logbooks  
Prison Rape Elimination Act  
Processing Mail  
Protective Segregation  
Report Writing  
Responding to Emergencies  
Restraints: Mechanical  
Restraints: The Safe WRAP Restraint  
Safety & Security Equipment  
Sanitation Standards & Environmental Health  
Searches: Area, Cell, and Vehicle  
Searches: Persons  
Searching & Inventory  
Security Rounds  
Security Threat Groups  
Standards of Conduct  
Stress Management & Resiliency  
Suicide Detection & Prevention w/ Rescue Cutter  
Supervising Work line  
Tactical Medical  
Telephone & Radio Communication  
Transporting Inmates  
Use of Force Decision Making  
Use of Force in a Correctional Setting

Use of Force Policy  
Workplace Violence

## **Law Enforcement Subject Areas Taught During FY2022**

Academy Orientation & Requirements  
Alcohol & Substance Abuse (HGEA)  
AHA First Aid / CPR / AED w/Skill Lab  
Americans with Disabilities Act  
Arrest Procedures w/Skills Lab  
Basic Criminal Investigations  
Basic Water Safety w/Skills Lab  
Bloodborne Pathogens & MRSA  
Booking Procedures; Green Box Live Scan  
Cell Extraction with WRAP Restraint  
Conducted Electric Weapon – TASER  
Cognitive Interviews and Note-Taking  
City & County Ordinances  
Civil and Criminal Liability  
Civil Issues and Process  
Communicating in a Diverse Society  
Communicable Diseases  
Conflict Resolution  
Controlled Substances  
Constitutional Use of Force  
Consular Notifications  
Control Tactics Initial Certification  
Court Orders & Assisting in Warrant Service  
Courtroom Demeanor & Testimony  
Courtroom Security  
Crime Scene Search and Protection  
Crimes and Crime Scene w/Skills Lab



## Training & Staff Development Office



Crimes Against Persons, Property & Family  
Crisis Intervention Techniques  
Criminal Justice Systems  
Critical Incident Decision Making  
Critical Incident and Problem Solving  
Cultural Diversity  
Custodial Search w/Skill Lab  
De-escalation  
Department History, Chain of Command  
Drug Identification / Evidence Collection  
Edged Weapon Defense w/Skills Lab  
EEO & Unlawful Harassment  
Effective Communication  
Effective Report Writing w/Skills Lab  
Ethics and Professionalism  
Explosives & Responding to a Bomb Threat  
Family Code Adult & Child Protective Services  
Flying Armed and Carrying Concealed  
Fingerprinting and Photographing  
Fire safety and Fire Extinguisher Use  
Firearms and Range Safety  
Firearm Systems and Ammunition Familiarization  
Firearms Qualification – Pistol / Rifle / Shotgun  
Firearms Qualification – Low Light  
Follow-up Interviews  
General Criminal Offenses

Ground Assault Defense Initial Certification  
Hawaii Motor Vehicle Accident Reporting  
Hawaii Motor Vehicle Law  
HAZMAT Awareness  
High Risk Traffic Stops / Felony Traffic Stops  
History and Principles of Law Enforcement  
FEMA ICS: 100/200/700/800  
Implicit Bias and Procedural Justice  
Intent & Elements of Crimes  
Interpersonal Communication  
Intoxilyzer Operator 8000/9000  
Introduction to Criminal Justice System  
Introduction to Law Enforcement  
Judicial Security  
Juvenile Law & procedure  
Latent Prints w/Skills Lab  
Law Enforcement Drivers Training  
Laws of Arrest (Seizure of Persons)  
Less Lethal 12 GA Special Impact Rounds  
Media and Public Relations  
Miranda & Confessions  
Motor Vehicle Crash Investigation Labs  
Manipulation and Deception  
OC Spray Initial Certification w/VI 1 Exposure  
Officer Safety & Survival Skills – Basic Tactics

# Training & Staff Development Office



Operating a Vehicle under the Influence / HRS  
Opioids & NALOXONE Use  
Patrol Concepts  
Pepperball Systems Operator Initial Certification  
Pre-Alcohol Screeners w/Skills Lab  
Prison Rape Elimination Act w/Search Lab  
Professional Policing & Leadership  
Radio Communication Use & Issue  
Responding to Active Shooter Situations  
Responding to Emergency Incidents  
Responding to Calls for Service w/Skills Lab  
Responding to Domestic Violence  
Restraining Orders and Protective Orders  
Rules of Evidence  
Search and Seizure  
Signs and Symptoms of Mental Illness  
Speed Detection & Enforcement / LTI 2020 / Stalker XLR  
Standardized Field Sobriety Tests (Wet Lab)  
Standards of Conduct  
Substance Abuse and Co-occurring Disorders  
Suicide Detection and Prevention  
Use of Force Policy and Decision Making



# ATTACHMENT A

REPORT TO THE LEGISLATURE—2022-2023  
 Performance Indicators  
 Legislative Report Act 212  
 Hawaii Revised Statutes 353H

## Stock Population

Month	Males	Females
November 2022	3710	438
December 2022	3653	435
January 2023	3683	446
February 2023	3614	440
March 2023	3663	446
April 2023	3624	456
May 2023	3634	457
June 2023	3631	447
July 2023	3629	465
August 2023	3720	452
September 2023	3688	425
October 2023	3668	422

## Ethnic Group

Ethnic Group	November	December	January	February	March	April	May	June	July	August	September	October
American Indian	18	18	19	21	20	23	23	22	20	23	21	20
African American	200	192	200	201	198	203	204	214	213	200	216	208
Caucasian	930	932	924	935	933	941	951	917	915	907	878	882
Chinese	28	29	31	30	31	28	31	30	33	36	33	32
Filipino	439	429	435	413	416	420	419	427	430	416	406	407
Gaum/Pacific Islander	40	39	37	37	37	37	38	37	37	40	37	39
Native Hawaiian	1549	1521	1539	1519	1527	1503	1502	1493	1513	1506	1491	1407
Hispanic	98	102	98	95	97	92	94	100	97	98	102	98
Japanese	153	148	148	153	157	153	149	148	141	150	148	151
Korean	28	27	27	26	24	26	24	26	28	29	29	28
Samoan	258	252	247	239	240	241	251	248	244	235	237	229
Other	138	139	146	135	142	142	139	134	142	138	139	143
Unknown	386	391	402	379	384	386	396	396	410	394	376	392



# ATTACHMENT A

## REPORT TO THE LEGISLATURE—2022-2023

### Stock Population Age Group

Age Group (years)	November	December	January	February	March	April	May	June	July	August	September	October
18 to 19	21	34	38	17	16	15	18	16	14	18	17	18
20 to 24	218	277	294	228	229	221	220	217	224	218	210	225
25 to 29	525	555	564	496	508	504	496	486	487	493	478	470
30 to 34	717	724	723	722	718	693	716	712	720	707	690	666
35 to 39	723	685	685	699	691	701	694	695	679	682	669	677
40 to 44	606	566	576	583	590	612	616	606	623	596	602	610
45 to 49	416	399	390	424	419	416	418	407	426	435	426	432
50 to 54	381	376	382	356	358	365	364	367	374	357	354	350
55 to 69	291	268	270	286	299	301	304	313	296	294	299	291
60 to 64	188	182	186	192	190	183	187	185	188	192	186	181
65 and older	174	133	132	175	183	179	183	183	187	175	177	174
Unknown	5	12	13	5	5	5	5	5	5	5	5	5

### Crime Class

Crime Class	November	December	January	February	March	April	May	June	July	August	September	October
All Other	962	949	990	933	979	959	957	929	978	967	908	966
Drug Paraphernalia	42	47	43	41	36	48	44	43	41	44	34	33
Major Violent	265	268	279	273	274	258	297	278	259	255	279	275
Missing	17	24	16	16	18	19	16	16	18	17	18	17
Other Violent	489	455	486	502	484	466	485	501	495	473	478	468
Property	1081	1087	1095	1104	1076	1085	1108	1108	1115	1146	1124	1068
Revocation	443	432	395	391	408	416	385	383	385	397	381	365
Robbery	240	217	215	200	216	218	199	198	215	203	197	223
Serious Drug	411	429	421	431	425	421	421	444	429	392	405	406
Sexual Assault	315	311	313	292	290	305	309	292	288	278	289	278

REPORT TO THE LEGISLATURE—2022-2023

**Admissions**

Month	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
July	849	221	897	235	872	234	633	139	480	108	418	105
August	955	216	815	186	895	204	456	114	396	82	497	133
September	889	187	851	185	841	185	350	78	360	73	424	110
October	904	188	980	245	857	202	406	116	401	91	423	94
November	816	214	789	181	741	143	352	81	441	102	409	97
December	801	207	740	175	754	206	370	75	382	73	421	89
January	890	204	878	199	850	211	385	87	407	65	493	113
February	838	192	800	195	783	207	376	88	392	92	406	98
March	793	183	818	194	590	151	409	80	501	87	513	128
April	847	184	858	197	304	46	448	93	467	119	433	109
May	942	213	900	215	448	108	480	86	504	118	501	144
June	849	206	841	208	612	143	452	92	456	107	488	114

**Releases**

Month	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
July	861	221	859	189	936	233	594	128	476	95	390	95
August	933	223	872	210	884	211	739	184	380	84	494	136
September	859	195	811	175	847	178	374	75	348	81	510	121
October	902	207	965	224	904	212	387	92	411	84	445	92
November	912	216	854	192	780	159	344	71	411	97	431	95
December	882	221	829	176	841	209	381	87	432	82	469	93
January	838	205	907	175	811	215	383	71	338	85	466	101
February	797	170	813	199	752	186	410	96	444	69	468	106
March	873	214	822	200	925	230	434	83	466	112	497	122
April	856	173	840	191	754	185	495	88	438	105	451	100
May	910	203	878	203	399	98	420	77	438	89	488	132
June	855	225	800	213	478	134	479	107	451	119	499	129



# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Sentenced Felon	DIED	15	5385
	DISM	1	633
	DISC	10	1291
	PAR	278	1549
	PROB	11	249
	RTO	3	2523
	SRP	2	872.5
	TS	224	1481.5
Sentenced Felon Probationer	DISC	6	29.5
	NOPR	1	77
	PAR	1	194
	PROB	818	172
	ROR	8	182.5
	RTA	1	7
	RTO	1	180
	SR	3	268
	SRP	56	161.5
	SUSP	1	7
	TS	52	184.5
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Sentenced Misdemeanant	DISC	4	13
	BAIL	1	14
	BOND	1	30
	DISM	1	3
	PAR	1	37
	PROB	214	19.5
	RADM	2	1
	RHSH	1	5
	ROR	2	21.5
	RTA	5	5
	RTO	1	364
	SR	2	78
	SRP	3	75
	SUSP	1	14
TS	765	7	
Parole Violator	DISC	1	47
	BOND	2	692.5
	PAR	96	300
	TS	138	292.5

# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Pretrial Felon	DISC	47	18
	ACQ	7	186
	BAIL	195	17
	BC	2	24
	BOND	615	18
	CREL	2	134.5
	DIED	7	133
	DISM	82	39.5
	NOPR	18	15.5
	PROB	40	140.5
	RADM	5	1
	RHSH	109	128
	ROR	231	102
	RTA	38	9.5
	RTO	6	135.5
	SR	301	25
	SRP	204	120
	SRS	100	56
	SUSP	2	13
TS	23	67	
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
PRETRIAL MISDEMEANANT	DISC	28	15.5
	ACQ	2	172.5
	BAIL	195	5
	BC	1	46
	BOND	121	10
	CREL	3	91
	DISM	61	15
	NOPR	15	32
	PROB	80	13
	RADM	6	1
	RHSH	259	12
	ROR	151	17
	RTA	208	8
	RTO	1	7
	SR	66	9
	SRP	7	22
	SRS	9	50
	TS	261	8

# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
HOLDS	DISC	2	17.5
	BAIL	2	2
	BOND	3	2
	DISM	1	9
	RADM	1	4
	RHSH	5	3
	ROR	3	9
	RTO	45	18
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
PROBATION VIOLATOR	DISC	9	29
	BAIL	40	23
	BC	1	12
	BOND	135	17
	CREL	1	161
	DISM	4	104
	PAR	2	1288.5
	PROB	49	42
	RADM	2	1
	RHSH	17	102
	ROR	150	64.5
	RTA	2	42
	SR	16	45.5
	SRP	83	128
	SRS	2	18.5
	TS	15	74



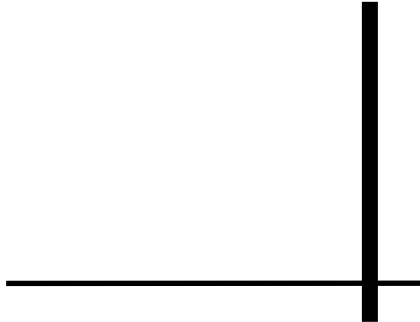
# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
HOPE PROGRAM	DISC	1	7
	BAIL	2	61.5
	BOND	1	5
	PROB	57	30
	RHSH	1	263
	ROR	24	51.5
	SRP	2	136





# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### 10 Year Population Projection

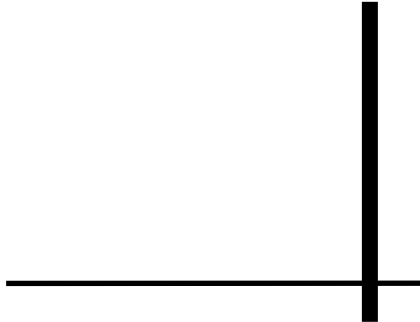
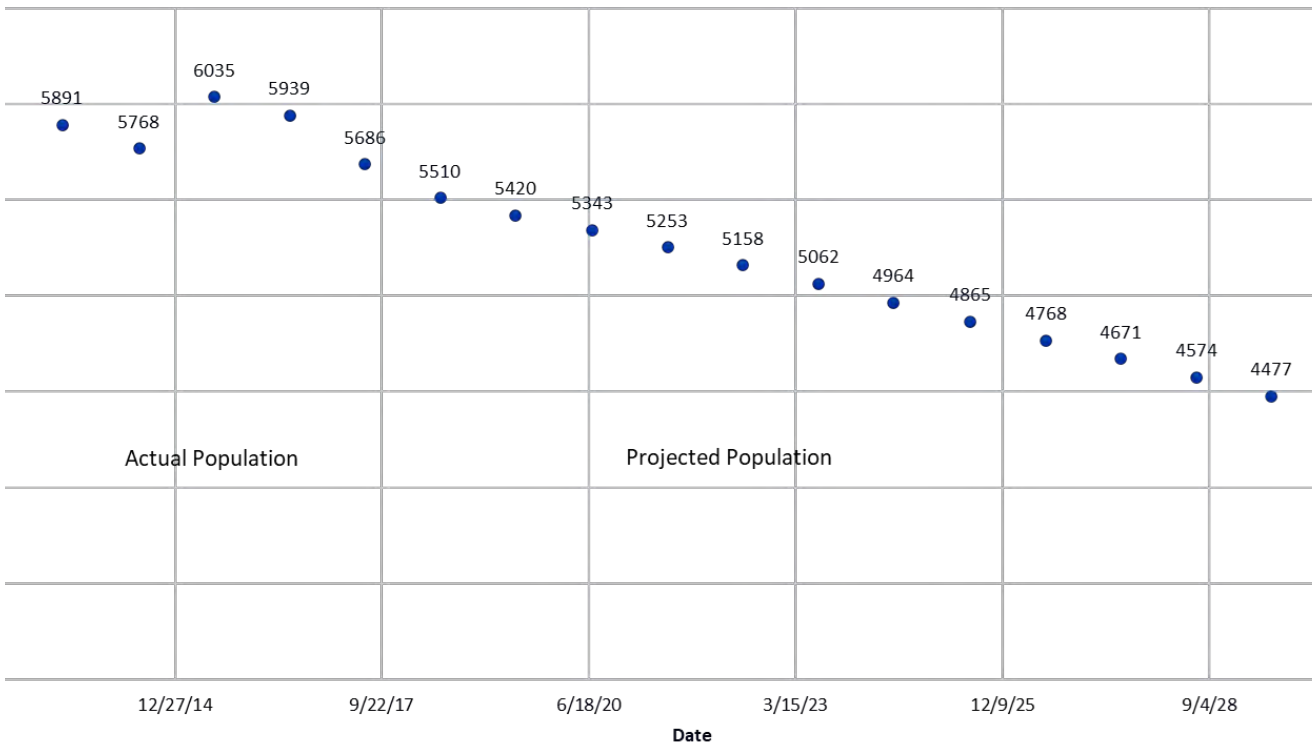
Given the COVID-19-related population reductions, a meaningful projection cannot be conducted this year.

The data used for the projection were the weekly assigned counts from the weekly population reports.

The projection was done with a stepwise autoregression model.

The data points are the first Monday of each Fiscal Year.

### 10 year Population Projection





# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
July	01_American Indian	1	.	1	1
	02_African American	11	3	.	.
	03_Caucasian	54	38	17	5
	04_Chinese	5	1	1	.
	05_Filipino	36	10	.	.
	06_Guam	.	1	.	.
	07_Hawaiian	64	27	8	1
	08_Hispanic	30	10	1	.
	09_Japanese	4	5	.	.
	10_Korean	.	3	.	.
	11_Samoan	32	3	2	.
	12_Other	20	3	2	.
	13_Unknown	49	24	12	4
	14_Micronesian	3	5	2	1
	15_Tongan	8	.	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
August	01_American Indian	.	.	1	.
	02_African American	21	5	5	.
	03_Caucasian	70	38	13	3
	04_Chinese	2	4	.	.
	05_Filipino	26	11	7	.
	07_Hawaiian	130	42	18	5
	08_Hispanic	26	15	3	.
	09_Japanese	6	6	.	.
	10_Korean	.	.	1	.
	11_Samoan	18	.	.	.
	12_Other	3	4	1	.
	13_Unknown	44	34	16	5
	14_Micronesian	5	4	1	.
	15_Tongan	11	1	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
September	01_American Indian	.	.	1	.
	02_African American	15	5	1	.
	03_Caucasian	44	36	14	.
	04_Chinese	4	.	1	.
	05_Filipino	20	13	4	.
	06_Guam	.	1	.	.
	07_Hawaiian	100	38	13	.
	08_Hispanic	32	9	1	.
	09_Japanese	12	2	1	.
	10_Korean	3	2	1	.
	11_Samoan	13	.	.	.
	12_Other	4	1	1	.
	13_Unknown	38	29	15	.
	14_Micronesian	6	4	1	.
	15_Tongan	5	.	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
October	01_American Indian	2	2	.	.
	02_African American	31	9	2	.
	03_Caucasian	41	24	14	2
	04_Chinese	3	.	1	.
	05_Filipino	18	14	.	.
	06_Guam	2	3	.	.
	07_Hawaiian	58	17	13	3
	08_Hispanic	21	8	4	.
	09_Japanese	4	2	2	.
	10_Korean	2	3	1	.
	11_Samoan	21	4	.	.
	12_Other	6	5	.	1
	13_Unknown	36	32	11	.
	14_Micronesian	7	3	.	.
	15_Tongan	5	.	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
November	01_American Indian	.	1	.	.
	02_African American	20	8	2	1
	03_Caucasian	41	29	14	2
	04_Chinese	5	.	.	.
	05_Filipino	20	10	5	.
	06_Guam	3	.	1	.
	07_Hawaiian	62	32	21	.
	08_Hispanic	25	11	3	1
	09_Japanese	12	1	1	.
	10_Korean	1	3	.	.
	11_Samoan	2	4	.	.
	12_Other	7	9	1	.
	13_Unknown	25	23	11	2
	14_Micronesia	7	1	1	.
	15_Tongan	3	2	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
December	01_American Indian	.	.	.	1
	02_African American	6	10	3	.
	03_Caucasian	52	34	16	1
	04_Chinese	5	1	1	.
	05_Filipino	23	16	2	.
	07_Hawaiian	69	33	9	.
	08_Hispanic	30	13	2	.
	09_Japanese	6	2	.	.
	10_Korean	2	.	2	.
	11_Samoan	30	4	.	.
	12_Other	7	4	4	.
	13_Unknown	20	19	8	.
	14_Micronesia	16	2	1	.
	15_Tongan	2	1	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
January	01_American Indian	.	3	2	.
	02_African American	27	11	8	.
	03_Caucasian	60	41	19	1
	04_Chinese	3	2	1	.
	05_Filipino	31	10	4	.
	06_Guam	3	1	.	.
	07_Hawaiian	88	37	11	2
	08_Hispanic	22	8	2	.
	09_Japanese	13	1	3	.
	10_Korean	5	4	1	.
	11_Samoan	8	2	1	.
	12_Other	.	6	1	.
	13_Unknown	32	23	8	.
	14_Micronesian	2	.	.	.
	15_Tongan	4	1	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
February	01_American Indian	1	2	.	.
	02_African American	18	9	6	.
	03_Caucasian	49	37	16	.
	04_Chinese	2	2	.	.
	05_Filipino	18	6	4	.
	06_Guam	4	1	1	.
	07_Hawaiian	82	30	8	.
	08_Hispanic	19	3	4	.
	09_Japanese	3	3	5	.
	10_Korean	2	.	2	.
	11_Samoan	17	4	.	.
	12_Other	2	2	2	.
	13_Unknown	22	10	8	.
	14_Micronesian	6	1	1	.
	15_Tongan	2	.	.	1

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
March	01_American Indian	.	.	1	.
	02_African American	32	6	7	.
	03_Caucasian	51	35	43	.
	04_Chinese	2	1	1	.
	05_Filipino	19	10	5	.
	06_Guam	.	.	1	.
	07_Hawaiian	92	33	11	1
	08_Hispanic	29	8	13	.
	09_Japanese	4	4	3	.
	10_Korean	.	2	.	.
	11_Samoan	8	5	2	.
	12_Other	10	2	.	.
	13_Unknown	44	15	7	.
	14_Micronesian	4	3	1	.
	15_Tongan	2	2	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
April	01_American Indian	2	.	.	.
	02_African American	18	4	3	.
	03_Caucasian	59	25	15	1
	04_Chinese	2	2	1	.
	05_Filipino	22	11	2	.
	06_Guam	2	.	.	.
	07_Hawaiian	56	21	15	.
	08_Hispanic	28	8	6	.
	09_Japanese	10	5	2	.
	10_Korean	.	.	1	.
	11_Samoan	9	2	1	.
	12_Other	8	2	4	.
	13_Unknown	14	8	10	.
	14_Micronesian	5	6	1	.



# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
May	01_American Indian	1	2	1	.
	02_African American	31	6	11	.
	03_Caucasian	68	37	35	1
	04_Chinese	5	.	1	.
	05_Filipino	28	15	9	.
	06_Guam	7	.	.	.
	07_Hawaiian	97	35	12	.
	08_Hispanic	40	6	5	.
	09_Japanese	9	3	4	.
	10_Korean	2	.	2	.
	11_Samoan	10	2	5	.
	12_Other	7	8	1	.
	13_Unknown	43	23	9	.
	14_Micronesian	5	7	3	.
	15_Tongan	1	1	2	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
June	01_American Indian	4	.	.	.
	02_African American	12	10	3	.
	03_Caucasian	70	36	20	1
	04_Chinese	5	3	1	.
	05_Filipino	33	17	3	1
	06_Guam	3	1	1	.
	07_Hawaiian	84	31	18	.
	08_Hispanic	18	4	4	.
	09_Japanese	8	3	1	.
	10_Korean	4	2	.	.
	11_Samoan	12	4	2	.
	12_Other	6	6	6	.
	13_Unknown	18	13	13	.
	14_Micronesian	15	3	1	.
	15_Tongan	4	.	1	.

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
July	01_American Indian	1	.	.	2
	02_African American	2	.	4	9
	03_Caucasian	40	2	26	49
	04_Chinese	6	1	.	.
	05_Filipino	11	.	16	20
	06_Guam	1	.	.	.
	07_Hawaiian	25	1	34	41
	08_Hispanic	8	.	15	18
	09_Japanese	2	.	3	4
	10_Korean	.	.	.	3
	11_Samoan	3	.	15	19
	12_Other	11	.	5	10
	13_Unknown	55	.	4	33
	14_Micronesia	5	.	1	5
	15_Tongan	4	.	2	2
Month	Ethnic Group	0	1	2	3
August	01_American Indian	.	.	1	.
	02_African American	5	1	8	17
	03_Caucasian	35	3	32	55
	04_Chinese	1	.	3	2
	05_Filipino	12	.	21	12
	07_Hawaiian	64	2	52	80
	08_Hispanic	8	2	16	18
	09_Japanese	5	.	.	7
	10_Korean	.	.	.	1
	11_Samoan	2	.	3	13
	12_Other	4	1	1	3
	13_Unknown	57	1	6	40
	14_Micronesia	2	.	5	3
	15_Tongan	.	.	7	5

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
September	01_American Indian	1	.	.	.
	02_African American	4	.	7	11
	03_Caucasian	38	4	15	39
	04_Chinese	.	.	1	4
	05_Filipino	7	.	11	19
	06_Guam	1	.	.	.
	07_Hawaiian	44	2	43	64
	08_Hispanic	5	2	12	23
	09_Japanese	2	.	8	5
	10_Korean	.	.	.	6
	11_Samoan	1	2	3	7
	12_Other	1	.	1	4
	13_Unknown	48	.	14	20
	14_Micronesian	8	.	2	1
	15_Tongan	2	.	3	.
Month	Ethnic Group	0	1	2	3
October	01_American Indian	3	.	.	1
	02_African American	3	.	18	21
	03_Caucasian	39	2	13	28
	04_Chinese	3	.	.	1
	05_Filipino	11	.	4	17
	06_Guam	2	.	3	.
	07_Hawaiian	20	3	21	49
	08_Hispanic	1	3	16	13
	09_Japanese	5	.	2	2
	10_Korean	2	.	.	4
	11_Samoan	2	.	8	15
	12_Other	4	.	4	4
	13_Unknown	52	.	3	25
	14_Micronesian	2	.	8	.
	15_Tongan	.	.	.	5

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
November	01_American Indian	.	.	.	1
	02_African American	4	.	10	17
	03_Caucasian	28	2	16	40
	04_Chinese	.	.	.	5
	05_Filipino	13	.	7	15
	06_Guam	1	.	2	1
	07_Hawaiian	38	2	23	52
	08_Hispanic	7	2	15	16
	09_Japanese	1	.	5	8
	10_Korean	.	.	1	3
	11_Samoan	2	.	.	4
	12_Other	5	.	7	6
	13_Unknown	44	.	4	15
	14_Micronesian	1	.	2	6
	15_Tongan	.	.	1	4
Month	Ethnic Group	0	1	2	3
December	01_American Indian	.	.	.	1
	02_African American	3	1	6	9
	03_Caucasian	35	1	15	53
	04_Chinese	5	.	1	1
	05_Filipino	8	1	22	10
	07_Hawaiian	35	.	21	55
	08_Hispanic	11	2	16	16
	09_Japanese	2	.	3	3
	10_Korean	.	.	.	4
	11_Samoan	4	.	10	20
	12_Other	11	.	1	3
	13_Unknown	26	.	6	16
	14_Micronesian	1	.	11	7
	15_Tongan	.	.	.	3

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
January	01_American Indian	2	.	.	3
	02_African American	13	.	17	16
	03_Caucasian	46	1	19	58
	04_Chinese	4	.	.	2
	05_Filipino	8	1	20	16
	06_Guam	.	.	1	3
	07_Hawaiian	34	3	29	73
	08_Hispanic	8	1	15	8
	09_Japanese	8	.	1	8
	10_Korean	5	.	3	2
	11_Samoan	1	.	4	6
	12_Other	2	1	2	2
	13_Unknown	40	1	6	18
	14_Micronesian	.	.	2	.
	15_Tongan	1	.	.	4
Month	Ethnic Group	0	1	2	3
February	01_American Indian	1	.	2	.
	02_African American	10	.	9	14
	03_Caucasian	37	3	25	37
	04_Chinese	1	.	.	3
	05_Filipino	3	.	11	14
	06_Guam	1	.	3	2
	07_Hawaiian	23	2	19	76
	08_Hispanic	5	.	9	12
	09_Japanese	3	.	1	7
	10_Korean	.	.	1	3
	11_Samoan	2	.	12	7
	12_Other	6	.	.	.
	13_Unknown	28	.	4	8
	14_Micronesian	2	.	5	1
	15_Tongan	.	.	2	1



# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
March	01_American Indian	1	.	.	.
	02_African American	4	.	12	29
	03_Caucasian	56	.	17	57
	04_Chinese	1	.	1	2
	05_Filipino	9	1	2	23
	06_Guam	.	.	.	1
	07_Hawaiian	41	.	30	67
	08_Hispanic	10	.	22	18
	09_Japanese	2	.	5	4
	10_Korean	.	.	2	.
	11_Samoan	3	.	6	6
	12_Other	4	.	5	3
	13_Unknown	45	1	3	20
	14_Micronesian	3	.	2	3
	15_Tongan	.	.	3	1

Month	Ethnic Group	0	1	2	3
April	01_American Indian	.	.	.	2
	02_African American	4	.	3	19
	03_Caucasian	36	.	22	42
	04_Chinese	1	.	2	2
	05_Filipino	2	.	12	21
	06_Guam	.	.	1	1
	07_Hawaiian	19	.	18	55
	08_Hispanic	9	2	18	13
	09_Japanese	5	.	3	9
	10_Korean	.	.	.	1
	11_Samoan	.	.	6	6
	12_Other	6	.	5	3
	13_Unknown	21	1	1	9
	14_Micronesian	.	.	4	8

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
May	01_American Indian	3	.	.	1
	02_African American	12	.	10	26
	03_Caucasian	57	4	28	52
	04_Chinese	1	.	.	5
	05_Filipino	19	.	11	23
	06_Guam	.	.	2	5
	07_Hawaiian	35	.	35	74
	08_Hispanic	13	4	23	12
	09_Japanese	4	.	6	6
	10_Korean	.	.	2	2
	11_Samoan	5	.	2	10
	12_Other	4	1	7	4
	13_Unknown	57	1	3	16
	14_Micronesian	9	1	.	5
	15_Tongan	1	.	2	1
Month	Ethnic Group	0	1	2	3
June	01_American Indian	1	.	.	3
	02_African American	9	.	10	6
	03_Caucasian	50	.	26	53
	04_Chinese	4	.	3	2
	05_Filipino	9	.	16	29
	06_Guam	2	.	.	3
	07_Hawaiian	44	3	34	52
	08_Hispanic	8	1	8	9
	09_Japanese	4	.	2	6
	10_Korean	.	.	1	5
	11_Samoan	5	1	8	4
	12_Other	9	.	2	7
	13_Unknown	35	.	2	8
	14_Micronesian	4	.	7	8
	15_Tongan	.	.	2	3

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
July								
	01_American Indian	.	.	2	.	.	1	.
	02_African American	4	4	4	3	.	.	.
	03_Caucasian	4	19	28	33	3	28	2
	04_Chinese	3	.	2	.	.	2	.
	05_Filipino	12	10	15	5	1	4	.
	06_Guam	.	.	.	1	.	.	.
	07_Hawaiian	7	11	42	30	.	11	.
	08_Hispanic	.	4	26	10	.	1	.
	09_Japanese	1	3	.	5	.	.	.
	10_Korean	.	.	.	2	.	1	.
	11_Samoan	3	15	11	6	.	2	.
	12_Other	3	3	13	3	1	3	.
	13_Unknown	6	21	17	23	3	22	.
	14_Micronesian	.	.	3	5	.	3	.
	15_Tongan	.	2	5	.	.	1	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
August								
	01_American Indian	.	.	.	.	.	1	.
	02_African American	4	6	10	4	.	7	.
	03_Caucasian	10	14	42	32	1	26	.
	04_Chinese	.	.	2	4	.	.	.
	05_Filipino	8	4	14	10	1	7	1
	07_Hawaiian	18	34	73	39	2	32	.
	08_Hispanic	6	1	20	13	.	4	.
	09_Japanese	.	4	2	5	.	1	.
	10_Korean	.	.	.	.	.	1	.
	11_Samoan	2	.	14	2	.	.	.
	12_Other	.	1	3	2	.	3	.
	13_Unknown	5	15	21	38	3	22	.
	14_Micronesian	.	.	4	4	.	2	.
	15_Tongan	3	4	3	2	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
September								
	01_American Indian	.	.	.	.	.	1	.
	02_African American	1	6	8	4	1	2	.
	03_Caucasian	5	6	34	31	1	18	1
	04_Chinese	.	.	4	.	.	1	.
	05_Filipino	2	5	12	12	.	6	.
	06_Guam	.	.	.	1	.	.	.
	07_Hawaiian	22	32	42	34	4	18	1
	08_Hispanic	.	7	24	9	.	2	.
	09_Japanese	.	3	7	3	.	2	.
	10_Korean	.	2	1	2	.	1	.
	11_Samoan	.	6	7	.	.	.	.
	12_Other	.	.	3	2	.	1	.
	13_Unknown	6	25	6	23	.	22	.
	14_Micronesian	2	1	3	3	.	2	.
	15_Tongan	.	1	4	.	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
October								
	01_American Indian	.	.	2	2	.	.	.
	02_African American	4	11	11	11	1	4	.
	03_Caucasian	2	9	28	22	1	19	1
	04_Chinese	.	.	3	.	.	1	.
	05_Filipino	.	.	17	12	.	3	.
	06_Guam	2	.	.	3	.	.	.
	07_Hawaiian	12	20	24	13	2	22	.
	08_Hispanic	6	4	10	9	.	4	.
	09_Japanese	.	.	4	2	1	2	.
	10_Korean	.	.	2	3	.	1	.
	11_Samoan	4	4	13	4	.	.	.
	12_Other	2	1	2	6	.	1	.
	13_Unknown	4	13	15	28	2	17	1
	14_Micronesian	.	5	2	3	.	.	.
	15_Tongan	.	1	4	.	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
November								
	01_American Indian	.	.	.	1	.	.	.
	02_African American	3	5	12	8	.	3	.
	03_Caucasian	1	16	21	28	.	19	1
	04_Chinese	.	.	4	1	.	.	.
	05_Filipino	7	2	11	6	.	9	.
	06_Guam	.	1	1	1	.	1	.
	07_Hawaiian	10	11	41	28	.	25	.
	08_Hispanic	.	6	18	11	.	5	.
	09_Japanese	4	3	4	1	1	1	.
	10_Korean	.	1	.	2	.	1	.
	11_Samoan	.	2	.	4	.	.	.
	12_Other	3	2	3	7	.	3	.
	13_Unknown	1	14	9	20	4	15	.
	14_Micronesia	3	.	3	2	.	1	.
	15_Tongan	.	2	1	2	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
December								
	01_American Indian	.	.	.	1	.	.	.
	02_African American	.	.	6	7	.	5	1
	03_Caucasian	5	13	29	31	2	23	1
	04_Chinese	.	1	4	2	.	.	.
	05_Filipino	1	6	15	11	.	8	.
	07_Hawaiian	3	20	44	29	.	15	.
	08_Hispanic	11	6	13	12	1	2	.
	09_Japanese	.	2	2	3	.	1	.
	10_Korean	.	1	1	.	.	2	.
	11_Samoan	2	5	22	5	.	.	.
	12_Other	.	2	5	4	.	4	.
	13_Unknown	2	9	8	14	1	14	.
	14_Micronesia	3	9	3	3	.	1	.
	15_Tongan	.	.	2	1	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
January	01_American Indian	.	.	.	2	.	3	.
	02_African American	4	9	13	9	.	11	.
	03_Caucasian	5	11	41	30	4	31	2
	04_Chinese	.	2	1	2	.	1	.
	05_Filipino	7	8	11	15	.	4	.
	06_Guam	.	1	2	1	.	.	.
	07_Hawaiian	1	24	57	38	.	18	1
	08_Hispanic	.	6	14	8	.	4	.
	09_Japanese	.	.	12	3	.	2	.
	10_Korean	.	3	2	4	.	1	.
	11_Samoan	.	1	7	1	.	2	.
	12_Other	.	.	.	5	.	2	.
	13_Unknown	7	12	9	22	1	13	1
	14_Micronesia	.	2	.	.	.	.	.
	15_Tongan	.	.	3	2	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
February	01_American Indian	.	.	1	1	.	1	.
	02_African American	.	4	12	8	.	9	.
	03_Caucasian	7	6	32	28	.	27	2
	04_Chinese	.	.	2	1	.	1	.
	05_Filipino	4	4	10	4	.	6	.
	06_Guam	.	.	3	2	.	1	.
	07_Hawaiian	11	19	47	24	.	19	.
	08_Hispanic	.	3	14	5	1	3	.
	09_Japanese	.	.	3	2	.	6	.
	10_Korean	.	.	2	.	.	2	.
	11_Samoan	3	6	6	5	.	1	.
	12_Other	.	.	2	2	.	2	.
	13_Unknown	.	8	9	12	2	9	.
	14_Micronesia	1	2	3	1	.	1	.
	15_Tongan	.	1	.	2	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
March	01_American Indian	.	.	.	.	.	1	.
	02_African American	6	13	13	7	.	6	.
	03_Caucasian	1	17	28	34	.	50	.
	04_Chinese	.	.	2	1	.	1	.
	05_Filipino	2	5	10	11	1	6	.
	06_Guam	.	.	.	.	.	1	.
	07_Hawaiian	7	22	60	33	1	15	.
	08_Hispanic	13	1	14	10	.	12	.
	09_Japanese	.	.	4	2	.	5	.
	10_Korean	.	.	.	2	.	.	.
	11_Samoan	.	1	6	6	.	2	.
	12_Other	.	6	4	2	.	.	.
	13_Unknown	6	23	14	15	2	9	.
	14_Micronesian	.	.	4	2	.	2	.
	15_Tongan	.	.	.	3	.	1	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
April	01_American Indian	.	.	2	.	.	.	.
	02_African American	.	3	14	4	.	5	.
	03_Caucasian	7	15	31	20	.	25	2
	04_Chinese	.	.	1	3	.	1	.
	05_Filipino	5	5	13	10	.	2	.
	06_Guam	.	.	2	.	.	.	.
	07_Hawaiian	6	10	35	22	.	19	.
	08_Hispanic	.	8	20	6	.	8	.
	09_Japanese	5	.	4	5	.	2	1
	10_Korean	.	.	.	.	.	1	.
	11_Samoan	.	5	4	2	.	1	.
	12_Other	1	.	7	2	.	4	.
	13_Unknown	.	7	3	9	.	13	.
	14_Micronesian	.	2	3	5	.	2	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
May	01_American Indian	.	.	1	1	.	2	.
	02_African American	2	12	16	6	.	12	.
	03_Caucasian	5	13	47	38	1	37	.
	04_Chinese	.	.	5	.	.	1	.
	05_Filipino	2	3	20	14	1	13	.
	06_Guam	.	.	6	1	.	.	.
	07_Hawaiian	8	20	55	38	1	22	.
	08_Hispanic	6	11	21	5	.	8	1
	09_Japanese	3	2	3	4	.	4	.
	10_Korean	.	.	2	.	.	2	.
	11_Samoan	.	6	4	1	.	6	.
	12_Other	.	.	8	5	1	2	.
	13_Unknown	.	21	20	22	3	11	.
	14_Micronesia	.	2	2	7	.	4	.
	15_Tongan	.	1	.	.	.	3	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
June	01_American Indian	.	.	3	1	.	.	.
	02_African American	3	2	6	7	.	6	1
	03_Caucasian	2	24	38	29	3	33	.
	04_Chinese	.	1	4	3	.	1	.
	05_Filipino	4	9	19	15	.	7	.
	06_Guam	.	.	2	3	.	.	.
	07_Hawaiian	8	19	50	37	.	19	.
	08_Hispanic	.	8	9	3	.	6	.
	09_Japanese	.	.	7	1	.	4	.
	10_Korean	.	.	2	2	.	2	.
	11_Samoan	.	1	10	4	.	3	.
	12_Other	1	1	1	6	.	9	.
	13_Unknown	.	8	7	13	2	15	.
	14_Micronesia	.	2	13	3	.	1	.
	15_Tongan	.	2	2	.	.	1	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
July	01_American Indian	.	.	1	.	1	.	.	.	.	.	.	1
	02_African American	.	.	.	1	3	2	4	.	2	.	2	1
	03_Caucasian	1	2	21	13	35	10	19	4	1	.	1	10
	04_Chinese	.	.	1	.	1	.	2	.	.	.	3	.
	05_Filipino	.	.	2	.	9	7	10	1	6	4	3	5
	06_Guam	.	.	1	.	.	.	.	.	.	.	.	.
	07_Hawaiian	1	3	9	10	27	5	31	1	10	2	.	2
	08_Hispanic	.	.	4	4	7	.	20	.	3	.	.	3
	09_Japanese	.	.	.	1	2	2	3	.	1	.	.	.
	10_Korean	.	.	.	.	1	2	.	.	.	.	.	.
	11_Samoan	.	.	2	1	2	5	12	10	.	4	.	1
	12_Other	.	.	3	.	5	1	13	.	.	.	3	1
	13_Unknown	.	2	26	7	22	3	20	5	2	1	.	4
	14_Micronesian	.	.	3	4	.	3	.	.	.	.	.	1
	15_Tongan	.	.	.	.	1	.	5	1	1	.	.	.
Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
August	01_American Indian	.	.	1	.	.	.	.	.	.	.	.	.
	02_African American	.	2	4	1	5	.	15	.	.	.	4	.
	03_Caucasian	.	1	21	7	32	15	21	7	6	4	.	11
	04_Chinese	.	.	.	.	4	1	.	.	.	.	.	1
	05_Filipino	.	1	4	2	10	.	15	4	4	.	4	1
	07_Hawaiian	.	1	28	12	50	14	51	7	17	5	7	6
	08_Hispanic	.	.	4	1	16	4	13	2	3	.	.	1
	09_Japanese	.	.	1	.	9	.	2	.	.	.	.	.
	10_Korean	.	1	.	.	.	.	.	.	.	.	.	.
	11_Samoan	.	.	1	.	.	2	9	4	2	.	.	.
	12_Other	.	.	2	3	3	.	1	.	.	.	.	.
	13_Unknown	.	5	18	16	29	8	12	.	7	.	.	9
	14_Micronesian	.	.	2	1	3	2	.	2	.	.	.	.
	15_Tongan	.	.	.	.	1	3	2	6	.	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group													
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
September	01_American Indian				1									
	02_African American	1	3		5	4	9							
	03_Caucasian		3	17	4	30	10	15	4	2	1	4	6	
	04_Chinese			1				2	2					
	05_Filipino			5	2	11	8	7	4					
	06_Guam						1							
	07_Hawaiian		3	23	11	27	11	24	24	11	11	4	4	
	08_Hispanic		1	3	3	6	6	16	6				1	
	09_Japanese		1	2		2	2	5	2				1	
	10_Korean			2		1				1	2			
	11_Samoan					3		6	1		3			
	12_Other		1	1			2	1					1	
	13_Unknown		3	20	7	25	5	11	1	2	1	1	6	
	14_Micronesia n			4		1	3			2			1	
	15_Tongan							4		1				
Month	Ethnic Group													
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
October	01_American Indian			1	1			2						
	02_African American		1	4	3	3	4	17	2	5	3			
	03_Caucasian		1	19	8	24	10	14	2	1			3	
	04_Chinese		1				3							
	05_Filipino		1	3	1	10	2	12					3	
	06_Guam			1	1	1				2				
	07_Hawaiian		2	17	6	13	13	25	10	3	3		1	
	08_Hispanic			2		11	4	9		3		3	1	
	09_Japanese			2		2	3	2						
	10_Korean			1	1	2				2				
	11_Samoan		1		1	2	4	10	4		3			
	12_Other		1		2	1		4		1			3	
	13_Unknown			16	12	26	5	9	1			2	9	
	14_Micronesi an					4		2	4					
	15_Tongan					1		2					2	





# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
November	African American	.	.	.	.	1	.	.	.	.	.	.	.
	American Indian	.	.	3	4	4	1	12	5	2	.	.	.
	Caucasian	.	5	16	7	18	13	16	.	4	1	.	6
	Chinese	.	.	.	.	.	.	.	3	2	.	.	.
	Filipino	.	2	6	2	5	7	6	.	3	.	4	.
	Guam	.	.	1	.	.	1	2	.	.	.	.	.
	Hawaiian	.	3	16	7	34	4	36	2	8	3	.	2
	Hispanic	.	4	5	3	5	4	8	8	.	.	.	3
	Japanese	.	.	.	.	2	1	5	2	.	4	.	.
	Korean	.	.	2	.	1	1	.	.	.	.	.	.
	Mexican	.	.	.	.	4	.	2	.	.	.	.	.
	Missing	.	.	3	1	8	.	2	4	.	.	.	.
	Other	.	.	20	4	22	4	5	1	.	.	.	7
	Samoan	.	1	1	.	2	.	.	.	5	.	.	.
Tonga	.	1	.	1	.	.	.	1	2	.	.	.	

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
December	01_American Indian	.	.	1	.	.	.	.	.	.	.	.	.
	02_African American	1	2	2	6	4	.	2	.	2	.	.	.
	03_Caucasian	.	1	20	12	27	14	19	.	1	.	2	8
	04_Chinese	.	.	1	1	1	2	1	1	.	.	.	.
	05_Filipino	.	4	2	1	12	6	12	.	2	.	.	2
	07_Hawaiian	.	3	19	4	28	10	28	8	7	2	.	2
	08_Hispanic	.	1	6	3	9	2	15	.	2	6	1	.
	09_Japanese	.	.	1	.	3	2	1	1	.	.	.	.
	10_Korean	.	.	1	1	.	.	2	.	.	.	.	.
	11_Samoan	.	.	.	.	4	4	20	2	.	.	3	1
	12_Other	.	.	5	1	8	.	1	.	.	.	.	.
	13_Unknown	.	1	15	8	14	5	1	1	2	.	.	1
	14_Micronesian	.	.	.	3	3	.	7	1	3	.	.	2
	15_Tongan	.	1	.	.	1	1	.	.	.	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
January	01_American Indian	.	.	4	.	.	.	.	.	.	.	.	1	
	02_African American	.	2	8	5	7	7	11	2	.	.	2	2	
	03_Caucasian	1	6	24	17	28	9	23	2	2	.	.	12	
	04_Chinese	.	.	1	.	2	.	.	.	3	.	.	.	
	05_Filipino	.	.	3	4	10	4	15	5	4	.	.	.	
	06_Guam	.	.	.	.	1	.	3	.	.	.	.	.	
	07_Hawaiian	.	3	19	8	34	11	49	13	.	.	.	2	
	08_Hispanic	.	1	3	4	3	4	9	4	2	.	.	.	2
	09_Japanese	.	.	3	1	4	1	8	.	.	.	.	.	
	10_Korean	.	.	3	1	1	2	2	.	.	.	.	.	1
	11_Samoan	.	.	1	.	2	4	4	.	.	.	.	.	
	12_Other	.	.	2	3	2	.	.	.	.	.	.	.	
	13_Unknown	.	4	12	3	27	.	5	5	3	.	.	.	6
	14_Micronesia n	.	.	.	.	.	.	2	.	.	.	.	.	
	15_Tongan	.	.	1	.	.	3	1	.	.	.	.	.	
February	01_American Indian	.	.	.	.	1	.	1	.	.	.	.	1	
	02_African American	.	4	4	3	1	5	8	4	.	.	.	4	
	03_Caucasian	.	5	27	4	15	12	17	8	4	.	.	10	
	04_Chinese	.	.	.	2	.	.	.	.	2	.	.	.	
	05_Filipino	.	.	5	1	9	1	2	2	.	.	6	2	
	06_Guam	.	.	1	.	1	3	.	.	.	.	.	1	
	07_Hawaiian	.	3	15	8	23	8	41	4	1	5	5	7	
	08_Hispanic	1	2	2	2	5	2	9	2	.	.	.	.	1
	09_Japanese	.	1	5	.	2	.	3	.	.	.	.	.	
	10_Korean	.	.	2	.	.	.	2	.	.	.	.	.	
	11_Samoan	.	.	3	.	2	1	11	1	2	.	.	.	1
	12_Other	.	.	3	.	1	2	.	.	.	.	.	.	
	13_Unknown	.	.	10	3	8	5	7	.	.	.	.	.	7
	14_Micronesia n	.	1	.	1	1	1	2	.	1	.	.	.	1
	15_Tongan	.	.	.	.	.	.	3	.	.	.	.	.	



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
March	01_American Indian			1										
	02_African American			6	2	6	2	20	3			5	1	
	03_Caucasian		4	38	11	30	21	12	2			1	11	
	04_Chinese					2	2							
	05_Filipino			10		8	5	11					1	
	06_Guam			1										
	07_Hawaiian		3	16	5	37	8	44	12	3	3	3	4	
	08_Hispanic		2	9	5	6	3	8	9	8				
	09_Japanese			6	1			3						1
	10_Korean				1	1								
	11_Samoan			2		4	3	3	2					1
	12_Other			1	1	4	1		5					
	13_Unknown		3	11	5	21	5	12	3	3		3	3	
	14_Micronesia n			1	2	1		4						
	15_Tongan				1		1	2						
Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
April	01_American Indian							2						
	02_African American		1	4	1	5		11	4					
	03_Caucasian		5	19	6	22	12	18	3	7		1	7	
	04_Chinese		1			3		1						
	05_Filipino			1	4	10	8	4		6			2	
	06_Guam					2								
	07_Hawaiian		2	18	4	17	14	15	9	7		2	4	
	08_Hispanic			5	5	8		20	2					2
	09_Japanese		2	2		4	2	2		1		4		
	10_Korean			1										
	11_Samoan				1	4		5			2			
	12_Other		1	2	2	3	2	3	1					
	13_Unknown			15	2	4	1	4	3				3	
	14_Micronesi an			1	3	3	1	4						



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group												
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
May	01_American Indian	.	.	3	.	1	.	.	.	.	.	.	.
	02_African American	.	.	11	2	7	2	14	4	5	1	.	2
	03_Caucasian	.	3	31	13	24	13	26	7	3	3	1	17
	04_Chinese	.	.	.	1	.	5	.	.	.	.	.	.
	05_Filipino	.	1	7	3	15	4	14	2	3	.	.	4
	06_Guam	.	.	.	.	.	2	5	.	.	.	.	.
	07_Hawaiian	.	3	21	9	29	12	37	16	5	5	4	3
	08_Hispanic	.	3	8	1	5	3	17	4	8	.	.	3
	09_Japanese	.	.	3	1	6	2	1	.	3	.	.	.
	10_Korean	.	.	1	.	1	.	.	.	2	.	.	.
	11_Samoan	.	.	5	1	1	3	5	2	.	.	.	.
	12_Other	.	1	2	3	6	2	.	.	.	.	.	2
	13_Unknown	1	1	20	3	27	4	13	1	.	.	.	7
	14_Micronesia n	.	.	5	1	4	1	2	.	.	.	.	2
	15_Tongan	.	.	1	1	1	.	1	.	.	.	.	.
Month	Ethnic Group												
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
June	01_American Indian	.	.	.	.	1	2	.	.	.	.	.	1
	02_African American	.	1	3	3	5	.	5	.	.	.	6	2
	03_Caucasian	.	8	25	7	31	6	30	4	4	2	.	12
	04_Chinese	.	.	2	.	2	.	4	1	.	.	.	.
	05_Filipino	.	1	2	2	16	3	27	1	1	.	.	1
	06_Guam	.	.	.	.	2	2	1	.	.	.	.	.
	07_Hawaiian	.	1	20	10	28	16	28	13	9	3	.	5
	08_Hispanic	.	1	3	1	3	2	8	2	3	.	.	3
	09_Japanese	.	4	.	.	2	3	.	.	3	.	.	.
	10_Korean	.	.	1	.	1	.	4	.	.	.	.	.
	11_Samoan	.	1	3	1	4	2	6	1	.	.	.	.
	12_Other	.	1	7	2	4	.	1	2	.	.	.	1
	13_Unknown	.	2	12	4	12	2	6	3	.	.	.	4
	14_Micronesia n	.	.	2	1	2	.	13	1	.	.	.	.
	15_Tongan	.	.	1	.	.	.	4	.	.	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
July	01_American Indian						3					
	02_African American		1	5	2		4	2	1			
	03_Caucasian	3	11	20	17	18	9	12	6	12	9	
	04_Chinese		3		2				1	1		
	05_Filipino	2	3	11	5	8	9	6	2			1
	06_Guam						1					
	07_Hawaiian	11	2	22	29	4	7	9	5	8	4	
	08_Hispanic	3	8	2	9	1	14	3	1			
	09_Japanese	1		1	3	2	1	1				
	10_Korean			1			2					
	11_Samoan	9	2	6	9	2	3	1			2	3
	12_Other		2	7	7	3		2	3			2
	13_Unknown	8	7	20	9	19	6	17	2	4		
	14_Micronesian		2	1	3	2	3					
	15_Tongan			4	2	2						
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
August	01_American Indian						1					
	02_African American			2	6	7	4	2	4	4	2	
	03_Caucasian	12	20	16	13	16	16	7	6	15	4	
	04_Chinese			2		3		1				
	05_Filipino	2	11	10	3	2	6	8	3			
	07_Hawaiian	5	24	25	36	29	23	16	18	7	8	7
	08_Hispanic	3	5	6	8	18	2	1	1			
	09_Japanese	2	3	1	2	1	1	2				
	10_Korean									1		
	11_Samoan	2	4	5		3	2					2
	12_Other			2	1	1	3	1	1			
	13_Unknown	3	17	24	21	11	6	7	9			6
	14_Micronesian	2	2	1	4		1					
	15_Tongan		5	4	3							



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
September												
	01_American Indian	.	.	.	.	.	.	1	.	.	.	.
	02_African American	.	1	3	8	3	3	.	3	.	.	1
	03_Caucasian	.	2	14	10	21	15	12	7	11	1	3
	04_Chinese	.	.	.	.	.	.	.	4	.	.	1
	05_Filipino	4	4	3	9	5	2	2	4	3	1	.
	06_Guam	.	.	.	.	1	.	.	.	.	.	.
	07_Hawaiian	1	15	20	30	18	25	21	13	5	5	.
	08_Hispanic	.	14	2	6	10	5	.	2	3	.	.
	09_Japanese	.	.	.	4	3	.	3	.	2	3	.
	10_Korean	.	.	.	2	2	2	.	.	.	.	.
	11_Samoan	.	7	1	3	.	.	2	.	.	.	.
	12_Other	.	.	.	2	3	.	.	.	.	.	1
	13_Unknown	.	1	15	17	15	8	9	5	4	2	6
	14_Micronesia	.	.	6	2	1	.	2	.	.	.	.
	15_Tongan	.	2	.	3	.	.	.	.	.	.	.

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
October												
	01_American Indian	.	.	2	.	2	.	.	.	.	.	.
	02_African American	3	.	6	8	12	3	4	.	1	2	3
	03_Caucasian	.	6	6	13	15	13	9	4	7	8	1
	04_Chinese	.	.	.	1	.	.	3	.	.	.	.
	05_Filipino	.	3	6	6	5	4	.	3	5	.	.
	06_Guam	.	.	.	.	3	.	2	.	.	.	.
	07_Hawaiian	2	10	17	16	27	2	6	10	2	1	.
	08_Hispanic	2	5	5	8	2	3	4	4	.	.	.
	09_Japanese	.	.	3	.	.	.	1	.	2	2	1
	10_Korean	.	.	1	4	1	.	.	.	.	.	.
	11_Samoan	.	.	3	4	9	2	7	.	.	.	.
	12_Other	.	1	1	3	2	1	4	.	.	.	.
	13_Unknown	.	4	11	17	7	13	9	6	5	5	3
	14_Micronesia	4	.	2	.	2	.	.	2	.	.	.
	15_Tongan	.	2	.	2	1	.	.	.	.	.	.





# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
November												
	01_American Indian							1				
	02_African American	3		4	7	3		4	4	1	1	4
	03_Caucasian		5	3	6	14	16	13	7	10	9	3
	04_Chinese				2				3			
	05_Filipino			6	10	1	5	3	3	4	3	
	06_Guam		1							1		2
	07_Hawaiian		7	13	20	31	26	3	5	7	2	1
	08_Hispanic	6	3	9	4	8		4	5		1	
	09_Japanese			1	6	3	2		1		1	
	10_Korean			1		1			1	1		
	11_Samoan	2					2		2			
	12_Other		4	2	1		5		2	4		
	13_Unknown		6	12	3	11	12	7	6	3	1	2
	14_Micronesian		2		3		3				1	
	15_Tongan				4	1						
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
December												
	01_American Indian						1					
	02_African American			1	3	2		7	4		2	
	03_Caucasian		9	17	7	20	14	14	8	12		3
	04_Chinese				2	2					3	
	05_Filipino	2	2	7	4	6	4		9	7		
	07_Hawaiian	1	9	17	20	17	24	9	1	9	2	2
	08_Hispanic	4	6	7	11	7	5	2	3			
	09_Japanese			1	4		1	1	1			
	10_Korean		1		1	2						
	11_Samoan		3	7	9	6	3	2	4			
	12_Other		5	1	2	1	1		4			1
	13_Unknown		4	5	4	13	1	5	5	6	2	3
	14_Micronesian		1	6	2		3		3		2	2
	15_Tongan		1	1	1							



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
January												
	01_American Indian		2	1		1		1				
	02_African American	8	6	15	1	5	2	7				2
	03_Caucasian	6	11	18	20	14	25	14	12	2	2	
	04_Chinese	3					2					1
	05_Filipino		2	12	1	10	5	7	4	2	2	
	06_Guam	2				1	1					
	07_Hawaiian	2	9	15	31	18	19	16	4	9	7	9
	08_Hispanic		6	10	7	7	1	1				
	09_Japanese		4	1	2	4		3	2		1	
	10_Korean				5			3		1	1	
	11_Samoan		2			4	2	2		1		
	12_Other			1	2	2	2					
	13_Unknown		4	4	15	6	11	11	6	5	1	2
	14_Micronesia							2				
	15_Tongan		3	1	1							

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
February												
	01_American Indian				1			2				
	02_African American	6	6	9	1	1	4	1	3			2
	03_Caucasian	6	10	15	18	10	19	6	3	5	10	
	04_Chinese	1	1			2						
	05_Filipino	6		3	4	7	5	1	2			
	06_Guam				3		3					
	07_Hawaiian	2	16	14	32	12	15	16	7	3		3
	08_Hispanic	2	8	7	3	2	1		3			
	09_Japanese		2	2	3		1	1	1	1		
	10_Korean				1	2			1			
	11_Samoan	3	5	3	3	2	2		3			
	12_Other	3			1		1		1			
	13_Unknown		2	4	8	6	5	3	2	5	5	
	14_Micronesia	2	3		2		1					
	15_Tongan		3									



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
March	01_American Indian	.	.	.	.	1	.	.	.	.	.	.
	02_African American	.	6	13	2	9	7	3	2	1	2	.
	03_Caucasian	1	5	17	14	21	18	15	8	10	7	14
	04_Chinese	.	.	1	1	.	.	2	.	.	.	.
	05_Filipino	1	4	1	9	2	1	5	3	2	7	.
	06_Guam	.	.	.	1	.	.	.	.	.	.	.
	07_Hawaiian	4	10	31	34	21	13	6	6	5	8	.
	08_Hispanic	.	8	8	9	10	9	6	.	.	.	.
	09_Japanese	.	.	1	2	2	1	3	1	.	.	1
	10_Korean	.	.	.	.	.	.	1	.	1	.	.
	11_Samoan	.	2	.	2	3	6	.	2	.	.	.
	12_Other	5	.	1	3	.	2	.	1	.	.	.
	13_Unknown	.	7	10	13	11	13	4	1	5	5	.
	14_Micronesia	.	.	3	.	1	1	.	1	2	.	.
	15_Tongan	.	1	.	.	3	.	.	.	.	.	.
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
April	01_American Indian	.	.	2	.	.	.	.	.	.	.	.
	02_African American	.	2	4	4	7	4	1	.	.	2	2
	03_Caucasian	.	.	9	21	23	12	7	7	11	6	4
	04_Chinese	.	.	.	.	1	.	2	1	1	.	.
	05_Filipino	.	1	4	10	5	9	2	1	2	1	.
	06_Guam	.	.	.	.	.	2	.	.	.	.	.
	07_Hawaiian	.	8	3	14	20	22	9	9	4	1	2
	08_Hispanic	2	7	11	9	3	7	.	3	.	.	.
	09_Japanese	.	4	3	1	4	.	.	2	1	.	2
	10_Korean	.	.	.	.	1	.	.	.	.	.	.
	11_Samoan	.	2	.	.	.	4	5	.	1	.	.
	12_Other	1	.	.	4	3	.	2	1	3	.	.
	13_Unknown	.	3	5	3	3	3	3	3	9	.	.
	14_Micronesia	1	2	2	.	3	1	1	.	.	1	1



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
May	01_American Indian	.	.	1	1	.	.	1	1	.	.	.
	02_African American	.	2	4	16	5	2	5	8	2	3	1
	03_Caucasian	.	7	15	26	30	22	11	10	4	7	9
	04_Chinese	.	.	.	5	1	.	.	.	.	.	.
	05_Filipino	.	3	4	6	6	13	4	12	2	2	1
	06_Guam	.	.	.	.	4	.	2	.	.	.	1
	07_Hawaiian	.	21	32	34	17	16	15	2	4	1	2
	08_Hispanic	7	14	9	6	7	2	2	2	3	.	.
	09_Japanese	.	.	1	4	4	1	3	3	.	.	.
	10_Korean	.	.	.	3	1	.	.	.	.	.	.
	11_Samoan	.	.	4	3	3	.	4	.	2	.	1
	12_Other	1	4	4	1	3	1	.	.	2	.	.
	13_Unknown	1	4	16	15	14	9	5	6	7	.	.
	14_Micronesian	.	5	1	1	.	4	2	1	1	.	.
	15_Tongan	.	1	3	.	.	.	.	.	.	.	.

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
June	01_American Indian	.	.	.	2	2	.	.	.	.	.	.
	02_African American	.	1	4	7	3	3	4	1	1	1	1
	03_Caucasian	6	11	25	15	19	15	11	15	7	5	5
	04_Chinese	1	3	.	1	2	1	.	.	.	1	.
	05_Filipino	.	13	5	13	1	4	2	11	2	3	3
	06_Guam	.	3	.	2	.	.	.	.	.	.	.
	07_Hawaiian	4	10	28	26	26	16	5	9	1	6	2
	08_Hispanic	2	3	3	7	4	1	6	.	.	.	.
	09_Japanese	.	2	2	3	1	.	1	2	1	.	.
	10_Korean	2	.	2	.	.	1	.	.	.	.	1
	11_Samoan	3	1	5	5	1	1	.	.	.	.	2
	12_Other	.	3	4	4	2	1	1	3	.	.	.
	13_Unknown	4	6	10	6	7	2	3	1	3	3	3
	14_Micronesian	6	5	.	3	5	.	.	.	.	.	.
	15_Tongan	4	1	.	.	.	.	.	.	.	.	.

# ATTACHMENT H

## REPORT TO THE LEGISLATURE—2022-2023 Performance Indicators

The correctional facilities strive to provide inmates with information on programs and services that are offered within each facility. For a full list of programs and services offered please see the [PSD In-Facility Programs & Services Inventory](https://dps.hawaii.gov/publications/) on the Department of Public Safety Publications webpage. (<https://dps.hawaii.gov/publications/>)

REENTRY COORDINATION OFFICE (RCO)

### IN-FACILITY PROGRAMS & SERVICES INVENTORY

LAST UPDATED: 11.23.2022

**ACCESSIBILITY**  
The Department of Public Safety is committed to ensuring that its website and available documents are accessible to people with disabilities. If you would like to provide feedback on site accessibility or to request documents in alternative formats, you may contact: David A. Gosselin, Corrections ADA Coordinator, at email: [david.a.gosselin@hawaii.gov](mailto:david.a.gosselin@hawaii.gov).

Department of Public Safety  
State of Hawaii

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#### PUBLICATIONS

- [EM-22-01 Interim Budget Execution Policies and Instructions for FY 23](#)
- [IOM Exec Order No. 21-07- DEP-DIR ADM – Contractors Visitors](#)
- [Att 1 – Memo to Contractors and Visitors](#)
- [Att 2 – Executive Order No. 21-07](#)
- [Special Master Report 2021](#)
- [Language Access Plan 2019-2021](#)
- [Hawaii Correctional Systems Oversight Commission Reports and Documents](#)
- [PSD Community Resource Guide](#)
- [Reentry In-Facility Programs & Services for Offenders \(Education Program Listing\)](#) **Here**
- [Annual Reports](#)
- [Reports to the Legislature](#)



# Acknowledgement

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**Editor:**

Toni Schwartz

**Steering Committee:**

Melanie Martin, Deputy Director for Administration

Michael Hoffman Acting Deputy Director for Corrections

Sanna Munoz, Deputy Director for Corrections

Mark Hanohano, Deputy Director for Law Enforcement

**Thank you to all of the Divisions for contributing to this report.**





# ATTACHMENT A

REPORT TO THE LEGISLATURE—2022-2023  
 Performance Indicators  
 Legislative Report Act 212  
 Hawaii Revised Statutes 353H

## Stock Population

Month	Males	Females
November 2022	3710	438
December 2022	3653	435
January 2023	3683	446
February 2023	3614	440
March 2023	3663	446
April 2023	3624	456
May 2023	3634	457
June 2023	3631	447
July 2023	3629	465
August 2023	3720	452
September 2023	3688	425
October 2023	3668	422

## Ethnic Group

Ethnic Group	November	December	January	February	March	April	May	June	July	August	September	October
American Indian	18	18	19	21	20	23	23	22	20	23	21	20
African American	200	192	200	201	198	203	204	214	213	200	216	208
Caucasian	930	932	924	925	933	941	951	917	915	907	878	882
Chinese	28	29	31	30	31	28	31	30	33	36	33	32
Filipino	439	429	435	413	416	420	419	427	430	416	406	407
Gaun/Pacific Islander	40	39	37	37	37	37	38	37	37	40	37	39
Native Hawaiian	1549	1521	1539	1519	1527	1503	1502	1493	1513	1506	1491	1407
Hispanic	98	102	98	95	97	92	94	100	97	98	102	98
Japanese	153	148	148	153	157	153	149	148	141	150	148	151
Korean	28	27	27	26	24	26	24	26	28	29	29	28
Samoan	258	252	247	239	240	241	251	248	244	235	237	229
Other	138	139	146	135	142	142	139	134	142	138	139	143
Unknown	386	391	402	379	384	386	396	396	410	394	376	392

# ATTACHMENT A

## REPORT TO THE LEGISLATURE—2022-2023

### Stock Population

#### Age Group

Age Group (years)	November	December	January	February	March	April	May	June	July	August	September	October
18 to 19	21	34	38	17	16	15	18	16	14	18	17	18
20 to 24	218	277	294	228	229	221	220	217	224	218	210	225
25 to 29	525	555	564	496	508	504	496	486	487	493	478	470
30 to 34	717	724	723	722	718	693	716	712	720	707	690	666
35 to 39	723	685	685	699	691	701	694	695	679	682	669	677
40 to 44	606	566	576	583	590	612	616	606	623	596	602	610
45 to 49	416	399	390	424	419	416	418	407	426	435	426	432
50 to 54	381	376	382	356	358	365	364	367	374	357	354	350
55 to 69	291	268	270	286	299	301	304	313	296	294	299	291
60 to 64	188	182	186	192	190	183	187	185	188	192	186	181
65 and older	174	133	132	175	183	179	183	183	187	175	177	174
Unknown	5	12	13	5	5	5	5	5	5	5	5	5

#### Crime Class

Crime Class	November	December	January	February	March	April	May	June	July	August	September	October
All Other	962	949	990	933	979	959	957	929	978	967	908	966
Drug			43	41	36	48	44	43	41	44	34	
Paraphernalia	42	47										33
Major Violent	265	268	279	273	274	258	297	278	259	255	279	275
Missing	17	24	16	16	18	19	16	16	18	17	18	17
Other Violent	489	455	486	502	484	466	485	501	495	473	478	468
Property	1081	1087	1095	1104	1076	1085	1108	1108	1115	1146	1124	1068
Revocation	443	432	395	391	408	416	385	383	385	397	381	365
Robbery	240	217	215	200	216	218	199	198	215	203	197	223
Serious Drug	411	429	421	431	425	421	421	444	429	392	405	406
Sexual Assault	315	311	313	292	290	305	309	292	288	278	289	278

# ATTACHMENT B & C

## REPORT TO THE LEGISLATURE—2022-2023

### Admissions

Month	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
July	849	221	897	235	872	234	633	139	480	108	418	105
August	955	216	815	186	895	204	456	114	396	82	497	133
September	889	187	851	185	841	185	350	78	360	73	424	110
October	904	188	980	245	857	202	406	116	401	91	423	94
November	816	214	789	181	741	143	352	81	441	102	409	97
December	801	207	740	175	754	206	370	75	382	73	421	89
January	890	204	878	199	850	211	385	87	407	65	493	113
February	838	192	800	195	783	207	376	88	392	92	406	98
March	793	183	818	194	590	151	409	80	501	87	513	128
April	847	184	858	197	304	46	448	93	467	119	433	109
May	942	213	900	215	448	108	480	86	504	118	501	144
June	849	206	841	208	612	143	452	92	456	107	488	114

### Releases

Month	FY 2018		FY 2019		FY 2020		FY 2021		FY 2022		FY 2023	
	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female	Male	Female
July	861	221	859	189	936	233	594	128	476	95	390	95
August	933	223	872	210	884	211	739	184	380	84	494	136
September	859	195	811	175	847	178	374	75	348	81	510	121
October	902	207	965	224	904	212	387	92	411	84	445	92
November	912	216	854	192	780	159	344	71	411	97	431	95
December	882	221	829	176	841	209	381	87	432	82	469	93
January	838	205	907	175	811	215	383	71	338	85	466	101
February	797	170	813	199	752	186	410	96	444	69	468	106
March	873	214	822	200	925	230	434	83	466	112	497	122
April	856	173	840	191	754	185	495	88	438	105	451	100
May	910	203	878	203	399	98	420	77	438	89	488	132
June	855	225	800	213	478	134	479	107	451	119	499	129



# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Sentenced Felon	DIED	15	5385
	DISM	1	633
	DISC	10	1291
	PAR	278	1549
	PROB	11	249
	RTO	3	2523
	SRP	2	872.5
	TS	224	1481.5
Sentenced Felon Probationer	DISC	6	29.5
	NOPR	1	77
	PAR	1	194
	PROB	818	172
	ROR	8	182.5
	RTA	1	7
	RTO	1	180
	SR	3	268
	SRP	56	161.5
	SUSP	1	7
TS	52	184.5	
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Sentenced Misdemeanant	DISC	4	13
	BAIL	1	14
	BOND	1	30
	DISM	1	3
	PAR	1	37
	PROB	214	19.5
	RADM	2	1
	RHSH	1	5
	ROR	2	21.5
	RTA	5	5
	RTO	1	364
	SR	2	78
	SRP	3	75
	SUSP	1	14
TS	765	7	
Parole Violator	DISC	1	47
	BOND	2	692.5
	PAR	96	300
	TS	138	292.5

# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
Pretrial Felon	DISC	47	18
	ACQ	7	186
	BAIL	195	17
	BC	2	24
	BOND	615	18
	CREL	2	134.5
	DIED	7	133
	DISM	82	39.5
	NOPR	18	15.5
	PROB	40	140.5
	RADM	5	1
	RHSH	109	128
	ROR	231	107
	RTA	38	9.5
	RTO	6	135.5
	SR	301	25
	SRP	204	120
	SRS	100	56
	SUSP	2	13
	TS	23	67
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
PRETRIAL MISDEMEANANT	DISC	28	15.5
	ACQ	2	172.5
	BAIL	195	5
	BC	1	46
	BOND	121	10
	CREL	3	91
	DISM	61	15
	NOPR	15	32
	PROB	80	13
	RADM	6	1
	RHSH	259	12
	ROR	151	17
	RTA	208	8
	RTO	1	7
	SR	66	9
	SRP	7	22
	SRS	9	50
	TS	261	8

# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
HOLDS	DISC	2	17.5
	BAIL	2	2
	BOND	3	2
	DISM	1	9
	RADM	1	4
	RHSH	5	3
	ROR	3	9
	RTO	45	18
Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
PROBATION VIOLATOR	DISC	9	29
	BAIL	40	23
	BC	1	12
	BOND	135	17
	CREL	1	161
	DISM	4	104
	PAR	2	1288.5
	PROB	49	42
	RADM	2	1
	RHSH	17	102
	ROR	150	64.5
	RTA	2	42
	SR	16	45.5
	SRP	83	128
	SRS	2	18.5
	TS	15	74





# ATTACHMENT D

## REPORT TO THE LEGISLATURE—2022-2023

### Median Length of Stay

Median Length of Stay based on FY 2023 Releases

Custody Status	Release Disposition	Number of Releases	Median Length of Stay (Days)
HOPE PROGRAM	DISC	1	7
	BAIL	2	61.5
	BOND	1	5
	PROB	57	30
	RHSH	1	263
	ROR	24	51.5
	SRP	2	136



# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
July	01_American Indian	1	.	1	1
	02_African American	11	3	.	.
	03_Caucasian	54	38	17	5
	04_Chinese	5	1	1	.
	05_Filipino	36	10	.	.
	06_Guam	.	1	.	.
	07_Hawaiian	64	27	8	1
	08_Hispanic	30	10	1	.
	09_Japanese	4	5	.	.
	10_Korean	.	3	.	.
	11_Samoan	32	3	2	.
	12_Other	20	3	2	.
	13_Unknown	49	24	12	4
	14_Micronesian	3	5	2	1
	15_Tongan	8	.	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
August	01_American Indian	.	.	1	.
	02_African American	21	5	5	.
	03_Caucasian	70	38	13	3
	04_Chinese	2	4	.	.
	05_Filipino	26	11	7	.
	07_Hawaiian	130	42	18	5
	08_Hispanic	26	15	3	.
	09_Japanese	6	6	.	.
	10_Korean	.	.	1	.
	11_Samoan	18	.	.	.
	12_Other	3	4	1	.
	13_Unknown	44	34	16	5
	14_Micronesian	5	4	1	.
	15_Tongan	11	1	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
September	01_American Indian	.	.	1	.
	02_African American	15	5	1	.
	03_Caucasian	44	36	14	.
	04_Chinese	4	.	1	.
	05_Filipino	20	13	4	.
	06_Guam	.	1	.	.
	07_Hawaiian	100	38	13	.
	08_Hispanic	32	9	1	.
	09_Japanese	12	2	1	.
	10_Korean	3	2	1	.
	11_Samoan	13	.	.	.
	12_Other	4	1	1	.
	13_Unknown	38	29	15	.
	14_Micronesia	6	4	1	.
	15_Tongan	5	.	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
October	01_American Indian	2	2	.	.
	02_African American	31	9	2	.
	03_Caucasian	41	24	14	2
	04_Chinese	3	.	1	.
	05_Filipino	18	14	.	.
	06_Guam	2	3	.	.
	07_Hawaiian	58	17	13	3
	08_Hispanic	21	8	4	.
	09_Japanese	4	2	2	.
	10_Korean	2	3	1	.
	11_Samoan	21	4	.	.
	12_Other	6	5	.	1
	13_Unknown	36	32	11	.
	14_Micronesia	7	3	.	.
	15_Tongan	5	.	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
November	01_American Indian	.	1	.	.
	02_African American	20	8	2	1
	03_Caucasian	41	29	14	2
	04_Chinese	5	.	.	.
	05_Filipino	20	10	5	.
	06_Guam	3	.	1	.
	07_Hawaiian	62	32	21	.
	08_Hispanic	25	11	3	1
	09_Japanese	12	1	1	.
	10_Korean	1	3	.	.
	11_Samoan	2	4	.	.
	12_Other	7	9	1	.
	13_Unknown	25	23	11	2
	14_Micronesian	7	1	1	.
	15_Tongan	3	2	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
December	01_American Indian	.	.	.	1
	02_African American	6	10	3	.
	03_Caucasian	52	34	16	1
	04_Chinese	5	1	1	.
	05_Filipino	23	16	2	.
	07_Hawaiian	69	33	9	.
	08_Hispanic	30	13	2	.
	09_Japanese	6	2	.	.
	10_Korean	2	.	2	.
	11_Samoan	30	4	.	.
	12_Other	7	4	4	.
	13_Unknown	20	19	8	.
	14_Micronesian	16	2	1	.
	15_Tongan	2	1	.	.

# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
January	01_American Indian	.	3	2	.
	02_African American	27	11	8	.
	03_Caucasian	60	41	19	1
	04_Chinese	3	2	1	.
	05_Filipino	31	10	4	.
	06_Guam	3	1	.	.
	07_Hawaiian	88	37	11	2
	08_Hispanic	22	8	2	.
	09_Japanese	13	1	3	.
	10_Korean	5	4	1	.
	11_Samoan	8	2	1	.
	12_Other	.	6	1	.
	13_Unknown	32	23	8	.
	14_Micronesia	2	.	.	.
	15_Tongan	4	1	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
February	01_American Indian	1	2	.	.
	02_African American	18	9	6	.
	03_Caucasian	49	37	16	.
	04_Chinese	2	2	.	.
	05_Filipino	18	6	4	.
	06_Guam	4	1	1	.
	07_Hawaiian	82	30	8	.
	08_Hispanic	19	3	4	.
	09_Japanese	3	3	5	.
	10_Korean	2	.	2	.
	11_Samoan	17	4	.	.
	12_Other	2	2	2	.
	13_Unknown	22	10	8	.
	14_Micronesia	6	1	1	.
	15_Tongan	2	.	.	1



# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
March	01_American Indian	.	.	1	.
	02_African American	32	6	7	.
	03_Caucasian	51	35	43	.
	04_Chinese	2	1	1	.
	05_Filipino	19	10	5	.
	06_Guam	.	.	1	.
	07_Hawaiian	92	33	11	1
	08_Hispanic	29	8	13	.
	09_Japanese	4	4	3	.
	10_Korean	.	2	.	.
	11_Samoan	8	5	2	.
	12_Other	10	2	.	.
	13_Unknown	44	15	7	.
	14_Micronesia	4	3	1	.
	15_Tongan	2	2	.	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
April	01_American Indian	2	.	.	.
	02_African American	10	4	3	.
	03_Caucasian	59	25	15	1
	04_Chinese	2	2	1	.
	05_Filipino	22	11	2	.
	06_Guam	2	.	.	.
	07_Hawaiian	56	21	15	.
	08_Hispanic	28	8	6	.
	09_Japanese	10	5	2	.
	10_Korean	.	.	1	.
	11_Samoan	9	2	1	.
	12_Other	8	2	4	.
	13_Unknown	14	8	10	.
	14_Micronesia	5	6	1	.



# ATTACHMENT E

## REPORT TO THE LEGISLATURE—2022-2023

**Monthly Intakes**—The rest of the file is sub-divided by Demographic and Custody Information

### Custody Status

Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
May	01_American Indian	1	2	1	.
	02_African American	31	6	11	.
	03_Caucasian	68	37	35	1
	04_Chinese	5	.	1	.
	05_Filipino	28	15	9	.
	06_Guam	7	.	.	.
	07_Hawaiian	97	35	12	.
	08_Hispanic	40	6	5	.
	09_Japanese	9	3	4	.
	10_Korean	2	.	2	.
	11_Samoan	10	2	5	.
	12_Other	7	8	1	.
	13_Unknown	43	23	9	.
	14_Micronesian	5	7	3	.
	15_Tongan	1	1	2	.
Month	Ethnic Group	Pretrial Felon	Pretrial Misdemeanant	Pretrial Petty Misdemeanant	Missing
June	01_American Indian	4	.	.	.
	02_African American	12	10	3	.
	03_Caucasian	70	36	20	1
	04_Chinese	5	3	1	.
	05_Filipino	33	17	3	1
	06_Guam	3	1	1	.
	07_Hawaiian	84	31	18	.
	08_Hispanic	18	4	4	.
	09_Japanese	8	3	1	.
	10_Korean	4	2	.	.
	11_Samoan	12	4	2	.
	12_Other	6	6	6	.
	13_Unknown	18	13	13	.
	14_Micronesian	15	3	1	.
	15_Tongan	4	.	1	.

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
July	01_American Indian	1	.	.	2
	02_African American	2	.	4	9
	03_Caucasian	40	2	26	49
	04_Chinese	6	1	.	.
	05_Filipino	11	.	16	20
	06_Guam	1	.	.	.
	07_Hawaiian	25	1	34	41
	08_Hispanic	8	.	15	18
	09_Japanese	2	.	3	4
	10_Korean	.	.	.	3
	11_Samoan	3	.	15	19
	12_Other	11	.	5	10
	13_Unknown	55	.	4	33
	14_Micronesia	5	.	1	5
	15_Tongan	4	.	2	2
Month	Ethnic Group	0	1	2	3
August	01_American Indian	.	.	1	.
	02_African American	5	1	8	17
	03_Caucasian	35	3	32	55
	04_Chinese	1	.	3	2
	05_Filipino	12	.	21	12
	07_Hawaiian	64	2	52	80
	08_Hispanic	8	2	16	18
	09_Japanese	5	.	.	7
	10_Korean	.	.	.	1
	11_Samoan	2	.	3	13
	12_Other	4	1	1	3
	13_Unknown	57	1	6	40
	14_Micronesia	2	.	5	3
	15_Tongan	.	.	7	5



# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
September	01_American Indian	1	.	.	.
	02_African American	4	.	7	11
	03_Caucasian	38	4	15	39
	04_Chinese	.	.	1	4
	05_Filipino	7	.	11	19
	06_Guam	1	.	.	.
	07_Hawaiian	44	2	43	64
	08_Hispanic	5	2	12	23
	09_Japanese	2	.	8	5
	10_Korean	.	.	.	6
	11_Samoan	1	2	3	7
	12_Other	1	.	1	4
	13_Unknown	48	.	14	20
	14_Micronesia	8	.	2	1
	15_Tongan	2	.	3	.
Month	Ethnic Group	0	1	2	3
October	01_American Indian	3	.	.	1
	02_African American	3	.	18	21
	03_Caucasian	39	2	13	28
	04_Chinese	3	.	.	1
	05_Filipino	11	.	4	17
	06_Guam	2	.	3	.
	07_Hawaiian	20	3	21	49
	08_Hispanic	1	3	16	13
	09_Japanese	5	.	2	2
	10_Korean	2	.	.	4
	11_Samoan	2	.	8	15
	12_Other	4	.	4	4
	13_Unknown	52	.	3	25
	14_Micronesia	2	.	8	.
	15_Tongan	.	.	.	5

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
November	01_American Indian	.	.	.	1
	02_African American	4	.	10	17
	03_Caucasian	28	2	16	40
	04_Chinese	.	.	.	5
	05_Filipino	13	.	7	15
	06_Guam	1	.	2	1
	07_Hawaiian	38	2	23	52
	08_Hispanic	7	2	15	16
	09_Japanese	1	.	5	8
	10_Korean	.	.	1	3
	11_Samoan	2	.	.	4
	12_Other	5	.	7	6
	13_Unknown	44	.	4	15
	14_Micronesia	1	.	2	6
	15_Tongan	.	.	1	4
Month	Ethnic Group	0	1	2	3
December	01_American Indian	.	.	.	1
	02_African American	3	1	6	9
	03_Caucasian	35	1	15	53
	04_Chinese	5	.	1	1
	05_Filipino	8	1	22	10
	07_Hawaiian	35	.	21	55
	08_Hispanic	11	2	16	16
	09_Japanese	2	.	3	3
	10_Korean	.	.	.	4
	11_Samoan	4	.	10	20
	12_Other	11	.	1	3
	13_Unknown	26	.	6	16
	14_Micronesia	1	.	11	7
	15_Tongan	.	.	.	3

# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
January	01_American Indian	2	.	.	3
	02_African American	13	.	17	16
	03_Caucasian	46	1	19	58
	04_Chinese	4	.	.	2
	05_Filipino	8	1	20	16
	06_Guam	.	.	1	3
	07_Hawaiian	34	3	29	73
	08_Hispanic	8	1	15	8
	09_Japanese	8	.	1	8
	10_Korean	5	.	3	2
	11_Samoan	1	.	4	6
	12_Other	2	1	2	2
	13_Unknown	40	1	6	18
	14_Micronesia	.	.	2	.
	15_Tongan	1	.	.	4
Month	Ethnic Group	0	1	2	3
February	01_American Indian	1	.	2	.
	02_African American	10	.	9	14
	03_Caucasian	37	3	25	37
	04_Chinese	1	.	.	3
	05_Filipino	3	.	11	14
	06_Guam	1	.	3	2
	07_Hawaiian	23	2	19	76
	08_Hispanic	5	.	9	12
	09_Japanese	3	.	1	7
	10_Korean	.	.	1	3
	11_Samoan	2	.	12	7
	12_Other	6	.	.	.
	13_Unknown	28	.	4	8
	14_Micronesia	2	.	5	1
	15_Tongan	.	.	2	1



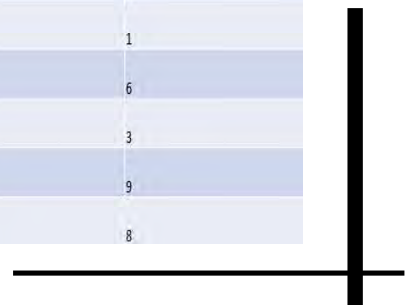


# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
March	01_American Indian	1	.	.	.
	02_African American	4	.	12	29
	03_Caucasian	56	.	17	57
	04_Chinese	1	.	1	2
	05_Filipino	9	1	2	23
	06_Guam	.	.	.	1
	07_Hawaiian	41	.	30	67
	08_Hispanic	10	.	22	18
	09_Japanese	2	.	5	4
	10_Korean	.	.	2	.
	11_Samoan	3	.	6	6
	12_Other	4	.	5	3
	13_Unknown	45	1	3	20
	14_Micronesia	3	.	2	3
	15_Tongan	.	.	3	1
Month	Ethnic Group	0	1	2	3
April	01_American Indian	.	.	.	2
	02_African American	4	.	3	19
	03_Caucasian	36	.	22	42
	04_Chinese	1	.	2	2
	05_Filipino	2	.	12	21
	06_Guam	.	.	1	1
	07_Hawaiian	19	.	18	55
	08_Hispanic	9	2	18	13
	09_Japanese	5	.	3	9
	10_Korean	.	.	.	1
	11_Samoan	.	.	6	6
	12_Other	6	.	5	3
	13_Unknown	21	1	1	9
	14_Micronesia	.	.	4	8





# ATTACHMENT F

## REPORT TO THE LEGISLATURE—2022-2023

### ORAS Scores—Recommended Override Level

Month	Ethnic Group	0	1	2	3
May	01_American Indian	3	.	.	1
	02_African American	12	.	10	26
	03_Caucasian	57	4	28	52
	04_Chinese	1	.	.	5
	05_Filipino	19	.	11	23
	06_Guam	.	.	2	5
	07_Hawaiian	35	.	35	74
	08_Hispanic	13	4	23	12
	09_Japanese	4	.	6	6
	10_Korean	.	.	2	2
	11_Samoan	5	.	2	10
	12_Other	4	1	7	4
	13_Unknown	57	1	3	16
	14_Micronesia	9	1	.	5
	15_Tongan	1	.	2	1
Month	Ethnic Group	0	1	2	3
June	01_American Indian	1	.	.	3
	02_African American	9	.	10	6
	03_Caucasian	50	.	26	53
	04_Chinese	4	.	3	2
	05_Filipino	9	.	16	29
	06_Guam	2	.	.	3
	07_Hawaiian	44	3	34	52
	08_Hispanic	8	1	8	9
	09_Japanese	4	.	2	6
	10_Korean	.	.	1	5
	11_Samoan	5	1	8	4
	12_Other	9	.	2	7
	13_Unknown	35	.	2	8
	14_Micronesia	4	.	7	8
	15_Tongan	.	.	2	3

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
July	01_American Indian	.	.	2	.	.	1	.
	02_African American	4	4	4	3	.	.	.
	03_Caucasian	4	19	28	33	3	28	2
	04_Chinese	3	.	2	.	.	2	.
	05_Filipino	12	10	15	5	1	4	.
	06_Guam	.	.	.	1	.	.	.
	07_Hawaiian	7	11	42	30	.	11	.
	08_Hispanic	.	4	26	10	.	1	.
	09_Japanese	1	3	.	5	.	.	.
	10_Korean	.	.	.	2	.	1	.
	11_Samoan	3	15	11	6	.	2	.
	12_Other	3	3	13	3	1	3	.
	13_Unknown	6	21	17	23	3	22	.
	14_Micronesian	.	.	3	5	.	3	.
	15_Tongan	.	2	5	.	.	1	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
August	01_American Indian	.	.	.	.	.	1	.
	02_African American	4	6	10	4	.	7	.
	03_Caucasian	10	14	42	32	1	26	.
	04_Chinese	.	.	2	4	.	.	.
	05_Filipino	8	4	14	10	1	7	1
	07_Hawaiian	18	34	73	39	2	32	.
	08_Hispanic	6	1	20	13	.	4	.
	09_Japanese	.	4	2	5	.	1	.
	10_Korean	.	.	.	.	.	1	.
	11_Samoan	2	.	14	2	.	.	.
	12_Other	.	1	3	2	.	3	.
	13_Unknown	5	15	21	38	3	22	.
	14_Micronesian	.	.	4	4	.	2	.
	15_Tongan	3	4	3	2	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
September	01_American Indian	.	.	.	.	.	1	.
	02_African American	1	6	8	4	1	2	.
	03_Caucasian	5	6	34	31	1	18	1
	04_Chinese	.	.	4	.	.	1	.
	05_Filipino	2	5	12	12	.	6	.
	06_Guam	.	.	.	1	.	.	.
	07_Hawaiian	22	32	42	34	4	18	1
	08_Hispanic	.	7	24	9	.	2	.
	09_Japanese	.	3	7	3	.	2	.
	10_Korean	.	2	1	2	.	1	.
	11_Samoan	.	6	7	.	.	.	.
	12_Other	.	.	3	2	.	1	.
	13_Unknown	6	25	6	23	.	22	.
	14_Micronesia	2	1	3	3	.	2	.
	15_Tongan	.	1	4	.	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
October	01_American Indian	.	.	2	2	.	.	.
	02_African American	4	11	11	11	1	4	.
	03_Caucasian	2	9	28	22	1	19	1
	04_Chinese	.	.	3	.	.	1	.
	05_Filipino	.	.	17	12	.	3	.
	06_Guam	2	.	.	3	.	.	.
	07_Hawaiian	12	20	24	13	2	22	.
	08_Hispanic	6	4	10	9	.	4	.
	09_Japanese	.	.	4	2	1	2	.
	10_Korean	.	.	2	3	.	1	.
	11_Samoan	4	4	13	4	.	.	.
	12_Other	2	1	2	6	.	1	.
	13_Unknown	4	13	15	28	2	17	1
	14_Micronesia	.	5	2	3	.	.	.
	15_Tongan	.	1	4	.	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
November	01_American Indian	.	.	1	.	.	.	.
	02_African American	3	5	12	8	.	3	.
	03_Caucasian	1	16	21	28	.	19	1
	04_Chinese	.	.	4	1	.	.	.
	05_Filipino	7	2	11	6	.	9	.
	06_Guam	.	1	1	1	.	1	.
	07_Hawaiian	10	11	41	28	.	25	.
	08_Hispanic	.	6	18	11	.	5	.
	09_Japanese	4	3	4	1	1	1	.
	10_Korean	.	1	.	2	.	1	.
	11_Samoan	.	2	.	4	.	.	.
	12_Other	3	2	3	7	.	3	.
	13_Unknown	1	14	9	20	4	15	.
	14_Micronesia	3	.	3	2	.	1	.
	15_Tongan	.	2	1	2	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
December	01_American Indian	.	.	1	.	.	.	.
	02_African American	.	.	6	7	.	5	1
	03_Caucasian	5	13	29	31	2	23	1
	04_Chinese	.	1	4	2	.	.	.
	05_Filipino	1	6	15	11	.	8	.
	07_Hawaiian	3	20	44	29	.	15	.
	08_Hispanic	11	6	13	12	1	2	.
	09_Japanese	.	2	2	3	.	1	.
	10_Korean	.	1	1	.	.	2	.
	11_Samoan	2	5	22	5	.	.	.
	12_Other	.	2	5	4	.	4	.
	13_Unknown	2	9	8	14	1	14	.
	14_Micronesia	3	9	3	3	.	1	.
	15_Tongan	.	.	2	1	.	.	.



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
January	01_American Indian	.	.	.	2	.	3	.
	02_African American	4	9	13	9	.	11	.
	03_Caucasian	5	11	41	30	4	31	2
	04_Chinese	.	2	1	2	.	1	.
	05_Filipino	7	8	11	15	.	4	.
	06_Guam	.	1	2	1	.	.	.
	07_Hawaiian	1	24	57	38	.	18	1
	08_Hispanic	.	6	14	8	.	4	.
	09_Japanese	.	.	12	3	.	2	.
	10_Korean	.	3	2	4	.	1	.
	11_Samoan	.	1	7	1	.	2	.
	12_Other	.	.	.	5	.	2	.
	13_Unknown	7	12	9	22	1	13	1
	14_Micronesia	.	2	.	.	.	.	.
	15_Tongan	.	.	3	2	.	.	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
February	01_American Indian	.	.	1	1	.	1	.
	02_African American	.	4	12	8	.	9	.
	03_Caucasian	7	6	32	28	.	27	2
	04_Chinese	.	.	2	1	.	1	.
	05_Filipino	4	4	10	4	.	6	.
	06_Guam	.	.	3	2	.	1	.
	07_Hawaiian	11	19	47	24	.	19	.
	08_Hispanic	.	3	14	5	1	3	.
	09_Japanese	.	.	3	2	.	6	.
	10_Korean	.	.	2	.	.	2	.
	11_Samoan	3	6	6	5	.	1	.
	12_Other	.	.	2	2	.	2	.
	13_Unknown	.	8	9	12	2	9	.
	14_Micronesia	1	2	3	1	.	1	.
	15_Tongan	.	1	.	2	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
March	01_American Indian						1	
	02_African American	6	13	13	7		6	
	03_Caucasian	1	17	28	34		50	
	04_Chinese			2	1		1	
	05_Filipino	2	5	10	11	1	6	
	06_Guam						1	
	07_Hawaiian	7	22	60	33	1	15	
	08_Hispanic	13	1	14	10		12	
	09_Japanese			4	2		5	
	10_Korean				2			
	11_Samoan		1	6	6		2	
	12_Other		6	4	2			
	13_Unknown	6	23	14	15	2	9	
	14_Micronesian			4	2		2	
	15_Tongan				3		1	
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
April	01_American Indian			2				
	02_African American		3	14	4		5	
	03_Caucasian	7	15	31	20		25	2
	04_Chinese			1	3		1	
	05_Filipino	5	5	13	10		2	
	06_Guam			2				
	07_Hawaiian	6	10	35	22		19	
	08_Hispanic		8	20	6		8	
	09_Japanese	5		4	5		2	1
	10_Korean						1	
	11_Samoan		5	4	2		1	
	12_Other	1		7	2		4	
	13_Unknown		7	3	9		13	
	14_Micronesian		2	3	5		2	



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Crime Severity

Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
May	01_American Indian	.	1	1	.	.	2	.
	02_African American	2	12	16	6	.	12	.
	03_Caucasian	5	13	47	38	1	37	.
	04_Chinese	.	.	5	.	.	1	.
	05_Filipino	2	3	20	14	1	13	.
	06_Guam	.	.	6	1	.	.	.
	07_Hawaiian	8	20	55	38	1	22	.
	08_Hispanic	6	11	21	5	.	8	1
	09_Japanese	3	2	3	4	.	4	.
	10_Korean	.	.	2	.	.	2	.
	11_Samoan	.	6	4	1	.	6	.
	12_Other	.	.	8	5	1	2	.
	13_Unknown	.	21	20	22	3	11	.
	14_Micronesian	.	2	2	7	.	4	.
	15_Tongan	.	1	.	.	.	3	.
Month	Ethnic Group	FA	FB	FC	MD	OT	PM	VL
June	01_American Indian	.	.	3	1	.	.	.
	02_African American	3	2	6	7	.	6	1
	03_Caucasian	2	24	38	29	3	33	.
	04_Chinese	.	1	4	3	.	1	.
	05_Filipino	4	9	19	15	.	7	.
	06_Guam	.	.	2	3	.	.	.
	07_Hawaiian	8	19	50	37	.	19	.
	08_Hispanic	.	8	9	3	.	6	.
	09_Japanese	.	.	7	1	.	4	.
	10_Korean	.	.	2	2	.	2	.
	11_Samoan	.	1	10	4	.	3	.
	12_Other	1	1	1	6	.	9	.
	13_Unknown	.	8	7	13	2	15	.
	14_Micronesian	.	2	13	3	.	1	.
	15_Tongan	.	2	2	.	.	1	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
July	01_American Indian			1		1							1
	02_African American				1	3	2	4		2		2	1
	03_Caucasian	1	2	21	13	35	10	19	4	1		1	10
	04_Chinese			1		1		2				3	
	05_Filipino			2		9	7	10	1	6	4	3	5
	06_Guam			1									
	07_Hawaiian	1	3	9	10	27	5	31	1	10	2		2
	08_Hispanic			4	4	7		20		3			3
	09_Japanese				1	2	2	3		1			
	10_Korean					1	2						
	11_Samoan			2	1	2	5	12	10		4		1
	12_Other			3		5	1	13				3	1
	13_Unknown		2	26	7	22	3	20	5	2	1		4
	14_Micronesian			3	4		3						1
	15_Tongan					1		5	1	1			
Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
August	01_American Indian			1									
	02_African American		2	4	1	5		15				4	
	03_Caucasian		1	21	7	32	15	21	7	6	4		11
	04_Chinese					4	1						1
	05_Filipino		1	4	2	10		15	4	4		4	1
	07_Hawaiian		1	28	12	50	14	51	7	17	5	7	6
	08_Hispanic			4	1	16	4	13	2	3			1
	09_Japanese			1		9		2					
	10_Korean		1										
	11_Samoan			1			2	9	4	2			
	12_Other			2	3	3		1					
	13_Unknown		5	18	16	29	8	12		7			9
	14_Micronesian			2	1	3	2		2				
	15_Tongan					1	2	2	6				

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
September	01_American Indian				1								
	02_African American	1	3		5	4	9						
	03_Caucasian		3	17	4	30	10	15	4	2	1	4	6
	04_Chinese			1				2	2				
	05_Filipino			5	2	11	8	7	4				
	06_Guam						1						
	07_Hawaiian		3	23	11	27	11	24	24	11	11	4	4
	08_Hispanic		1	3	3	6	6	16	6				1
	09_Japanese		1	2		2	2	5	2				1
	10_Korean			2		1			1	2			
	11_Samoan					3		6	1		3		
	12_Other		1	1			2	1					1
	13_Unknown		3	20	7	25	5	11	1	2	1	1	6
	14_Micronesia n			4		1	3			2			1
	15_Tongan							4		1			
Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered
October	01_American Indian			1	1			2					
	02_African American		1	4	3	3	4	17	2	5	3		
	03_Caucasian		1	19	8	24	10	14	2	1			3
	04_Chinese		1				3						
	05_Filipino		1	3	1	10	2	12					3
	06_Guam			1	1	1				2			
	07_Hawaiian		2	17	6	13	13	25	10	3	3		1
	08_Hispanic			2		11	4	9		3		3	1
	09_Japanese			2		2	3	2					
	10_Korean			1	1	2				2			
	11_Samoan		1		1	2	4	10	4		3		
	12_Other		1		2	1		4		1			3
	13_Unknown			16	12	26	5	9	1			2	9
	14_Micronesi an					4		2	4				
	15_Tongan					1		2					2





# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	Bail/Bond Amount												
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
November	African American					1								
	American Indian			3	4	4	1	12	5	2				
	Caucasian		5	16	7	18	13	16		4	1			6
	Chinese								3	2				
	Filipino		2	6	2	5	7	6		3		4		
	Guam			1			1	2						
	Hawaiian		3	16	7	34	4	36	2	8	3			2
	Hispanic		4	5	3	5	4	8	8					3
	Japanese					2	1	5	2		4			
	Korean			2		1	1							
	Mexican					4		2						
	Missing			3	1	8		2	4					
	Other			20	4	22	4	5	1					7
	Samoan		1	1		2				5				
	Tonga		1		1				1	2				
December	01_American Indian			1										
	02_African American	1	2	2	6	4		2		2				
	03_Caucasian		1	20	12	27	14	19		1		2		8
	04_Chinese			1	1	1	2	1	1					
	05_Filipino		4	2	1	12	6	12		2				2
	07_Hawaiian		3	19	4	28	10	28	8	7	2			2
	08_Hispanic		1	6	3	9	2	15		2	6	1		
	09_Japanese			1		3	2	1	1					
	10_Korean			1	1			2						
	11_Samoan					4	4	20	2			3		1
	12_Other			5	1	8		1						
	13_Unknown		1	15	8	14	5	1	1	2				1
	14_Micronesian				3	3		7	1	3				2
	15_Tongan		1			1	1							

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	Bail/Bond Group												
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
January	01_American Indian	.	.	4	.	.	.	.	.	.	.	.	.	1
	02_African American	.	2	8	5	7	7	11	2	.	.	2	.	2
	03_Caucasian	1	6	24	17	28	9	23	2	2	.	.	.	12
	04_Chinese	.	.	1	.	2	.	.	.	3	.	.	.	.
	05_Filipino	.	.	3	4	10	4	15	5	4	.	.	.	.
	06_Guam	.	.	.	.	1	.	3	.	.	.	.	.	.
	07_Hawaiian	.	3	19	8	34	11	49	13	.	.	.	.	2
	08_Hispanic	.	1	3	4	3	4	9	4	2	.	.	.	2
	09_Japanese	.	.	3	1	4	1	8	.	.	.	.	.	.
	10_Korean	.	.	3	1	1	2	2	.	.	.	.	.	1
	11_Samoan	.	.	1	.	2	4	4	.	.	.	.	.	.
	12_Other	.	.	2	3	2	.	.	.	.	.	.	.	.
	13_Unknown	.	4	12	3	27	.	5	5	3	.	.	.	6
	14_Micronesia n	.	.	.	.	.	.	2	.	.	.	.	.	.
	15_Tongan	.	.	1	.	.	3	1	.	.	.	.	.	.
February	01_American Indian	.	.	.	.	1	.	1	.	.	.	.	.	1
	02_African American	.	4	4	3	1	5	8	4	.	.	.	.	4
	03_Caucasian	.	5	27	4	15	12	17	8	4	.	.	.	10
	04_Chinese	.	.	.	2	.	.	.	.	2	.	.	.	.
	05_Filipino	.	.	5	1	9	1	2	2	.	.	6	.	2
	06_Guam	.	.	1	.	1	3	.	.	.	.	.	.	1
	07_Hawaiian	.	3	15	8	23	8	41	4	1	5	5	.	7
	08_Hispanic	1	2	2	2	5	2	9	2	.	.	.	.	1
	09_Japanese	.	1	5	.	2	.	3	.	.	.	.	.	.
	10_Korean	.	.	2	.	.	.	2	.	.	.	.	.	.
	11_Samoan	.	.	3	.	2	1	11	1	2	.	.	.	1
	12_Other	.	.	3	.	1	2	.	.	.	.	.	.	.
	13_Unknown	.	.	10	3	8	5	7	.	.	.	.	.	7
	14_Micronesia n	.	1	.	1	1	1	2	.	1	.	.	.	1
	15_Tongan	.	.	.	.	.	.	3	.	.	.	.	.	.

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
March	01_American Indian			1										
	02_African American			6	2	6	2	20	3			5	1	
	03_Caucasian		4	38	11	30	21	12	2			1	11	
	04_Chinese					2	2							
	05_Filipino			10		8	5	11					1	
	06_Guam			1										
	07_Hawaiian		3	16	5	37	8	44	12	3	3	3	4	
	08_Hispanic		2	9	5	6	3	8	9	8				
	09_Japanese			6	1			3						1
	10_Korean				1	1								
	11_Samoan			2		4	3	3	2					1
	12_Other			1	1	4	1		5					
	13_Unknown		3	11	5	21	5	12	3	3		3	3	
	14_Micronesia n			1	2	1		4						
	15_Tongan				1		1	2						
Month	Ethnic Group	0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
April	01_American Indian							2						
	02_African American		1	4	1	5		11	4					
	03_Caucasian		5	19	6	22	12	18	3	7		1	7	
	04_Chinese		1			3		1						
	05_Filipino			1	4	10	8	4		6			2	
	06_Guam					2								
	07_Hawaiian		2	18	4	17	14	15	9	7		2	4	
	08_Hispanic			5	5	8		20	2					2
	09_Japanese		2	2		4	2	2		1		4		
	10_Korean			1										
	11_Samoan				1	4		5			2			
	12_Other		1	2	2	3	2	3	1					
	13_Unknown			15	2	4	1	4	3					3
	14_Micronesi an			1	3	3	1	4						



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Bail/Bond Group

Month	Ethnic Group	Bail/Bond Group												
		0	1-99	100-499	500-999	1000-4999	5000-9999	10000-49999	50000-99999	100000-499999	500000-999999	1000000 or more	No Bail Entered	
May	01_American Indian			3		1								
	02_African American			11	2	7	2	14	4	5	1			2
	03_Caucasian		3	31	13	24	13	26	7	3	3	1		17
	04_Chinese				1		5							
	05_Filipino		1	7	3	15	4	14	2	3				4
	06_Guam						2	5						
	07_Hawaiian		3	21	9	29	12	37	16	5	5	4		3
	08_Hispanic		3	8	1	5	3	17	4	8				3
	09_Japanese			3	1	6	2	1		3				
	10_Korean			1		1				2				
	11_Samoan			5	1	1	3	5	2					
	12_Other		1	2	3	6	2							2
	13_Unknown	1	1	20	3	27	4	13	1					7
	14_Micronesia n			5	1	4	1	2						2
	15_Tongan			1	1	1		1						
June	01_American Indian					1	2							1
	02_African American		1	3	3	5		5				6		2
	03_Caucasian		8	25	7	31	6	30	4	4	2			12
	04_Chinese			2		2		4	1					
	05_Filipino		1	2	2	16	3	27	1	1				1
	06_Guam					2	2	1						
	07_Hawaiian		1	20	10	28	16	28	13	9	3			5
	08_Hispanic		1	3	1	3	2	8	2	3				3
	09_Japanese		4			2	3			3				
	10_Korean			1		1		4						
	11_Samoan		1	3	1	4	2	6	1					
	12_Other		1	7	2	4		1	2					1
	13_Unknown		2	12	4	12	2	6	3					4
	14_Micronesia n			2	1	2		13	1					
	15_Tongan			1				4						

# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
July	01_American Indian						3					
	02_African American		1	5	2		4	2	1			
	03_Caucasian	3	11	20	17	18	9	12	6	12	9	
	04_Chinese		3		2				1	1		
	05_Filipino	2	3	11	5	8	9	6	2			1
	06_Guam						1					
	07_Hawaiian	11	2	22	29	4	7	9	5	8	4	
	08_Hispanic	3	8	2	9	1	14	3	1			
	09_Japanese	1		1	3	2	1	1				
	10_Korean			1			2					
	11_Samoan	9	2	6	9	2	3	1			2	3
	12_Other		2	7	7	3		2	3			2
	13_Unknown	8	7	20	9	19	6	17	2	4		
	14_Micronesian		2	1	3	2	3					
	15_Tongan			4	2	2						
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
August	01_American Indian						1					
	02_African American			2	6	7	4	2	4	4	2	
	03_Caucasian	12	20	16	13	16	16	7	6	15	4	
	04_Chinese			2		3		1				
	05_Filipino	2	11	10	3	2	6	8	3			
	07_Hawaiian	5	24	25	36	29	23	16	18	7	8	7
	08_Hispanic	3	5	6	8	18	2	1	1			
	09_Japanese	2	3	1	2	1	1	2				
	10_Korean								1			
	11_Samoan	2	4	5		3	2					2
	12_Other			2	1	1	3	1	1			
	13_Unknown	3	17	24	21	11	6	7	9			6
	14_Micronesian	2	2	1	4		1					
	15_Tongan		5	4	3							



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older	
September	01_American Indian							1					
	02_African American		1	3	8	3	3		3			1	
	03_Caucasian		2	14	10	21	15	12	7	11	1	3	
	04_Chinese								4			1	
	05_Filipino	4	4	3	9	5	2	2	4	3	1		
	06_Guam					1							
	07_Hawaiian	1	15	20	30	18	25	21	13	5	5		
	08_Hispanic		14	2	6	10	5		2	3			
	09_Japanese				4	3		3		2	3		
	10_Korean				2	2	2						
	11_Samoan		7	1	3			2					
	12_Other				2	3							1
	13_Unknown		1	15	17	15	8	9	5	4	2	6	
	14_Micronesian			6	2	1		2					
	15_Tongan		2		3								
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older	
October	01_American Indian			2		2							
	02_African American	3		6	8	12	3	4		1	2	3	
	03_Caucasian		6	6	13	15	13	9	4	7	8	1	
	04_Chinese			1			3						
	05_Filipino		3	6	6	5	4		3	5			
	06_Guam					3		2					
	07_Hawaiian	2	10	17	16	27	2	6	10	2	1		
	08_Hispanic	2	5	5	6	2	3	4	4				
	09_Japanese			3				1		2	2	1	
	10_Korean			1	4	1							
	11_Samoan			3	4	9	2	7					
	12_Other		1	1	3	2	1	4					
	13_Unknown		4	11	17	7	13	9	6	5	5	3	
	14_Micronesian	4		2		2			2				
	15_Tongan		2		2	1							





# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
November												
	01_American Indian						1					
	02_African American	3	4	7	3		4	4	1	1	4	
	03_Caucasian	5	3	6	14	16	13	7	10	9	3	
	04_Chinese			2				3				
	05_Filipino		6	10	1	5	3	3	4	3		
	06_Guam	1							1		2	
	07_Hawaiian	7	13	20	31	26	3	5	7	2	1	
	08_Hispanic	6	3	9	4	8	4	5		1		
	09_Japanese		1	6	3	2		1		1		
	10_Korean		1		1			1	1			
	11_Samoan	2				2		2				
	12_Other	4	2	1		5		2	4			
	13_Unknown	6	12	3	11	12	7	6	3	1	2	
	14_Micronesia	2		3		3				1		
	15_Tongan			4	1							
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
December												
	01_American Indian						1					
	02_African American		1	3	2		7	4		2		
	03_Caucasian	9	17	7	20	14	14	8	12		3	
	04_Chinese			2	2					3		
	05_Filipino	2	7	4	6	4		9	7			
	07_Hawaiian	1	9	17	20	17	24	9	1	9	2	2
	08_Hispanic	4	6	7	11	7	5	2	3			
	09_Japanese		1	4		1	1	1				
	10_Korean	1		1	2							
	11_Samoan	3	7	9	6	3	2	4				
	12_Other	5	1	2	1	1		4			1	
	13_Unknown	4	5	4	13	1	5	5	6	2	3	
	14_Micronesia	1	6	2		3		3		2	2	
	15_Tongan	1	1	1								



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
January												
	01_American Indian		2	1		1		1				
	02_African American	8	6	15	1	5	2	7				2
	03_Caucasian	6	11	16	20	14	25	14	12	2	2	
	04_Chinese		3				2					1
	05_Filipino		2	12	1	10	5	7	4	2	2	
	06_Guam		2			1	1					
	07_Hawaiian	2	9	15	31	18	19	16	4	9	7	9
	08_Hispanic		6	10	7	7	1		1			
	09_Japanese		4	1	2	4		3	2		1	
	10_Korean			5				3		1	1	
	11_Samoan		2			4	2	2		1		
	12_Other			1	2	2	2					
	13_Unknown		4	4	15	6	11	11	6	5	1	2
	14_Micronesia								2			
	15_Tongan		3	1	1							

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
February												
	01_American Indian				1			2				
	02_African American	6	6	9	1	1	4	1	3			2
	03_Caucasian	6	10	15	18	10	19	6	3	5	10	
	04_Chinese	1	1			2						
	05_Filipino	6		3	4	7	5	1	2			
	06_Guam				3		3					
	07_Hawaiian	2	16	14	32	12	15	16	7	3		3
	08_Hispanic	2	8	7	2	2	1		2			
	09_Japanese		2	2	3		1	1	1	1		
	10_Korean				1	2			1			
	11_Samoan	3	5	3	3	2	2		3			
	12_Other	3			1		1		1			
	13_Unknown		2	4	8	6	5	3	2	5	5	
	14_Micronesia	2	3		2		1					
	15_Tongan		3									



# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
March	01_American Indian					1						
	02_African American	6	13	2	9	7	3	2	1	2		
	03_Caucasian	1	5	17	14	21	18	15	8	10	7	14
	04_Chinese		1	1				2				
	05_Filipino	1	4	1	9	2	1	5	3	2	7	
	06_Guam				1							
	07_Hawaiian	4	10	31	34	21	13	6	6	5	8	
	08_Hispanic		8	8	9	10	9	6				
	09_Japanese			1	2	2	1	3	1			1
	10_Korean							1		1		
	11_Samoan		2		2	3	6		2			
	12_Other	5		1	3		2		1			
	13_Unknown		7	10	13	11	13	4	1	5	5	
	14_Micronesian			3		1	1		1	2		
	15_Tongan		1			3						
Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
April	01_American Indian		2									
	02_African American	2	4	4	7	4	1			2	2	
	03_Caucasian		9	21	23	12	7	7	11	6	4	
	04_Chinese				1		2	1	1			
	05_Filipino	1	4	10	5	9	2	1	2	1		
	06_Guam					2						
	07_Hawaiian	8	3	14	20	22	9	9	4	1	2	
	08_Hispanic	2	7	11	9	3	7		3			
	09_Japanese	4	3	1	4				2	1		2
	10_Korean					1						
	11_Samoan		2				4	5		1		
	12_Other	1		4	3		7	1	3			
	13_Unknown		3	5	3	3	3	3	3	9		
	14_Micronesian	1	2	2		3	1	1			1	1





# ATTACHMENT G

## REPORT TO THE LEGISLATURE—2022-2023

### Age Group—Recommended Override Level

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
May												
	01_American Indian			1	1			1	1			
	02_African American		2	4	16	5	2	5	8	2	3	1
	03_Caucasian		7	15	26	30	22	11	10	4	7	9
	04_Chinese				5	1						
	05_Filipino		2	4	6	6	13	4	12	2	2	1
	06_Guam					4		2				1
	07_Hawaiian		21	32	34	17	16	15	2	4	1	2
	08_Hispanic	7	14	9	6	7	2	2	2	3		
	09_Japanese			1	4	4	1	3	3			
	10_Korean				3	1						
	11_Samoan			4	3	3		4		2		1
	12_Other	1	4	4	1	3	1			2		
	13_Unknown	1	4	16	15	14	9	5	6	7		
	14_Micronesian		5	1	1		4	2	1	1		
	15_Tongan		1	3								

Month	Ethnic Group	18 to 19	20 to 24	25 to 29	30 to 34	35 to 39	40 to 44	45 to 49	50 to 54	55 to 59	60 to 64	65 and older
June												
	01_American Indian				2	2						
	02_African American		1	4	7	3	3	4	1	1	1	1
	03_Caucasian	6	11	25	15	19	15	11	15	7	7	5
	04_Chinese	1	3		1	2	1			1		
	05_Filipino		13	5	13	1	4	2	11	2	3	3
	06_Guam		3		2							
	07_Hawaiian	4	10	28	26	26	16	5	9	1	6	2
	08_Hispanic	2	3	3	7	4	1	6				
	09_Japanese		2	2	3	1		1	2	1		
	10_Korean	2		2			1					1
	11_Samoan	3	1	5	5	1	1					2
	12_Other		3	4	4	2	1	1	3			
	13_Unknown	4	6	10	6	7	2	3	1	3	3	3
	14_Micronesian	6	5		3	5						
	15_Tongan	4	1									

### Pretrial detainees held on bail—Type of Crime

Severity of Offense	
Felony A	385
Felony B	919
Felony C	1949
Misdemeanor	1492
Petty Misdemeanor	1101
Violation	21
Other	61
Total	5928

### Pretrial detainees held on bail—Bail Amount

Bail Group	
0	7
1 to 99	158
100 to 499	979
500 to 999	418
1,000 to 4,999	1345
5,000 to 9,999	538
10,000 to 49,999	1409
50,000 to 99,999	336
100,000 to 499,999	255
500,000 to 999,999	85
1,000,000 or more	94
None Entered	304
Total	5928

### Pretrial Detainees held on bail—Risk Assessed

Risk Level	Gender (5 unknown)		Total
	Female	Male	
None	397	1546	1943
Low	12	65	77
Moderate	181	1203	1384
High	365	2154	2519
Total	955	4968	5923

## Pretrial Detainees held on bail—Race

Race	
American Indian	30
African American	383
Caucasian	1336
Chinese	68
Filipino	487
Guam	36
Hawaiian	1537
Hispanic	473
Japanese	151
Korean	51
Micronesia	134
Samoa	227
Tongan	59
Other	159
Unknown	797
Total	5928

## Pretrial detainees held on bail—Age

Age Group	
18 to 19	76
20 to 24	507
25 to 29	782
30 to 34	1075
35 to 39	964
40 to 44	776
45 to 49	571
50 to 54	448
55 to 59	337
60 to 64	213
65 and older	179
Total	5928

# HRS 353H - Performance Indicator Reporting

(20) The average amount of time for completing and verifying pretrial risk assessment by type of crime, bail amount, risk assessed, gender, race, and age; and

## Average Time for Completing & Verifying Pretrial Risk Assessment by Type of Crime

Severity of Offense	Risk Assessments	Average/Days
Felony A	385	4.59
Felony B	919	2.25
Felony C	1949	3.65
Misdemeanor	1492	1.60
Petty Misdemeanor	1101	0.83
Violation	21	3.05
Other	61	1.20

## Average Time for Completing & Verifying Pretrial Risk Assessment by Bail Amount

Bail Group	Risk Assessments	Average/Days
0	7	1.57
1 to 99	158	1.31
100 to 499	979	1.00
500 to 999	418	1.54
1,000 to 4,999	1345	1.66
5,000 to 9,999	538	3.34
10,000 to 49,999	1409	3.75
50,000 to 99,999	336	4.07
100,000 to 499,999	255	2.36
500,000 to 999,999	85	3.68
1,000,000 or more	94	3.61
None Entered	304	3.30

## Average Time for Completing & Verifying Pretrial Risk Assessment by Gender

Gender	Risk Assessments	Average/Days
Female	955	1.76
Male	4968	2.56

# HRS 353H - Performance Indicator Reporting

## Average Time for Completing & Verifying Pretrial Risk Assessment by Race

Race	Risk Assessments	Average/Days
American Indian	30	6.47
African American	383	2.95
Caucasian	1336	2.81
Chinese	68	3.56
Filipino	487	2.50
Guam	36	3.25
Hawaiian	1537	3.11
Hispanic	473	1.37
Japanese	151	1.60
Korean	51	3.10
Micronesian	134	1.56
Samoan	227	0.46
Tongan	59	1.68
Other	159	4.41
Unknown	797	0.99

## Average Time for Completing & Verifying Pretrial Risk Assessment by Age

Age Group	Risk Assessments	Average/Days
0	7	1.57
1 to 99	158	1.31
100 to 499	979	1.00
500 to 999	418	1.54
1,000 to 4,999	1345	1.66
5,000 to 9,999	538	3.34
10,000 to 49,999	1409	3.75
50,000 to 99,999	336	4.07
100,000 to 499,999	255	2.36
500,000 to 999,999	85	3.68
1,000,000 or more	94	3.61
None Entered	304	3.30

(21) The number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age.

At the time of this report period, the Department did not receive data from the Hawaii Criminal Data Justice Center (HCDJC).

# HRS 353H - Performance Indicator Reporting

- (7) The number of parole revocation hearings and the results of parole revocation hearings that, when applicable, explain why the parolees' revocation was denied;  
 (Note: parole revocation hearings approved is the number of parolees revoked. The number of revocation hearing denied is the number of parolees who were continued on parole following their parole revocation hearing and/or the revocation of their parole was deferred for various reasons.)

# parole revocation hearings	# parole revocation hearings approved	# parole revocation hearings denied	List of reasons for denial
348	203	44	Parolee deemed appropriate to return to the community on parole.

- (8) The cost of incarceration per inmate, per day, per facility:

The average daily cost per inmate per day is \$253.00.

- (9) Offender demographics, including gender, race, age, and type of offense:

Please see Attachment A.

- (10) The number of individuals who received vocational training or rehabilitation services and type of vocational training or rehabilitation services received.

There was a total of seven hundred twenty-seven (727) Career and Technical Education training (CTE) program participants, four hundred nineteen (419) of them, or 57% completed the programs. These account for participants in programs such as: Sustainable Crop Production- Ag. Technician, Construction Trades- Carpentry, Forklift Operator Training, Forklift Simulation Training, ServSafe (Safety and Sanitation), Culinary Arts Program, Digital Literacy, Keyboarding, Blender 3-D Animation, Altino Coding, TEAM WorkHawaii, and Goodwill Job Readiness Services.

The RCO continues to work to address the rehabilitative service needs exiting inmates face upon release. The RCO has begun discussion with other agencies and community service providers to determine how to also address the mental health needs and continuum of care a majority of inmates are missing upon release. The office is also working with DLIR and the Education Division to inform and educate the other agencies of the need to develop work programs for inmates to increase success rates upon release and reduce the rate of recidivism. The office is also working with the Hawai'i Correctional Industries (HCI) office to develop new products/ programs to advance the skills of inmates while in custody and translate those skill into living wage job opportunities upon release.

- (11) The total number of inmate intakes, by month, including the number of intakes each month within the past year and past five years:

See Attachment B.

- (12) The total number of inmates released, by month:

See Attachment C.

- (13) The number of inmates with substance abuse problems, including the type of dependence or addiction, and the number of inmates with no reported substance abuse problems:

For the period spanning November 1, 2022, through October 31, 2023, PSD enrolled



# ATTACHMENT H

## REPORT TO THE LEGISLATURE—2022-2023 Performance Indicators

The correctional facilities strive to provide inmates with information on programs and services that are offered within each facility. For a full list of programs and services offered please see the [PSD In-Facility Programs & Services Inventory](https://dps.hawaii.gov/publications/) on the Department of Public Safety Publications webpage. (<https://dps.hawaii.gov/publications/>)

REENTRY COORDINATION OFFICE (RCO)

### IN-FACILITY PROGRAMS & SERVICES INVENTORY

LAST UPDATED: 11.23.2022

**ACCESSIBILITY**  
The Department of Public Safety is committed to ensuring that its website and available documents are accessible to people with disabilities. If you would like to provide feedback on site accessibility or to request documents in alternative formats, you may contact: David A. Gosselin, Corrections ADA Coordinator, at email: [david.a.gosselin@hawaii.gov](mailto:david.a.gosselin@hawaii.gov).

HEALTH  
FAMILY REINTEGRATION  
POST-SECONDARY EDUCATION  
TECHNICAL EDUCATION  
WELFARE  
ANGER MANAGEMENT  
COGNITIVE BEHAVIORAL RESTRUCTURING  
SUBSTANCE ABUSE  
HAWAIIAN CULTURE LANGUAGE  
DOMESTIC VIOLENCE  
CAREER EDUCATION HOUSING EDUCATION  
CAREER PARENTING WELL-BEING  
SPIRITUAL SERVICES  
FELLOWSHIP  
PUNISHMENT

Department of Public Safety  
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#### PUBLICATIONS

- [EM-22-01 Interim Budget Execution Policies and Instructions for FY 23](#)
- [IOM Exec Order No. 21-07- DFP-DIR ADM - Contractors Visitors](#)
- [Att 1 - Memo to Contractors and Visitors](#)
- [Att 2 - Executive-Order-No.-21-07](#)
- [Special Master Report 2021](#)
- [Language Access Plan 2019-2021](#)
- [Hawaii Correctional Systems Oversight Commission Reports and Documents](#)
- [PSD Community Resource Guide](#)
- [Reentry In-Facility Programs & Services for Offenders \(Education Program Listing\)](#) **Here**
- [Annual Reports](#)
- [Reports to the Legislature](#)

# ATTACHMENT H

## REPORT TO THE LEGISLATURE—2022-2023 Performance Indicators

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REENTRY COORDINATION OFFICE (RCO)  
**IN-FACILITY PROGRAMS & SERVICES INVENTORY**  
LAST UPDATED: 11.23.2022

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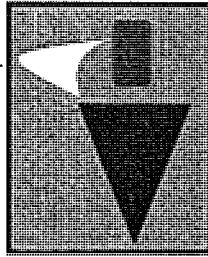
- [EM-22-01 Interim Budget Execution Policies and Instructions for FY 23](#)
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# Appendix E

## Program Proposal from People in Custody (PIC)

# Hawaii Veterans in Prison Saguaro Chapter

Michael Hughes  
*President*  
Brian Luton  
*Vice-President*  
Lincoln Phillips  
Christopher Phanpradith  
*Secretaries*



VETERANS IN PRISON  
*Est. 1999*

*"Service to our country never ends"*

Joseph Purtell  
*Treasurer*  
Steven Fisher  
*Liaison*  
Michael Schuette  
*Sergeant-At-Arms*  
Mr. Stewart  
*Program Facilitator*

## Proposal

**To:** Hawaii Correctional System Oversight Commission  
**From:** Michael Hughes, Hawaii Veterans in Prison Saguaro Chapter President  
**Date:** October 14, 2024  
**Subject:** Inclusion of Hawaii Veterans in Prison (HI-VIP) organization into the Hawaii State facilities, and the Out-of-State/ Mainland Branch contracts.

Aloha Cara,

A veterans program in all Hawaii Work Furlough/Minimum facilities is vital, because the Veteran Affairs (VA), and other veteran organizations would be granted access to incarcerated veterans in need of reentry aide(s) such as; housing, job searches, medical assistance, and veteran mental health programs to name a few.

A Veterans in Prison organization in all Hawaii long term facilities would aide in the rehabilitative growth of incarcerated vets. The mission of Hawaii Veterans in Prison (HI-VIP) is to inform and educate incarcerated veterans of services and benefits available to them while simultaneously addressing their needs and/or concerns. The aim is to improve the quality of life of incarcerated individuals, as well as to give back to society through donations to outside charitable groups, with money received from the conducting of fundraising events.

At the Saguaro Correctional Center a Hawaii Veterans in Prison organization has already been established, and is growing. We are requesting that Hawaii implement contractual changes that would protect the rights/privileges of this program, affording our group validation. The following are suggestions of how this could be implemented within Mainland facility contracts, as well as in the existing Hawaiian prison facilities.

## Proposed Program Outline Includes

1. Installation of a Hawaii Veterans in Prison Chapter (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The military veterans of the Hawaiian population shall be allowed to establish a Veterans in Prison organization chapter within any correctional facility they occupy.
2. Meetings (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The HI-VIP will be allowed to conduct the following meetings
    - i. Regular meetings once a month
    - ii. Officer meetings once a week
    - iii. Special meetings as needed (with facility approval).
3. Holidays (All facilities)
  - a. The Veterans in Prison chapter will be allowed to observe the following holidays and events, separate from the rest of the Hawaii population.
    - i. Armed Forces Day (3<sup>rd</sup> Saturday of May)
    - ii. Independence Day (4<sup>th</sup> day of July)
    - iii. Veterans Day (11<sup>th</sup> day of November)
    - iv. Anniversary of HI-VIP Chapter, Officer Induction/ Awards Ceremony (varies according to individual chapter formations)
4. Fundraising (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The HI-VIP will be allowed to conduct fundraisers as a service for the following reasons:
    - i. For the purpose of the betterment of the population at large
    - ii. To donate funds to charitable organizations.
  - b. Donations to charitable organizations
    - i. The HI-VIP will be allowed to make donations to charitable organizations of the chapters choosing.
5. Receive Donations (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The HI-VIP will be allowed to receive donations from approved sources in the following forms.
    - i. Monetary donations
    - ii. Resources
    - iii. Volunteered time and help, by facility approved personnel
6. Meals (All facilities)
  - a. Meals for the HI-VIP will be paid for by one of the following
    - i. The HI-VIP when funds are sufficient or available.
    - ii. The facility when approved and/ or when HI-VIP funds are not sufficient or available.
7. Money (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The money generated by the HI-VIP is to be used only by the HI-VIP with the HI-VIP consent (donations, meals, chapter maintenance, etc.)
  - b. In the event of population moving to another facility the money will transfer with the organization when the organization leaves the facility.
    - i. If the population is split-up then the money is to be divided equally between the diverse populations.

8. Contact with the VA and outside associated organizations. (All facilities)
  - a. The HI-VIP will be allowed to contact via the phone, the VA and other outside associated organizations. This will be done by either method.
    - i. Using the Inmate's phone system.
    - ii. Having a staff member help make contact via facility phone system.
  - b. The HI-VIP will be allowed to have outside sponsors or representatives come into the facility to do the following.
    - i. Conduct seminars and workshops
    - ii. Give Status updates of VA claims
    - iii. Donate their time to aiding in facility approved functions and/or events
  - c. The HI-VIP will be given VA contact thru a designed portal with access to predetermined VA related websites. (A portal interface would secure access and eliminate any other internet access).
    - i. Website are to include but are not limited to the following:
      - 1) Va.gov
      - 2) (E-benefits website)
      - 3) (Veterans Records website {DD214}request
9. Computer Access (where applicable, i.e. long term facilities, and mainland facilities)
  - a. The HI-VIP will be allowed access to a computer via the following.
    - i. Purchasing their own (stand-alone/offline) laptop or desktop computer, printer and scanner.
    - ii. Attend the computer lab of current facility (with access to printer and scanner).

The HI-VIP was first established in 1999 at the Minnesota Prairie Correctional Center (CCA), since then we have held many functions. Such as: facility outreach, aided inmate veterans receive their military benefits, held multiple workshops and classes with guest speakers from veteran organizations. All while striving to be pillars of the prison community. We also held numerous fundraisers, the funds of which have been used to not only aide the Hawaiian prisoners within those facilities, but donations were also sent to, many different charitable organizations within those states. It is for these reasons that we are requesting to protect, and grow the HI-VIP by not only including it in the contracts of mainland facilities, but also to begin using our programs model to develop other HI-VIP programs within the state of Hawaii's prisons. Giving justice involved veterans the tools they need, to not only survive the reentry process, but to thrive once they regain their freedom.

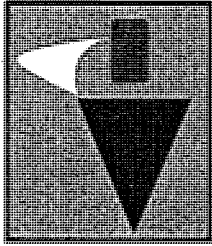
Sincerely,



---

Michael Hughes  
Hawaii Veterans in Prison  
Saguaro Chapter President





VETERANS IN PRISON  
Est. 1999

*"Service to our country never ends"*

# Hawaii Veterans in Prison Saguaro Chapter

As of October 14, 2024

## Our Mission

The mission of Hawaii Veterans in Prison (HI-VIP) is to inform and educate incarcerated veterans of services and benefits available to them while simultaneously addressing their needs and/or concerns. The aim of this chapter is to improve the quality of life of incarcerated individuals as well as to give back to society through donations to outside charitable groups received from conducting fundraising events.

We will hold ourselves responsible to the organization and to each other by supporting and maintaining the group's ideals. By notifying all veterans that there is hope and help for them while incarcerated, and that they are a part of a broader community. It is hoped that incarcerated veterans will be able to progress through adversity. In this we solemnly pledge to **H.E.L.P** those of our nation's dignified services who have proudly sacrificed in the past: **H**onor, all who served, **E**ncourage each other to find hope in the mist of despair, **L**ead with exemplary conviction, and **P**romise that no person will be left behind.

## Club Officers

President	Michael Hughes
Vice President	Brian Luton
Secretary	Lincoln Phillips
Secretary	Christopher Phanpradith
Treasurer	Joseph Purtell
Liaison	Steven Fisher
Sergeant-at-Arms	Michael Schuette

The prison industries enhancement certification program codified at  
18 U.S.C. §1761 (PICEP or PIE)

Written by Michael Hughes

A program designed for the manufacture, sale, and distribution of prisoner-made products across state lines. Each jurisdiction must apply to the U.S. department of justice for certification.

A. Criteria

- 1) Legislative authority to involve the private sector in the production, manufacture, and sale of prison made goods, and administrative authority to ensure that mandatory program criteria will be met through internal policies and procedures.
- 2) Legislative authority to pay wages at a rate not less than that paid for similar work in the same localities private sector (termed "Prevailing wages").
- 3) Written assurances that the PICIP program will not result in the displacement of free world workers already employed before the program is implemented.
- 4) Authority to provide worker benefits, including workers compensation or its equivalent.(401 or other savings program)
- 5) Legislative or administrative authority to take deductions not to exceed 80% of prisoners gross wages for room and board; federal, state and local taxes, allocations for family support pursuant to state statute, court order, or agreement of the offender, and contributions of not more than 20% but not less than 5% of gross wages, to any fund established by law to compensate victims of crime.
- 6) Written assurances that participation by prisoners (workers) will be voluntary.
- 7) Written proof of consultation with related organized labor groups / unions before startup of PICEP program.

8) Compliance with the national environmental policy act and related environmental review requirements.

- B. The main crux of the program is to allow competition between prison industries and the private sector on a level playing field. In addition, PICIP allows the private sector businesses to "partner" with prison industries through joint venture programs to manufacture, or sale products, or provide services to the general public.
- C. More importantly, this program, or one like it will allow the long term sentenced inmate to develop real suable job skills for future employment, build up a substantial savings fund for use upon release. And reimburse the state for their room and board.
- D. In addition the incarcerated inmate will be developing a keen sense of his own self-worth, as he develops skilled labor proficiency, some financial security upon release through savings, and the ability to provide himself with privileged items such as commissary purchases, electronics (i.e. TV'S, radios, musical instruments, video game consoles, hobby craft supplies, etc.). In short, the long term inmate will be utilizing his time productively rather than non-productively.
- E. Examples of private sector businesses who have participated in PICEP are Wal-Mart, J. C. Pennys, Victoria Secret's, Boeing, Microsoft, Starbucks, K-mart, just to name a few
- F. This program could even be used to partner with private industry a prisoner intern program. Such a program would form a mentor in private sector participant and lead to employment upon release.

To whom it may interest

Written by Michael Hughes

I would like to take this opportunity to share what was once available in the past. Allowing an able body person, the means to be able to learn how to support themselves is very important, knowing accountability and independence is critical for the inmates who are going to return to society as well for those who are never going to be able to leave prison.

Since prisoners left Hawaii in 1995 we lost the opportunity of having access to industries workforces-while moving state to state, one CCA facility in Minnesota provided industry workforces. It was a joint venture program that paid minimum wages. However, it only lasted a year before we were transferred to Arizona.

Reflecting back to my incarceration during the years 1990-1995 at Halawa, we could work in the correctional industries program, and were paid up to \$1.30 per hr. occasionally some joint venture contracts paid us minimum wage. Today, 28 yrs. Later, our current pay is .25¢ hr. / 6 hrs. a day. And our commissary prices are well above outside prices.

In 2008, due to the recession, Hawaii started "Furlough Friday's" and initiated many financial cutbacks. Due to this recession our pay wages were reduced from up to .63¢ hr. down to a flat pay of .25¢ hr. When furlough Friday ended, our pay was never increased back to its original rate. Around the same time a surcharge was added to our commissary that made all prices go up.

Currently. Only 28 out of 120 inmates can have a pod cleaning job, other essential facility jobs are being shared with inmates for other contracting states. This limits our-Hawaiian inmates-potential employment opportunities even more.

We prisoners are proposing the oversight commission in implementing correctional industries joint venture work force here at Saguaro. It's been a long term financial burden we have brought to our families and friends who struggle in trying to keep family ties. By allowing prisoners to work in an industry program we can help offset this financial crises.

We understand their talking about bringing us back to Hawaii. I was one to the first 300 inmates who left Hawaii back in 1995. We were also told that in 3 yrs. We will be back home. Well 28 years later we are still up here, sending us long timers back to Hawaii may take years, and talks of building a new prison have been on the table for the past 20 yrs. In the meantime, can you help by adding industries workforce here at Saguaro Correctional Center in Arizona's contract.

We had the opportunity to talk to the Core Civic Regional Director Mr. Todd Thomas during a tour here. We asked him if he can implement joint venture workforce industry here. The director quoted "if Hawaii DPS wants industry here at Saguaro I can provide it. I have prisons right now that have industry workforce here in Arizona."

The industries joint venture workforce program such as prison industries enhancement certification program codifies at U.S.C § 1761 (PICEP or PIE). The prisoner's wages at a rate not less than that paid for similar work in the same localities private sector (Termed "prevailing wages"). The prisoner would be subject to file taxes which is always good for the state & government but... it's also what we need in place for life after prison. Long timers/ lifers can start building their credit for social security. If you don't have credit or not enough, no retirement check, back to being a burden to the state. If you did work prior to prison you may receive a check. However, the more taxes paid the larger your check, not to mention if you don't earn work credit in the last 10 year prior to 65 yrs. Of age you won't receive disability benefits along with Medicare. We are in hopes that these issues can be factored in with the reentry process.

Currently, our prisoner's population of elderly is high struck by long term incarceration. As it stands the majority of us will be a burden of the state upon release from prison. Again learning to support ourselves, knowing accountability and independence, is critical for prisoners returning to society. We prisoners need the opportunity to be able to work, gain skills and work habits at a joint venture level.

## For your information

Written by Michael Hughes

Prisoner's families and friends financial support enables the keeping of family ties. We have been in Saguaro correctional Center, Arizona since 2007 to present. Has anyone ever reviewed how much financial support is deposited into a prisoner's account here on the mainland? Families and friends who have their love ones doing long term prison sentences feel that impact even more. Permitting a prisoner's joint venture industries workforce, would enable inmates to pay their debts while in prison, not after their released. This includes things such as child support, attorney fees, victim compensation, restitution, court fees, and bills made prior to prison. Inmates may also be able to provide support to their families, establish good credit, put money in a saving account for easier transition back into society and pay taxes to establish credit for social security benefits.

Below are some of the items prisoners need financial help from their family and friends for:

### 1. Medical Needs

- a) Medical co-pay
- b) Ankle/knee brace
- c) Leg brace
- d) Glasses

### 2. Dental needs

- a. Dental co-pay
- b. Partials(\$180.00)
- c. Dentures (\$300.00 plus)
- d. Mouth guards

### 3. Seasonal clothing

- a. Thermals (top & bottom)
- b. Sweat pant
- c. Sweat shirts
- d. Knitted stocking hats



4. Electronics

- a. AM/FM portable radio (needed to listen to TV)
- b. Headphone (plus headphone extension)
- c. Gaming systems
- d. TV (13 inch screens)
- e. Batteries

5. Victim compensation

6. Child support

7. Recreation/ daily attire

- a. Gym shorts
- b. Shoes

The above are some of the numerous things that our loved ones have been supporting us prisoners with for the past 28 years, and for some of the long timers it's been longer. This is why we prisoners and our loved ones hope that the oversight commission will not only allow an industries joint venture workforce or something similar, permitting us to become financially independent and able to pay off all debt, obligations, and support our selves.

Thank you for your time in this matter.



# National Institute of Justice

P r o g r a m F o c u s

## Work in American Prisons:

### *Joint Ventures with the Private Sector*



# Work in American Prisons: Joint Ventures with the Private Sector

by George E. Sexton

It's 6 o'clock on Monday morning, still dark outside, when the alarm goes off and John Doe struggles out of bed. He's in and out of the shower in a minute and then nearly cuts himself shaving, he's in such a hurry. He promised a couple of the other guys on the company softball team that he'd meet them for

breakfast, but he's already running behind and can't afford to be late for work. It'll just have to be coffee and a quick donut on the run.

Just after he has punched in at 7 a.m., Denise Loftus, the Section Three supervisor, calls John and the other members of his work team to go over the day's production schedule. Northern Telecom just put in a rush order for a thousand co-axial cables, so they'll have to work with Section Five if they're going to make the Friday shipping date.

After the meeting, John sets up the work team's hand tools and production boards, while some of his crew rush off with the bill-of-materials to get the parts they need for the job. As soon as they get back, the whole team will start assembling the cables. They want to get started by 7:30 a.m.

By 8 a.m. the shop is humming, and it will stay that way until noon, when everyone breaks for lunch. After lunch, an industrial engineer from the company's main plant stops by to ask the team what they think about the design for a new IBM cable the company is bidding on. Roberto Kelly, the team's quality control honcho, recommends a change that will allow cable to fit more easily into the team's hand tools. The engineer agrees and alters the design. That's one of the things that John likes about the company—they listen.

When the final whistle blows at 3 p.m., John knows he'll be tired, but he figures that comes with the job—that and taxes. With taxes, rent, and child support payments, there isn't much left for the car he's been saving for. He'll need it for commuting next month when he's transferred to the Myrtle Beach plant.

## Highlights

Prison industries, using inmate labor to manufacture goods for private firms, were thriving enterprises in the first quarter of this century. However, the sale of open market prison-made products was banned in the 1930's and 1940's by Congress and the States, in response to protests from both competing industries and labor unions. In 1979 legislation was enacted to restore private sector involvement in prison industries to its former status, provided certain conditions of the labor market are met.

This Program Focus describes how companies in South Carolina, California, and Connecticut have formed successful partnerships with State and local correctional agencies. Some positive features of these collaborations include:

- A cost-competitive, motivated work force, which can continue to work after release from prison.
- The proximity of a prison-based feeder plant to the company's regular facility.
- Financial incentives, including low-cost industrial space and equipment purchase subsidy, that are offered by corrections officials.
- Safe work environment due to the presence of security personnel and a metal detector that keeps weapons out of the shop area.

- The partial return to society of inmate earnings to pay State and Federal taxes, offset incarceration costs, contribute to the support of inmates, families, and compensate victims.

Challenges encountered include:

- Absenteeism and rapid turnover of employees.
- Limited opportunities for training.
- Logistical problems, such as appropriate access for deliveries.

Representatives of companies interested in joint venture arrangements should consider such issues as:

- Federal and State laws regulating the markets, types of permissible business relationships, and rights and responsibilities of inmates, staff and private companies.
- Appropriate goals for the joint venture that are consistent with the mission of the corrections agency.
- Support of the warden of the host prison.
- Qualification of the joint venture manager, who should have prior experience in corrections as well as an understanding of business operations.

## Federal Regulation of Prison-Based Joint Ventures

In 1979, Congress enacted Public Law 96-157 (codified at 18 U.S.C. 1761(c) and 41 U.S.C. 35), which created the Private Sector/Prison Industry Enhancement Certification Program (PS/PIEC). The program authorizes correctional agencies to engage in the interstate shipment of prison-made goods for private business use if:

- Inmates working in private sector prison industries are paid at a rate not less than the rate paid for work of a similar

nature in the locality in which the work takes place.

- Prior to the initiation of a project, local unions are consulted.
- The employment of inmates does not result in the displacement of employed workers outside the prison, does not occur in occupations in which there is a surplus of labor in the locality, and does not impair existing contracts for services.

and the States prohibited the open market sale of prison-made goods.

The current revival of private sector prison industries was made possible in 1979 when Congress lifted its ban on the interstate transportation and sale of prison-made goods for prisons that met the conditions of a specially created Private Sector Prison Industry Enhancement Certification Program (PS/PIEC). This program requires participating correctional agencies to certify that inmate workers are paid local prevailing wages and that the interests of other parties that could be adversely affected by the joint venture are protected. (See "Federal Regulation of Prison-Based Joint Ventures.") The new legislation was an essential first step in motivating private companies to use prison-based work forces, since most business markets today cross State borders.

As of March 1993, the U.S. Department of Justice, which administers the PS/PIEC Program, had certified 32 correctional agencies to operate private sector prison industries similar to the enterprises described in this report. According to the department, approximately 1,000 inmates are employed in these joint ventures. Private companies now use prison-based work for data entry and information processing, electronic component assembly, garment manufacturing, contract packaging, metal fabrication, telemarketing, and handling travel reservations.

**Everyone benefits from joint ventures.** Companies are attracted to working with prisons because inmates represent a readily available and dependable source of entry-level labor that is a cost-effective alternative to work forces found in Mexico, the Caribbean Basin, Southeast Asia, and the Pacific Rim countries. "Do-

At the end of the day, John shows the new man on the team how to do his final inspection and product count, while the other men clean up their work area. After they all punch out, they wait in line to go through the metal detector before leaving the shop and walking across the prison yard to their cells.

John (a fictitious name but true-to-life inmate) and the other 250 inmate-workers who assemble wire harnesses for Escod Industries are part of an innovative joint venture inside the Evans Correctional Facility in South Carolina. To be sure, when prison work programs are mentioned, most people still think of one product and one customer—license plates made for State governments. However, a small but growing number of private companies like Escod are paying inmates to produce a wide variety of products and services from inside the penal institution.

Joint ventures between a private company and a prison, like the partnership in South Carolina that employs John, are not yet common. But in the last decade, company executives in an increasing number of States have begun forming joint ventures with prison officials who are eager to

branch out from their traditional stateuse prison industries to produce goods and services for the private sector.

After offering a brief overview of the history and current status of prison industries, this Program Focus examines how three companies have developed successful and mutually beneficial partnerships

with prisons in South Carolina. Two other joint ventures in California and Connecticut are also described briefly to illustrate successful partnerships that companies and correctional agencies have formed in other States.

### The Federal Government Takes the Lead

Private sector involvement in prison industries is not new. During the early decades of this century, prison factories making products for private companies flourished. But the unregulated use of prison labor led to complaints of unfair competition from organized labor and competing manufacturers. As a result, during the 1930's and 1940's Congress

mestic content is an important benefit of using a prison-based work force compared with using an offshore labor market," says one industry executive. "We can put a Made-in-the-U.S.A. label on our product. In fact, our sales staff told us that the retention of these jobs in the United States influenced purchasing agents at two large organizations to buy our product rather than a competitor's whose product is made offshore." The executive adds that "keeping the jobs in the country helped line workers in our other plants accept the idea of a prison-based work force."

*Correctional administrators* report that joint ventures provide meaningful, productive employment that helps to reduce inmate idleness, considered to be a common cause of prisoner disruptions. Correctional administrators also indicate that the existence of private sector jobs can be used to motivate positive behavior and good work habits on the part of inmates throughout the prison. According to Richard Bazzle, Warden of the Leath Correctional Facility in South Carolina, "the inmate who realizes that an initial assign-

ment in the kitchen might some day lead to a higher paying job in our garment plant is more likely to work hard and stay out of trouble in order to get that better job tomorrow."

The general public, too, tends to endorse productive employment for inmates when they are assured that prison-based jobs will not displace law-abiding citizens. For example, although in 1990 California voters rejected a \$450 million bond issue for prison construction, they approved a change in the State's constitution to allow

## NIJ-NIC Collaboration on Private Sector Prison Industries and Other Offender Programs

*The National Institute of Justice (NIJ) and the National Institute of Corrections (NIC) have cooperated on a number of projects. The following reflects these continuing efforts.*

In 1978, the National Institute of Justice and the National Institute of Corrections entered into a memorandum of understanding (MOU) that included identifying opportunities for the two agencies to serve the field better through collaborative efforts. Earlier this year we revisited the MOU and renewed our commitment to work together on a number of joint initiatives.

More recently the Office of Correctional Job Training and Placement (OCJTP) was created within the National Institute of Corrections. With its creation as a catalyst, a new joint agency effort has begun to explore ways to assist incarcerated and ex-offenders to become gainfully employed.

This initiative will give us the opportunity to engage other Federal agencies, State and local governments, business and industry, private and not-for-profit organizations, educators, and educational institutions in identifying solutions to this systemic problem.

Both NIJ and NIC have had a long history of supporting programs for offenders including vocational training, corrections education, as well as State-use and private sector industries. This Program Focus on private sector prison industries is but one indication of our continued commitment in this area.

Given our collective histories of accomplishment in the area, it seemed logical and appropriate for our agencies to share our talents and resources to further the goals of OCJTP. While we will continue to work together to support the field through research, evaluation, development, information dissemination, training, and the provision of technical assistance to State and local

agencies, staff from our respective agencies have been tasked with taking a fresh look at traditional approaches.

As a result of several brainstorming and information-sharing sessions, a number of potential joint NIJ/NIC initiatives are already under consideration. We are determined to move quickly on a number of the more promising ideas. At the same time, however, our staff will be calling on you for recommendations as to how best to achieve the mission of the Office of Correctional Job Training and Placement.

Jeremy Travis,  
Director  
National Institute of Justice

Morris Thigpen,  
Director  
National Institute of Corrections

the operation of private sector prison industries when they were assured by the governor that such jobs would not result in the layoff of civilian-workers.

### South Carolina Takes the Initiative

The opportunity for the private sector to use inmate labor in South Carolina opened up when Tony Ellis became Director of the Division of Correctional Industries in 1990. Ellis' division is charged with employing as many inmates as possible in each of the State's prisons. However, meeting this mandate was becoming increasingly difficult because of two ongoing developments. First, South Carolina was faced with a dramatic increase in its inmate population. From 1989 to 1993 alone, the number of prisoners in the State jumped from 13,004 to 17,294—an increase of 33 percent. Second, because the State budget was shrinking as part of the nationwide recession, State agencies had less money with which to purchase inmate-produced goods and services. As a result, the capacity of stateuse industries to productively employ inmates also diminished.

Ellis decided to tackle this predicament by expanding inmate employment opportunities to include working for private companies manufacturing products for sale on the open market. In the past 3 years, Ellis' move into the private sector has paid off for everyone; three companies have set up successful joint ventures that employ over 400 inmates in South Carolina's prisons. Major companies and institutions like IBM, Victoria's Secret, and Emory University purchase products manufactured in South Carolina's prisons.

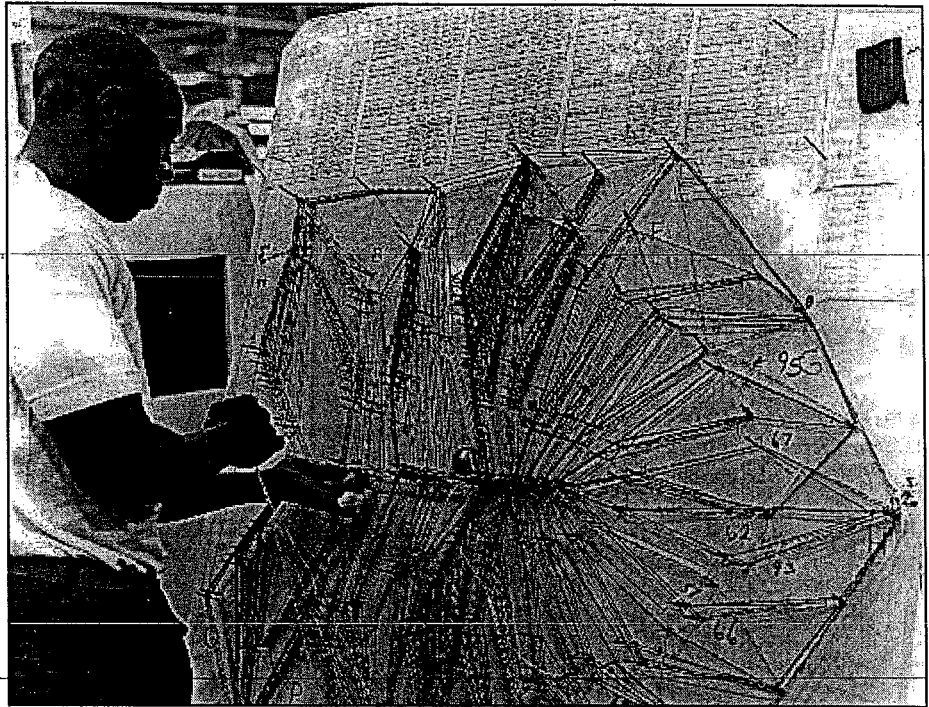


Photo by Jack Owen

At the Evans Correctional Facility in South Carolina, Escod Industries employs inmates to assemble electronic cables involving the use of assembly boards.

### Escod Industries—Rewiring Europe's Telephone System

Escod Industries, a division of Insilco Corporation, a Fortune 500 conglomerate based in Columbus, Ohio, operates seven manufacturing plants in the United States. One plant is in South Carolina's Evans Correctional Facility, a 1,100 bed maximum/medium security prison. Last year, inmate-workers at Escod's prison plant assembled \$16 million worth of electronic cables that were purchased by corporations like IBM and the Canadian-based Northern Telecom Corporation. Northern Telecom uses Escod's products in the telephone cables it sells to several Eastern European countries that are upgrading their communication systems to meet the

latest European Economic Community standards.

**How the partnership began.** Pat Timms, Escod's Vice President of Operations, learned about the availability of South Carolina's prison-based work force when he received a letter from Tony Ellis suggesting that if the company were thinking of expanding its operations, it should take a serious look at South Carolina's prison-based work force to meet its growing employment needs.

Ellis' letter was timely because it arrived when Escod's top management was looking closely at what the company would have to do to maintain its position in the increasingly competitive electronics industry. One of the options being considered by top managers was the operation of a satellite plant in Mexico that would use



the country's highly productive and low-cost Maquiladora work force. But Timms, who had previously worked for the Alston Wilkes Society—a prison volunteer organization—was intrigued by Ellis' letter because he thought that a domestic feeder plant located near his principal customers and staffed with a cost-competitive work force would better fit the company's just-in-time delivery schedules than a plant located nearly 1,000 miles away in Mexico. Furthermore, he made some calculations that showed only an insignificant difference in labor costs between South Carolina's prison-based work force, with a total burdened rate of \$6.04 per hour, and the comparable rate of a Mexico based plant that included transportation costs for finished products.

Armed with these figures, Timms was able to convince his colleagues at Escod that the company should open a plant inside the prison. South Carolina correctional officials also helped to sway Escod's decision by offering the company financial incentives that included low-cost industrial space and a \$250,000 subsidy for equipment purchases.

**Current operations.** Today, 10 civilian Escod staff—including two female floor managers—supervise over 250 inmates at the Evans Correctional Facility. The company operates a two-shift schedule in the prison: 190 inmates are employed on the 7 a.m. to 3 p.m. shift, and 60 inmates work on the 3 p.m. to 11 p.m. shift. The prison superintendent would like to see a third shift and a total employment of 300.

Escod's prison-based work force hand-assembles a wide variety of wire harnesses for electronic cables. Inmates unreel color-coded wires from large spools, individually lay them out on large sheets of plywood that outline the correct assembly

pattern, tie the wires into bundles, and finish them into electronic cables. Inmates perform their jobs in teams. Each team, composed of from 5 to 25 workers, depending on the complexity and the size of a given product, is responsible for the entire production process, including setting up the tools and equipment required to complete the job order, assembling and inspecting the wire harnesses, and packaging the finished products.

**Motivated inmates make good workers.** Escod's plant manager at the Evans facility, Bert Christy, says, "The productivity and quality of this work force is as good

as, if not better than, any that I've ever worked with." To prove his point, Christy points to the quality control award that the Evans plant won from IBM for being one of the 10 feeder plants (of a total of 500) to deliver 25,000 cables to the computer giant with zero defects.

Christy attributes the inmates' superior work to their high motivation, pointing out: "Any person here has a strong desire to work because this is by far the best game in town. They want this place to be a success. And so do we." Christy says that it is important to build on the inmates' intrinsic motivation to do well by



Photo by Jack Owen

Escod's plant in the Evans Correctional Facility in South Carolina won an award from IBM for being among the 10 out of 500 feeder plants to deliver 25,000 cables with zero defects.

treating them consistently and fairly and by rewarding good work. If a work team attains productivity, quality, and on-time delivery goals for a week, the team is rewarded with a fast food lunch. If the plant achieves its quality and efficiency goals for a month, members get a dinner catered by a local restaurant.

Christy maintains that the inmate work force has higher education test scores and more extensive work experience than many individuals applying for jobs at the company's main plant. Indeed, he believes many inmate workers are over-qualified for the jobs they hold, which might be expected to reduce morale. On the other hand, these inmates might simply be satisfied that they have something meaningful to occupy their time in prison.

Escod management has also built success into the Evans plant by funneling the company's least complex products into the prison. Pat Timms says, "Now we concentrate in the prison our simpler, labor-intensive products that are susceptible to customer demand spikes, and we put most of our higher-cost products in our nearby civilian plant. This strategy buffers our regular employees against layoffs and rehiring caused by fluctuating customer demand cycles, and, at the same time, it lowers our unemployment compensation rate. As a result, we're more cost-competitive in the long run."

**Prisons are not trouble-free work environments.** Escod has had to work closely with correctional officials at Evans to overcome a number of problems, especially absenteeism and turnover. Absenteeism on the shop floor during Escod's first year of operations disrupted the company's work teams and increased overtime costs. Escod reduced unexcused

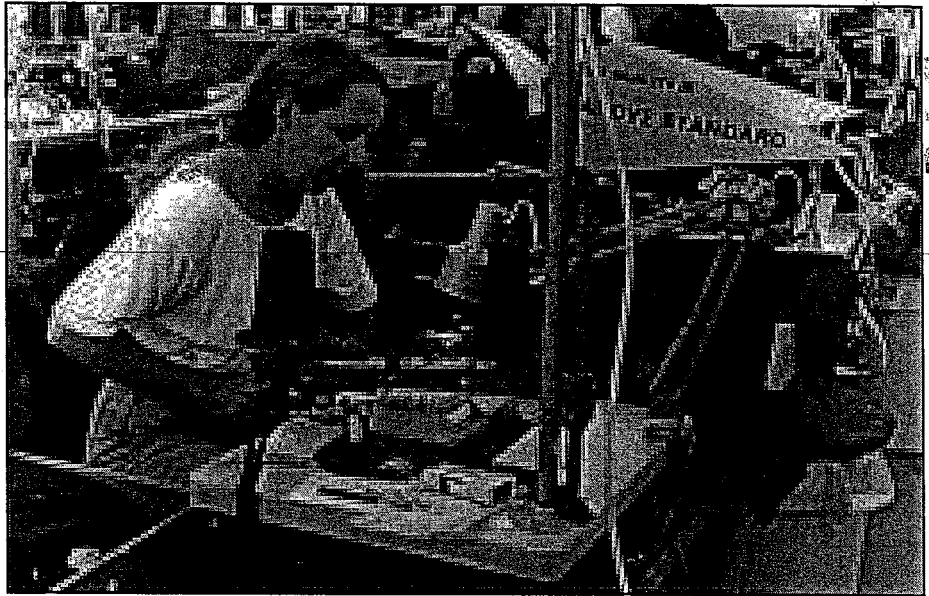


Photo by Jack Owen

An inmate employed by Jostens, Inc., at the Laurens Correctional Facility in South Carolina, sews a graduation gown for a major university.

absences by working closely with Evans staff to introduce and enforce its standard absentee policy that results in the termination of any worker after five unexcused absences over any 6-month period.

Turnover in the work force, however, continues to be a nagging problem. As a result, company and correctional managers are exploring the possibility of opening a second feeder plant in a new minimum security prison under construction near one of the company's principal plants. This new facility would enable Escod workers at Evans to continue to work for the company after they receive a lower custody status and are transferred out of Evans. With plants in both prisons, trained inmates could work for the company throughout their period of confinement and, after release, continue their employment at its nearby plant if jobs are available.

After only 2 years in operation, the Evans plant has already become a vital link in

Escod's domestic manufacturing system. Pat Timms says, "Strategically, Evans is very important to us, and it will probably

grow in importance because the prison gives us access to a cost-effective work force that meets our customers' needs. IBM managers like the arrangement because it enables them to meet their domestic content product requirements. Northern Telecom likes it because it meets its just-in-time delivery schedules. And we like the setup because it helps our regular plant avoid cycles of hiring and laying off extra workers to handle the unpredictable upswings and downturns in demand for this particular product."

### Jostens, Inc.

The next time you go to a graduation exercise, notice the colorful gowns the participants are wearing: they may have been made in a South Carolina prison by Jostens, Inc. A Fortune 400 company, Jostens is the largest manufacturer of

graduation gowns in the country. It has 43 offices and manufacturing plants throughout the United States, Mexico, and the Caribbean Basin. The company's main gown plant is in Laurens, South Carolina, about 25 miles from the Leath Correctional Facility, a 350-bed prison for women.

**How the joint venture was arranged.** In 1991, Jostens received one of Tony Ellis' recruitment letters, but at that time the company was not interested in expansion. A year later, however, when the market for graduation gowns grew and the company needed a feeder plant to operate in conjunction with its Laurens facility, the facility manager remembered the letter and gave Ellis a call.

Because of the lack of readily available labor in the rural area surrounding Laurens, the company had considered Mexico as a site for a feeder plant. But the Leath Correctional Facility, less than an hour's drive from Laurens, seemed like an attractive alternative. Jostens' production manager, Frank Burton, met with Ellis and liked what the prison industries administrator had to offer: a local work force, quality industrial space tailored to meet the company's production needs, capitalization of equipment, and a joint venture arrangement that would enable Jostens to concentrate on production and quality control, while correctional industries staff handled all the work related to personnel and payroll.

Jostens began operations inside Leath in late 1992. The company now supervises 40 women who sew, inspect, sort, and package graduation gowns. The women work a 40-hour week, 8 1/2 hours a day Monday through Thursday, and 6 hours on Friday.

**Again, everyone benefits.** Linda Knight, the onsite production manager for Jostens, reports that initially quality was a problem. However, Knight and the Division of Correctional Industry improved production quality by incorporating into the prison's 8-week industrial sewing training program a new module that provides the women with instruction in Jostens' in-process inspection procedures.

Knight reports that turnover and absenteeism are no different at Leath than at the company's Laurens plant, and productivity is good; but the sewing done in the prison is uncomplicated and repetitive. Safety? Knight claims, "I feel safer in here than I would in an outside shop. Security personnel are always nearby, and I know that weapons are not going to be brought into *this* shop because there's a metal detector outside."

Burton would like to expand work orders in the prison without having to invest in additional equipment. As a result, he is thinking of starting a second shift, although this expansion of operations will require new negotiations with prison officials.

**Third Generation, Inc.**

Third Generation, Inc., a contract garment maker with two plants in South Carolina, also operated a garment manufacturing plant inside the Leath Correctional Facility until a recent downturn in the company's orders led management to complete, but not renew, its existing contract with South Carolina Correctional Industries. Third Generation employed 35 inmates who sewed a variety of leisure wear garments and lingerie that were purchased by J.C. Penney, Victoria's Secret, and other retail apparel firms. Last year the company's Leath plant produced more

than \$1.5 million worth of garments.

**How the partnership began.** Like many other small firms in the contract sewing industry, Third Generation had considered handling its expanding business by opening plants in Mexico and the Caribbean Basin, but the company found the correctional agency's economic development package more attractive than the incentives offered by offshore business locations. Merv Epstein, Third Generation's President, says, "We could not find enough qualified industrial sewers in rural South Carolina, and the prison solved a real problem for us in that respect. These women were good workers, they took pride in the products they made, and I would like to hire 80 percent of them after they get out of prison in my other two plants." Indeed, Third Generation has hired several women released from Leath who worked for the company as inmates.

**Quality and productivity.** Judy Johnson, Third Generation's plant manager at Leath, says the quality achieved by the prison work force was at a level as high as that attained by its nonincarcerated employees, and turnover was much lower in the prison. Productivity, however, was initially a problem. Johnson believes that, due to limited training, the workers were not able to efficiently handle the company's frequent style changes. Productivity suffered as workers learned how to sew each new style. As a result, the company reduced the number and frequency of style changes at its prison plant. Merv Epstein warns that other garment manufacturers that consider hiring a prison-based work force should "keep it simple—put the least complex sewing jobs you have inside the prison, and don't make frequent style changes."

The key to supervising inmate workers,

according to Judy Johnson, is to realize that inmates will play games and that, from the start, the plant manager must be firm in responding to their attempts at manipulation. But, she adds, supervisors also have to be fair and reward good performance. For example, the company provided a dinner for its Leath workforce at Thanksgiving and gave group bonuses for consistently high quality work. The company also tried to build a sense of cohesiveness and corporate identity by giving workers T-shirts imprinted with the company logo to wear on the job.

### Trans World Airlines and the California Youth Authority

*"Thank you for calling TWA. This is Anita Gomez. How can I help you?"* Most of the more than 500,000 callers probably did not realize that the agent delivering this greeting was a youthful offender employed in the California Youth Authority's Ventura Training School for youthful offenders.

**How the partnership began.** Influenced by the success of Best Western International's hotel reservation center, which operated at the Arizona Correctional Facility for Women in Phoenix from 1981 to 1992, TWA began employing male and female youthful offenders in the beginning of 1986. Since then, TWA has hired nearly 300 agents at the training school, 55 of whom have continued their employment at the company's Los Angeles reservation center after their release from prison.

TWA established its reservation center at the Ventura School to take advantage of the institution's readily available labor

pool, which could be quickly tapped to process excess call volume from its Los Angeles reservation center. However, Ventura has now become one of the company's five major reservation outlets handling calls on a regular basis from around the country.

**Current operations.** In addition to processing routine domestic airline reservations, the Ventura center provides a specialized service on a regular basis for the company's other reservation centers. Ventura agents alone now schedule all of the airline's round-the-world itineraries because the small size of the work group (other centers

employ as many as 500 agents, whereas Ventura's work force typically consists of 70 agents) allows TWA's supervisory staff in the facility to monitor the complex pricing of round-the-world tickets more closely. Jeff Black, TWA's Director of Area Reservations, says:

We've found that a number of specialized desks performing functions like round-the-world itineraries are harder to staff in larger work environments. Here, at Ventura, once we've trained an agent in this kind of specialized service we know that he is



Photo by Jack Owen

An inmate at the California Youth Authority's Ventura Training School, where inmates schedule all of TWA's around-the-world itineraries, talks with a customer about a European vacation.

more likely to show up regularly for work because the job carries a great deal of status among the Ventura agents. Besides, we know that they are not going to be late for work because of a traffic jam on the freeway. That kind of dependability is important to us.

**Win-win for everyone.** The 1992 civil disturbances in Los Angeles highlighted the dependability of the Ventura center for TWA when the company was forced to close its Los Angeles reservations office. Over a 2-day period, 61 youthful offenders worked 718 hours processing calls from travelers who would have otherwise been lost to TWA's competitors. In a letter of appreciation to the Ventura School, the TWA area reservations manager wrote, "We have shown our company how we can respond in a crisis." Frederick F. Mills, Administrator of the Free Venture Program, wrote back that, "This public-private partnership is a great example of how working together can create a win-win solution for everyone."

### Chesapeake Cap Company and the Connecticut Department of Corrections

**How the partnership began.** The Maryland-based Lyon Brothers Manufacturing Company, the country's largest manufacturer of embroidered emblems, holds the license for manufacturing the emblems of all the teams in the National Football League and

Major League Baseball. In 1990, Lyon Brothers established its new Chesapeake Cap Company division in the Connecticut Correctional Institution at Somers. The company contacted the Connecticut Department of Corrections because, of all State agencies certified by the U.S. Department of Justice to sell prison-made goods in interstate commerce, Connecticut's was situated closest to Lyon's Maryland location.

The company employs 18 inmates in Somers, the State's maximum security prison, to make baseball caps that are sold to private companies, government agencies, and retail sporting goods stores. The baseball caps worn by Midas Muffler mechanics, police officers in St. Louis, and Little League World Series players are all made by Chesapeake Cap's inmate employees.

**Current operations.** Chesapeake Cap hires its prison workers from a pool of inmates employed in the prison's sewing plant, which makes inmate uniforms for the State's prison population. Unlike some of its joint venture counterparts in South Carolina, Chesapeake Cap has not experienced a turnover problem because the lengthy sentences served in Somers enable the company to limit its hiring to inmates with a minimum of 5 years left to serve on their sentences.

**Benefits to all.** According to Somers' warden, the joint venture with Chesapeake Cap has been good for the institution because it gives inmates a positive goal to shoot for. Renate Hellin, Chesapeake Cap's plant manager, reports that the prison-based work force has provided Lyon Brothers

with an affordable way to enter a new market that is directly related to its principal product line of emblems.

### Different Types of Partnerships Can Be Successful

Companies and correctional agencies have developed different types of business relationships to meet their common workforce needs. In South Carolina, the companies that operate feeder plants in the Evans and Leath correctional facilities supervise inmate workers with their own staff. However, the prisoners are employed by the State Division of Correctional Industries, which in turn charges the companies a burden rate for their labor. This approach, often called the *Manpower Model* because of its similarity to the nationwide temporary personnel service company of that name, reflects a growing trend in which companies lease rather than employ their prison workforces. (See exhibit 1.)

By contrast, Trans World Airlines in California and the Chesapeake Cap Company in Connecticut own and operate their prison-based businesses, and they directly supervise and employ their inmate workforce. Prison officials in these two States provide only the space in which the companies operate and a qualified labor pool from which the companies hire their inmate employees. This approach is frequently called the *Employer Model* because the company employs the inmates.

Several companies and correctional agencies in other States have adopted a third partnering approach, frequently

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**Exhibit 1. Principal Characteristics of Three Types of Joint Ventures**

Model	Workers Employed By	Workers Supervised By	Workers Trained By	Benefits for Company	Benefits for Prison
<b>Manpower</b>	Prison	Company	Prison	<ul style="list-style-type: none"> <li>• Workforce</li> <li>• Rent/utility</li> <li>• Money for equipment</li> <li>• Administrative support</li> </ul>	<ul style="list-style-type: none"> <li>• Employment</li> <li>• Overhead rate</li> <li>• Wage deductions</li> <li>• Payback on equipment</li> </ul>
<b>Employer</b>	Company	Company	Company	<ul style="list-style-type: none"> <li>• Workforce</li> <li>• Rent</li> <li>• Utilities</li> </ul>	<ul style="list-style-type: none"> <li>• Employment</li> <li>• Wage deductions</li> </ul>
<b>Customer</b>	Prison	Prison	Prison	<ul style="list-style-type: none"> <li>• Product or service</li> </ul>	<ul style="list-style-type: none"> <li>• Payment for finished goods</li> </ul>

called the *Customer Model*, in which the company contracts with a prison or jail to provide a finished product at an agreed-upon price. In this model, the

correctional agency owns and operates the business that employs the inmate workforce. For example, the Hennepin County Adult Correctional Facility in Minnesota operates a job shop, employing 50 inmates, that provides a variety of light assembly, sorting, packaging, and warranty repair services for dozens of private firms in the Minneapolis-St. Paul area.

**Different models, different risks.**

The degree of risk and reward shared by the company and the correctional agency varies by model. In general, the customer model exposes the company to the least risk, because the firm's involvement is limited to purchasing finished products or services. However, the customer model involves the most risk for the correction-

al agency, since prison administrators must operate a competitive business within the constraints of a government bureaucracy. In the employer and

manpower models, the risks and rewards of the joint venture are shared by the company and the correctional agency, with each partner required to dedicate significant resources to the venture for it to succeed.

**Shared commitment the key.** Private sector executives and correctional administrators agree that no matter which model is adopted, success is built on a mutual commitment to meet each other's needs. "Operating a private business inside a correctional institution is almost a contradiction in terms," says Jeff Black, Vice President of TWA. "A prison is not necessarily the best environment for every company. It takes a lot of dedication, communication, and cooperation on the part of the institution and the company to make the arrangement work."

Prison officials demonstrate this commitment by going the extra mile to solve the practical, everyday problems with the partnership that invariably

arise. In Connecticut, for example, the prison superintendent modified the institution's standard security procedures to enable parcel service delivery trucks to come inside the institution's chain link fence to pick up Chesapeake Cap's finished goods. Before this exception to the rules was made, common carriers had to pick up and deliver packages at the prison's main gate, located a quarter mile away at the opposite end of the complex from the industrial area. This simple change in procedure helped the company meet its delivery schedules in a more timely manner.

In South Carolina, correctional industry managers at the Evans and Leath prisons placed their offices inside the company's plants as the best location



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from which to serve the needs of the company. From this strategic vantage point, managers handle inmate worker personnel issues, process payroll, work with the company's supervisory staff to design employment training programs, and serve as the liaison between the company and the prison's other departments.

In California, the Ventura School brought in a pre-employment training program taught by the local community college in order to familiarize offenders with the operation of computer terminals and provide basic geographical instruction required by the travel industry. Offering this program

allowed TWA to concentrate on the more complex technical aspects of airline reservations and ticketing during its in-service training program for Ventura's agents.

**Everyone benefits.** In summary, private sector prison industries provide substantial benefits to companies that need entry-level labor to staff simple production or service processes. As discussed earlier, inmate labor can meet a number of special needs that companies may have:

- In South Carolina, Escod Industries uses its prison feeder plant to help meet its customers just-in-time delivery schedules.

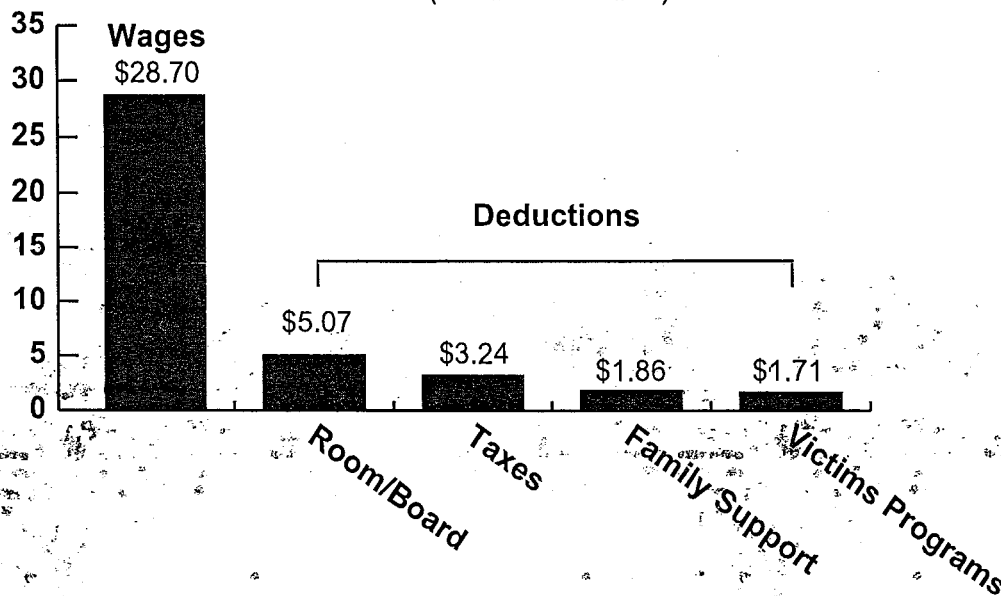
- Jostens' prison-based workforce expands its ability to sew a Made-in-the-USA label on its product, a strong selling point with many of its customers.

- In California, TWA's Ventura reservation facility was a godsend when civil disturbances forced the company to close its Los Angeles facility.

Wardens report that private sector jobs are valuable to them because the work productively employs inmates who might otherwise be idle. Furthermore, joint ventures motivate inmates who are waiting for jobs to stay out of

**Exhibit 2. Earnings and Contributions of Joint Venture Workers**

1979-1992  
(in millions of dollars)



SOURCE: Bureau of Justice Assistance, PS/PIEC Program

## Prison-Based Joint Ventures Are Not Free of Controversy

Although the number of inmate working prison-based joint ventures remain relatively small, the recent emergence of private sector prison industries has caught the attention of interest groups around the prison walls—the AFL-CIO, which has long had a high standard against inmate work. For example, it has approved only sales, shipping, or maintenance of prison consumer joint ventures. It also calls for unorganized and nonunionized inmate work centers. A statement by the AFL-CIO Executive Council on *Prison and the Economy* (September 1992) states:

There are good reasons to believe that inmate work as part of skills training programs that could have significant positive effect and thereby lowering rate of recidivism. Inmate work could be a more effective and cost-efficient way to provide inmate work and to take care of the general population. It is controversial to do inmate work as a means to get inmates back into the economy. In light of that, we consider

inmate, the AFL-CIO demands prison labor programs that:

- Provide training for work that can be available to inmates after their release.
- Provide goods and services that are exclusively for government use and never to be sold to the public.
- Pay wages that are no less than the prevailing wage for similar work in the private sector with appropriate deductions for union and board taxes and contributions for occupational funds.
- Prohibit the use of prison labor to replace strike workers or to provide that industry long a strike.
- Prohibit the displacement of existing jobs by prison labor.

Generally, we will accept developments in the context of private sector jobs to prisoners, recognizing that the AFL-CIO opposes AFL-CIO Federal Regulation of Prison-Based Joint Ventures.<sup>1</sup>

The increased visibility of prison-based joint ventures has contributed to a vigorous debate about the proper role of inmate work in the economy. The policy issues underlying this debate go beyond the scope of this report. But many business and labor groups are studying the development of these programs to see whether they compete fairly in the marketplace. In the past, these groups have not articulated an explicit position on inmate work programs themselves. However, we do compete fairly. As a result, the nature of which individual governmental agencies and companies operating their joint ventures may have consequences for the economy and the public in terms of financing it. Regarding the future development of prison-based joint ventures, we can say:

trouble, since a good disciplinary record is a prerequisite for employment.

Joint venture workers have to show up for their jobs on time and work hard throughout their shifts. This experience develops valuable work habits. These inmates also learn how to meet private sector productivity and quality standards. As a result, TWA, Third Generation, and other companies have hired, after their release, inmates who worked for the companies while in a prison. Such stable post-release employment may reduce the chances that these ex-convicts will return to a life of crime.

Between 1979 and 1992, inmates employed in joint ventures certified by the U.S. Department of Justice earned \$28,668,450. However, during that time, deductions from their wages (see exhibit 2) also resulted in contributions of:

- \$5,068,909 to offset the cost of their incarceration.
- \$3,243,011 in Federal and State taxes.
- \$1,713,043 in victim compensation.
- \$1,862,867 toward the support of their families.

These combined wage deductions of \$11,887,830 represent a return to soci-

ety of \$.41 for every dollar these inmates earned.

### Starting a Joint Venture?

Company executives and correctional administrators considering the development of a prison-based joint venture should consider the following guidelines.

**Know the law.** Federal and State laws regulate the markets available to participating companies, the types of business relationships that may be developed, and the rights and responsibilities of inmates, staff, and private companies. Individuals creating joint

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ventures should be particularly attentive to how local statutes may regulate the following:

- Type(s) of partnership permitted.
- Market(s) in which products or services may be sold.
- Employment status of inmate workers.
- Wages paid to inmate workers.
- Benefits provided to inmate workers.
- Deductions taken from the wages of inmate workers.
- Protection of civilian jobs.
- Lease of prison property.
- Incentives for private sector participation.

**Set appropriate goals.** The joint venture's goals should be consistent with the overall mission of the correctional agency. Goals should provide clear guidance to both agency staff and private sector partners. For example, the California Youth Authority has published its goals for the Free Venture Program in a handy pamphlet that the program administrator gives to prospective companies when he meets with them for the first time.

A worthwhile goal established for any joint venture is to act fairly toward every person and group that will be affected by the partnership. This is critical because joint ventures do not

operate in a political vacuum. Outside interest groups may effectively oppose any venture they believe is not competing fairly in the marketplace. (See "Prison-Based Joint Ventures Are Not Free of Controversy.") It is also essential to choose the right kind of product or service for the prison-based enterprise. The lesson learned by Escod Industries and Third Generation is: **Keep it simple!**

**Choose the host prison carefully.** Joint ventures are not meant for every prison. They are best suited for institutions where the warden has expressed a strong interest in participating in their planning and development. As Jeff Black of TWA points out, it takes a great deal of dedication to establish and operate a business inside a prison, because changes may have to be made in the prison's classification, assignment, disciplinary, security, or call-out procedures. The leadership of the warden is essential for making these changes. Other critical factors to consider when choosing a prison for a joint venture include the availability of suitable space for an industrial operation and a trained, motivated inmate work force.

**Choose the joint venture manager carefully.** Establishing a joint venture is an intensive process that usually requires the full-time attention of a manager whose responsibilities frequently include developing, marketing, implementing, and maintaining the program.

In addition to being energetic and task-oriented, the manager needs to have:

- Prior experience in corrections.
- An understanding of how to get things done in a government bureaucracy.
- An understanding of the problems of running a business and how a prison workforce can address those problems.
- An ability to interact comfortably and effectively with business people.

The corrections agency's state-use industry program is a good place to find a manager for a joint venture program, since industry staff already know the prison and understand the problems of business. Other State agencies or community-level service organizations (like the Salvation Army or Goodwill Industries) that create jobs for alternative labor forces, may also be good sources for managers.

Joint ventures between private companies and prisons are not suited to every type of business, but their numbers are increasing as the benefits become known. Prison workplaces employing alternative workforces boast of reduced labor and overhead costs, speedy delivery, and product quality—while preserving American jobs, usefully occupying inmates, and satisfying the consumer.

### About This Study

This Program Focus was written by George E. Sexton, President of Criminal Justice Associates (CJA). Mr. Sexton is the co-author, along with his colleagues at CJA, of *Private Sector Involvement in Prison-Based Businesses*, NIJ Research Report, November 1985, and *Work in American Prisons: The Private Sector Gets Involved*, NIJ Issues and Practices, May 1988.

The field research for this report was performed during December 1992 and January 1993. The author interviewed correctional administrators, private sector executives and supervisors, and inmate workers in California, Connecticut, and South Carolina, where he also observed the operation of prison-based joint ventures. This study is part of the National Institute of Justice's continuing research in private sector prison industries.

**COVER:** At the Evans Correctional Facility in South Carolina, an Escod supervisor stationed in the prison inspects work in progress. (Photo by Jack Owen)

Findings and conclusions of the research reported here are those of the author and do not necessarily reflect the official position or policies of the U.S. Department of Justice.

The National Institute of Justice is a component of the Office of Justice Programs, which also includes the Bureau of Justice Assistance, Bureau of Justice Statistics, Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime.

NCJ 156215

November 1995

### Selected NIJ Publications in Corrections

Listed below are some NIJ publications related to the issue of corrections. These publications can be obtained free, except where indicated, from the National Criminal Justice Reference Service (NCJRS), telephone 800-351-3420, e-mail askncjrs@ncjrs.aspensys.com, or write to NCJRS, Box 6000, Rockville, MD 20849-6000.

Please note that when free publications are out of stock, they are available as photocopies for a minimal fee or through interlibrary loan. They are also usually available on the NCJRS Bulletin Board System, NCJRS World Wide Web site, or on the Department of Justice Internet gopher site for downloading. Call NCJRS for more information.

Buchanan, R.A. and K.L. Whitlow, *Guidelines for Developing, Implementing, and Revising an Objective Prison Classification System*, NIJ Research Report, 1987, NCJ 108408.

Clark, Cheri L., David W. Aziz, and Doris L. MacKenzie, *Shock Incarceration in New York: Focus on Treatment*, NIJ Program Focus, August 1994, NCJ 148410.

Cronin, Roberta C., with assistance of Mei Han, *Boot Camps for Adult and Juvenile Offenders: Overview and Update*, NIJ Research Report, October 1994, NCJ 149175.

Greenwood, Peter W., *Three Strikes, You're Out: Benefits and Costs of California's New Mandatory-Sentencing Law*, VHS Videotape, 1994, NCJ 152236, \$19, includes postage and handling.

Inciardi, James, *A Corrections-Based Continuum of Effective Drug Abuse Treatment*, Research in Progress Seminar, VHS Videotape, 1995, NCJ 152692, \$19, includes postage and handling.

*Inside Prisons*, Crime File Series, VHS Videotape, 1985, NCJ 100743, \$17, includes postage and handling.

Jacobsen, V.J., R. Miller, and G.E. Sexton, *Making Jails Productive*, NIJ Research in Brief, 1991, NCJ 132396.

MacKenzie, Doris Layton and Claire Souryal, *Multisite Evaluation of Shock Incarceration*, NIJ Research Report, November 1994, NCJ 150062.

McDonald, Douglas, *Managing Prison Health Care and Cost*, NIJ Issues and Practices, March 1994, NCJ 152768.

*Prison Crowding*, Crime File Series, VHS Videotape, 1985, NCJ 097229, \$17, includes postage and handling.

Useem, Bert, Camille Graham Camp, George M. Camp, and Renie Dugan, *Resolution of Prison Riots*, NIJ Research in Brief, October 1995, NCJ 155283.

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*National Institute of Justice*

*Washington, DC 20531*

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## Pay your way thru prison project

Written by Michael Hughes

This is a program that teaches a long-term prisoner on how to manage his pay while working in the prison joint venture workforce lifer program.

This proposed "pay your way thru prison project" is a part of the learning and rehabilitation process that each prisoner will need to know. The prisoners in the lifer program will be subject to pay rent, file taxes, and pay other required obligations.

This proposed project will provide the need to know process to be functional in today's society since most prisoners don't know how to pay bills, or managing their budgets, etc. These long term teaching will become second nature. The importance of being employed, job seeking and learning how to be qualified in certain fields of work is desired.

Thru this project we can create a long term study on a success rate on what works and what doesn't. That is why it's important to do these studies on long term lifers to have an accurate statistic rating.

Here are just some of the subjects that will be taught:

### Job employment seeking

- ❖ Learn how to write resumes
- ❖ Plan your future, job training schools, etc.
- ❖ How to advance to a higher work level

### Budgeting

- ❖ Learn how to pay bills
- ❖ Learn banking procedures
- ❖ Learn how to manage your budget

This is just the tip of the iceberg on what this program has to offer.



# Unlimited educational opportunity program

Written by Michael Hughes

This program would be open to all lifer and sentenced inmates whose terms run longer than (19) years. The program would cover the University of Hawaii and the community colleges located on the respective islands.

- 1) All courses should include free tuition waivers.
- 2) Test books should be discounted to cost, or in the alternative cost waived.
- 3) Even if employed under the PIECP, the deductions from their check would require some text allowances on cost.
- 4) All (4) year college degree programs, plus advance degree programs should be open to the inmate.
- 5) All (2) year Associate of Arts degree offered by the respective community colleges should be open to the inmate.
- 6) Some programs created to allow for the inmate to sit for state required licensing exams (i.e. Real Estate, Architectural, Engineering, etc.)
- 7) Licensing could be conditioned upon release from prison whether by parole or time served.
- 8) Mentor program pairing industry executives and / or professionals to help guide and train the inmate in their respective firms, or businesses'. Example paralegals could be engaged to help fellow inmates with professional attorney supervision.
- 9) Some form of computer access to allow for on-line college course taking either in the educational centers or by personally owned computers with limited on-line access.
- 10) Any facility sponsored access to an on-line college program would have to include a night time program to allow full time inmates who work to utilize this system.

# Ho' Oponopono program

Written by Michael Hughes

Ho' Oponopono means to: correct, put to right, mental cleaning, family discussion.

Ho' Oponopono is found to be a valid and useful method of restoring and resolving conflict with the victims, family, community, or to seek forgiveness for a transgression.

Ho' Oponopono is a highly structured process with 4 distinct phases:

- 1) Opening Phase that includes the prayer and a statement of the problem.
- 2) Discussion Phase is which all members involved share their thoughts and feelings in a calm manner and listen to all others as they speak.
- 3) Resolution Phase that enables the exchange of confession forgiveness, and release.
- 4) Closing Phase to summarize what has transpired and to give spiritual and individual thanks for sincere participation.

This program has never been used in the Hawaii prison system. Why? I don't know. It will restore peace with the victims or victims' families in a cultural traditional manner.

These are just some of the rehabilitation process the lifer program wants to provide.

Funding for this portion of the lifer program can come from the lifer program sponsors.

# Industry skilled trades program

Written by Michael Hughes

This program like its counter parts in higher education and sometimes in conjunction with PIECP is designed to train and provide skilled trade inmates. Examples would be electricians, carpenters, plumbers, tillers, roofer's, etc.

1. Like the degree programs this program would allow for the training and text book education to allow each inmate to sit for and take State Licensing exams.
2. Allow for trade union mentoring and sponsoring of the respective inmate trainee. Including union membership upon completion of the program.
3. Allow for the priority access to in prison work lines such as the maintenance department, medical center, dental workers, etc.
4. Once again night school availability is a must.

## Give back to society program

Written by Michael Hughes

Give back to Society program is a program designed for qualified inmates to give back what they have taken or destroyed in our community. This project will be done after regular work hours and weekends or days off.

Here is some of the ideas that has been proposed. These projects can be coordinated thru non-profit organizations such as Hawaii prisoner's resource center.

Toys for tots: make toys thru arts and craft projects.

Charity work: repair church furniture, school, and community organizations.

Work in conjunction with non-profit organizations for charity work of labor.

## Fundraising

Fundraising is being used in a lot of prisons across the United States, not like Hawaii prisons. We have not yet adopted this concept. Inmates that have been transferred to the mainland facilities (prisons) due to the overcrowding in the State's correctional system have experienced fundraising, and as a work line.

The purpose of fundraising is to help offset the cost for programs and activities within the facility. Added funds thru fundraising helps the state and helps the prisoner to a broader rehabilitation option.

The type of items that was sold in the prisons on the mainland for fundraising was Pizza, KFC chicken. Electronics. Such as hot pot, T.V.'s, shoes etc.

Fundraising for the lifer program is one of the projected goals to help fund its program and community services.

Hawaii State Law requires that a private entity must have a charitable solicitation license to conduct fundraising or donation and the law requires all funds to be recorded.

The proposed lifer program has sponsors and support groups that are non-profit organizations. Hawaii Prison lifers has the required solicitation license and can account for the fundraising functions for this program.

A guideline will be required by the department of Correction and Rehabilitation or its designee to regulate items being sold and the type of vendors that is being used, like the facilities on the mainland. But first. Approval is needed to do fundraising and have it added to private company contracts or the Hawaii prison system

# Equal employment bill

Written by Michael Hughes

\* All of the above programs require in some degree or another the cooperation and participation of the private sector. In addition it would probably be farsighted to pass legislation designating inmates as a protected class who cannot be discriminated against in housing and employment.



## Lifer review board

Written by Michael Hughes

Sadly, the growing number of long term incarcerated persons serving life with parole / life without parole has reached its highest level in the Hawaii prison system. We are faced with the fact that we don't have a rehabilitation process in place for these lifers. At the present the only thing we have is the warehousing of a slow death sentence and a growing number of long term gangs, drugs, and violence in our prison system. This awareness is also displayed more and more in our community.

By establishing a lifer review board, we can start a rehabilitation process as soon as a lifer gets admitted into the prison system. This long term rehabilitation process can repair a person's life or find a place for those who cannot be rehabilitated. Anyone who knows the prison system well, knows that lifers have a large influence within a prison system. Most lifers just want to do their time peacefully and keep themselves busy. And some, who have "nothing to lose mentality" in a non-rehabilitating environment will use this time in violence, drugs, and power. These long term problems will create an unsafe work place for staff and prisoners alike.

Proposed lifer review board will be very instrumental in reviewing all Hawaii life sentence felons. The review aboard will have a wide range of power form:

- Setting minimums
- Classification Overrides
- Recommendation reports for:
  - A. Commutation
  - B. Pardons
  - C. Parole considerations
  - D. Custody level facility residency
  - E. Special mental health placement
- Approve program placement
- Setting of lifer review board hearing

One of the purposes of a lifer review board is to add a safeguard tool in place for the growing lifer population in the Hawaii prison system. These safeguards are a structured tool for the long term rehabilitation process, some of these safeguards will consist of:

- ❖ A panel of board members
- ❖ Psychologist evaluation (mental health review)
- ❖ Lifer program (see program outline)
- ❖ Electronic monitoring
- ❖ Updated data on institution history, behavior patterns, drugs and violence information
- ❖ Implement a long term method of measuring the program effectiveness based on a tracking method, and a more accurate success rate

Currently, there are NO rehabilitation process for Hawaii long term inmates like other prison systems in the United States and abroad. In the early 60's, 70's, and 80's the department of public safety had camps for long term inmates, without a long term safeguard process. At present, lifers are not qualified to enroll in programs or work lines due to their sentences.

Short timers always have first preference.

When a long term inmate enters prison he will be subject to a criteria:

- Criminal record review
- Treatment assessment, drugs, AA, etc.
- Career and education orientation (for projected educational or career goals)
- Financial assessment (designed to create a budget plan for long term incarceration on paying debts like child support, restitution, bills, etc.
- Psychologist evaluation

After orientation has been completed and sent to the lifer review board:

- 1) First hearing will be conducted to discuss goals, treatment of crime, and minimum sentence for lifers and next review date, etc.
- 2) Second hearing after fifteen (15) or more years, board will review inmates progress and signs of rehabilitation, and make the decision on eligibility to the lifer program, and classification override to camp status; psychologist recommendation prior to board hearing
- 3) Third hearing after twenty (20) years or more board will review progress and recommend for commutation, pardons, and if not, schedule next hearing or review.

# Proposal for the establishment of an exceptional/commutation-eligible case community service program

Written by Michael Hughes

The signatories, incarcerated persons serving life-terms of imprisonment, and other supporting interested parties, submit this proposal requesting the establishment of an exceptional / commutation-eligible case community service program to enable those offenders to provide critically needed services to our communities pursuant to the principles of restorative justice.

This proposal embraces two primary elements. First, the principles of restorative justice enacted in Act 8 of the 2007 legislative session as HRS 353 H, mandate the establishment of programs that create opportunities for incarcerated offenders to reconcile their offenses with their victims and their communities.

One major method of providing reparations is through establishing opportunities for offenders to participate in critical community service projects that benefit those very communities. The second element of this proposal incorporates a fundamental change in the programs available, and inherently, the facilities available for housing long-term exceptional / commutation-eligible case offenders.

The establishment of this program will enable PSD to exercise and expand its discretion to house long-term exceptional / commutation-eligible case offenders at minimum and community-custody facilities for participation in the program. This will provide additional fiscal savings because housing at these facilities is substantially less expensive per capita than medium or maximum security facilities.

In conclusion, the establishment of this program will enable offenders to make restoration to the communities they harmed, provide real benefits to critical community service projects and result in substantial fiscal savings to PSD.

DEPARTMENT OF CORRECTION AND REHABILITATION  
CORRECTIONS ADMINISTRATION  
POLICY AND PROCEDURES

Written by Michael Hughes

SUBJECT: EXCEPTIONAL/COMMUTATION ELIGIBLE CASE COMMUNITY SERVICE PROGRAM

1) PURPOSE

To set forth policies and procedures governing the agreement between the Department Correction and Rehabilitation and the Correction and Rehabilitation Committee to establish an Exceptional / commutation Eligible Case Community Service Program providing an opportunity in compliance with the principles of Restorative Justice set forth in Ace 8 and enacted in HRS § 353H for Exceptional/Commutation Eligible offenders to perform community service to designated communities administered by the ORLOC.

2) REFERENCE AND DEFINITIONS

1. Reference

Act 211, SLH 1989, Establishment of the Department of Correction and Rehabilitation, Power and Duties of the Director; Act 8, 2007, Comprehensive Offender Reentry System; HRS § 353H, Comprehensive Offender Reentry System. HRS § 353H-21 Offender Reentry Legislative Oversight Committee, (ORLOC).

2. Definitions

A. Offender

Any inmate committed to the Department to serve a sentence exceeding 12 months.

B. Community Service / Presentations

Any type of work performed outside the perimeter of a correctional facility for a designated community benefit. Special projects in the community may include anti-crime and anti-violence presentations to at-risk youth. Projects within a facility or using specialized facility work lines may be approved by ORLOC.

3) POLICY

1. Final Approval

The Department and the Correction and Rehabilitation Committee shall provide final approval for eligible offenders that have been recommended by the Branch Administrator or are eligible for commutation by the Governor.

2. Earned credits

The Department shall provide eligible offenders who have participated in the exceptional/Commutation Case Community Service Program with time reduction credits for early parole consideration in compliance with the eligibility criteria set forth in COR 14.25 Community Service Credit Program.

#### 4) PROCEDURES

##### 1. Eligibility Criteria

- A. The offender shall be eligible for minimum or lower custody level by their institutional behavior history. An offender shall not be disqualified from eligibility for the program due to an institutional custody over-ride for either institutional over-crowding or TPD.
- B. Offenders shall meet commutation eligibility of qualify for exception case approval for a minimum or lower custody level.
- C. Offenders shall be medically cleared to participate in the program.
- D. Program participants shall be required to satisfactorily demonstrate their ability to meet the programs performance objectives.
- E. Participation in the program is subject to termination for any violation of program rules of any legitimate penological interest as determined by the Program Administrator.

##### 2. Ineligible Offenders

- A. Offenders with pending felony charges, detainers, or acts of institutional violence within 18 months.

#### 5) RESPONSIBILITIES

##### 1. Branch Administrator or Designee

- A. Shall ensure that this policy is implemented in a timely and non-discriminatory manner complying with the objectives set forth in HRS § 353H and establish the internal policies and procedures necessary to implement this policy;
- B. Shall obtain quarterly and eligibility list for the program from the ORLOC for review by PSD for approval to enroll in the program. All applications shall be considered for eligibility in the program that have been reviewed and approved by the ORLOC. The Department shall provide a written notice of all applications deemed ineligible by PSD and the reasons of criteria used to make the determination of ineligibility.
- C. Shall be responsible for the creation and establishment of the Exception/commutation Eligible Case Community Service Program funded on the needs of the facility, the community and offenders. The establishment of the program shall be in accordance with the administrative. Operational and fiscal capabilities of the department.

#### 6) SCOPE

This policy applies to all correctional facilities and the Offender Reentry Legislative Oversight Committee and the Senate Public Safety Committee.



# Lifer / long timer program operational procedure

Written by Michael Hughes

## Purpose / Objective

- A. The purpose of the Lifer / Longtimer program is to create an environment, free from violence, illegal drugs, gang activities and disruptive behavior, in which personal, facility goals can be readily achieved.
- B. The Lifer / Longtimer program is defined as a voluntary context and to cooperation in the achievement of program goals in cooperation of these goals, within the framework of existing rules, regulation, and procedures of the facility.
- C. Participation in the Lifer / Longtimer program requires a respect for its discipline.  
Participants and the assigned staff should be aware that:
  - 1) Every program requires discipline. A program is in fact, a system of discipline designed to channel (personal and collective energies) to achieve worthwhile goals.
  - 2) What characterizes the Lifer / Longtimers is not the relaxation of discipline, but the consistent and voluntary embrace of a discipline, so that certain collective and personal goals can be more effectively attained.
  - 3) The Lifer / Longtimer program requires participant inmates to be personally motivated to attain programs and activities objectives.
- D. The Lifer / Longtimer program functions as an interactive process, which can be successful only in the measure that its participants cooperate in its realization. These regulations are a framework for cooperation so that a mature program can develop.
- E. Unit / module is designated to exclusively house inmate participants in the Lifer / Longtimer. The dedication of more housing units for the program will be considered as the need arises.

## Approval / Review

This document shall be reviewed at least annually by the assigned designee, with the aid of the program committee, under the supervision of the appropriate associate warden. The warden shall approve continued use in its present form or with modifications.

## Responsibilities

- A. The assigned designee under the direction of the appropriate warden, shall be responsible for the implementation, coordination, and development of the Lifer / Longtimer program.

- B. The assigned designee and the unit program committee are exclusively responsible for endorsements to participate with the Lifer / Longtimer program.
- C. The assigned designee in coordination with the appropriate associate warden (s), shall integrate a report on the Lifer / Longtimer program before the end of each fiscal year and submit it to the warden with recommendations.
- D. The appropriate associate warden shall elaborate an annual report on the management (assigned designee, program committee) of the Lifer / Longtimer program and submit it to the warden with recommendations.

## Methods

### A. Selection and Endorsement of inmate participants

- 1) To be considered for transfer to the Lifer / Longtimer housing unit, an inmate must fulfill the following requirements:
  - a. Must have a record that indicates no serious misconducts, such as violence / drugs in the past 5 years and been misconduct free for 18 months.
  - b. Must meet facility classification requirement for medium and or low custody level/ administrative "override" can be used for closed custody.
  - c. Must be drug free;
  - d. Must be Lifer / Longtimer who has never been paroled (life with parole / life without parole) (if violated parole on a life sentence see override option).
  - e. Must not be designated "sensitive needs" status.
  - f. Must not be single-cell status.
  - g. Must apply for residency.
  - h. See inmate enrollment score chart.

### Inmate enrollment score chart

1. An inmate who meets the set criteria may be housed in the "Lifer / Longtimer program Unit" contingent upon bed space availability and written request by the inmate.

### Inmate placement "Point System" score chart

- |                                 |          |
|---------------------------------|----------|
| 1. Life without parole .....    | 3 points |
| 2. Life with parole             |          |
| 40 yrs. and up on minimum ..... | 2 points |
| 35 yrs. and below minimum ..... | 1 point  |

3. Straight time served (never afforded parole)

20 yrs. and up.....3 points

15 yrs. to 19 yrs. ....2 points

14 yr. and below.....1 point

4. Inmate placement into Lifer / Longtimer program will be based on seniority, the higher your points the higher your chances of being selected; note: if you meet the set criteria.

B. Any inmate who wishes to be considered for participation in the Lifer / Longtimer program should send an application to unit manager:

5. Upon receipt, the unit team will review central file to verify eligibility and potentially interview the applicant. If considered to be appropriate, the inmate will be given drug test and be moved to the program unit pending results of the test.

D. Upon transfer to the Lifer / Longtimer housing unit, the inmate shall:

1. Receive an orientation from the correctional counselor or designated staff:

2. Job(s) and duty assignment(s).

E. Enhancement of the Lifer / Longtimer program.

1. Program participation is not optional. All inmates must participate in a program, whether educational, vocational, work and / or personal development project. Personal projects, which are in lieu of facility organized programs, must be approved and include revision criteria.

2. Staff assigned to the Lifer / Longtimer program will evaluate the programs for which they are responsible, with particular attention being paid to the measure in which such programs are geared to facilitate the goals of the Lifer / Longtimer program. Proposals for modification or enhancement should be presented to the program committee, together with recommendations for revised rules and regulations where deemed necessary.

3. Work positions should also be revised to guarantee sufficient workload, challenge, and incentive and new ones anticipated for creation in the measure that program enhancement proposals warrant them.

4. The program on the Lifer / Longtimer program facility will be enhanced through the elaboration, review, approval, and implementation of new program proposals.
5. Active participation of the resident inmates is expected and indeed, indispensable, for the conception, development, and implementation of program enhancements.
6. Priority will be given to ongoing human development activities, courses, seminars, invited speakers, formalized support groups.

## F. Inmate attitudes and discipline

1. Inmate respect for prison procedures, rules, and regulations is essential for the smooth implementation of the Lifer / Longtimer program. For this reason, violations will not be tolerated and serious violations will have immediate and severe consequences, including possible removal from the program.
2. Resident inmates are encouraged to assume a proactive role in the ongoing prevention and resolution of conflict and in the promotion of attitudes of respect, cooperation, and good will.
3. Inmates who manifest unwillingness to develop, or whose conduct disrupts the program can be removed from the housing unit, and may not reapply for the program for a period specified by the program committee.
4. Lifer / Longtimer program inmates shall not knowingly promote or assist any gang, they shall not wear sagging pants, or display gang colors, haircuts, or slogans
5. Inmates shall normally be removed from the Lifer / Longtimer program if deemed detrimental to the success of the Lifer / Longtimer program by receipt of:
  - a. Serious misconduct, such as violence, fighting, assault, etc.
  - b. drug-related or alcohol-related event(s)
6. Other rules or violations will be reviewed by program committee, which may grant a 30 to 90 day trial period for corrective action before considering removal from the program housing unit.

7. Inmates may request and be granted a non-disciplinary removal from the Lifer / Longtimer program as long as no disciplinary misconduct is pending.

### G. Program committee

1. The purpose of the committee is to foster the development and improvement of programs, and cooperation among all the programs which to the Lifer / Longtimer program unit.
2. The following shall be functions of the program committee;
  - a. Is Expected to be especially through in the process of determining the suitability of candidates, exercise due diligence in monitoring the participation of resident inmates, and firmly exercise its function to guaranteeing adherence to the rules of the Lifer / Longtimer program.
  - b. The authorization of inmates to participate in the Lifer / Longtimer program is the exclusive responsibility of the program committee.
  - c. Promotion of program improvements.
  - d. Integration of enhancement proposals.
  - e. Facilitation of cooperation among different program components.
  - f. Initial approval of program modifications.
  - g. Integration of an annual report on the Lifer / Longtimer program.
3. The UTM, correctional counselor, case mgr., and a warden appointee will be members of the committee. The program committee shall meet monthly and minutes shall be kept.
4. Non-members, staff and / or inmates, may be invited to participate in particular committee sessions.
5. All Lifer / Longtimer program modification proposals shall be reviewed and approved by the program committee before being presented for the approval of higher institution authorities,

## Hawaii Lifer/Long timers

We are exploring the idea of having a Lifer/Long timers pod, and a separate honor pod for short timers in J- Unit. Honor pod will be considered after the selection of the Lifer/Long timers.

This Lifer/Long timers pod will be a voluntary program for those who are seeking involvement in a long-term rehabilitative environment, and being housed with other long-term prisoners.

This program will consist of a variety of voluntary projects such as:

- ❖ Giving back to society (making craft items/fund-raising etc.)
- ❖ Dog program
- ❖ Restoring & resolving conflicts (group session's)
- ❖ Life skills-group session courses ( thru mentoring)
- ❖ Guest speaker appearances(praise and worship)
- ❖ Group session's for all denominations.

In addition to this program, the following are currently works in progress with the Hawaii Correctional Oversight Commission and the Dept. of Public Safety Hawaii.

- Lifer/Long timers Joint Venture Workforce
- Pay your way thru prison project
- Lifer review board

If you want to be considered for this voluntary long-term rehabilitative program for Lifer/Long timers, ask your counselor for an application. Fill it out with a current progress report then send to J-Unit (UTM).

Qualifications: Life without parole, Life with parole, 19 years and up.

Management team will make the final determination on who will qualify for the Lifer/Long timers program pod.



Lifer/Long timers program

Application

Name \_\_\_\_\_ SID \_\_\_\_\_ Housing \_\_\_\_\_

Qualifications:  19 years and up  Life without Parole  Life with Parole

Are you in a separates status?  No if yes other party's name \_\_\_\_\_?

How much time have you done on current charges \_\_\_\_\_?

Are you on parole violation on a life sentence \_\_\_\_\_?

Attach a current progress report from your case mgr. with this application

Do you have a permanent bottom tier, bottom bunk status?

Bottom tier \_\_\_\_\_ Bottom bunk \_\_\_\_\_

However, upon agreement with both qualified participants they may be allowed to be cell mates.

1) \_\_\_\_\_ 2) \_\_\_\_\_  
Bottom bunk Top bunk

Sign here to consent to waiver in agreeing to be housed with any person in this voluntary program.

Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Unit team will make final approval of this voluntary program.

Verified by \_\_\_\_\_ Approved by \_\_\_\_\_ Date \_\_\_\_\_

# Appendix F

## Demographic Information

Appendix F

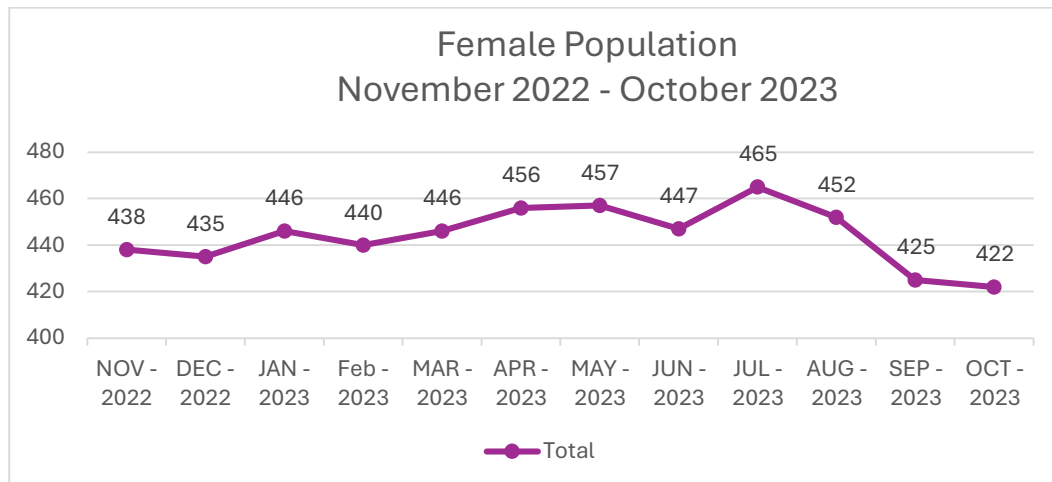
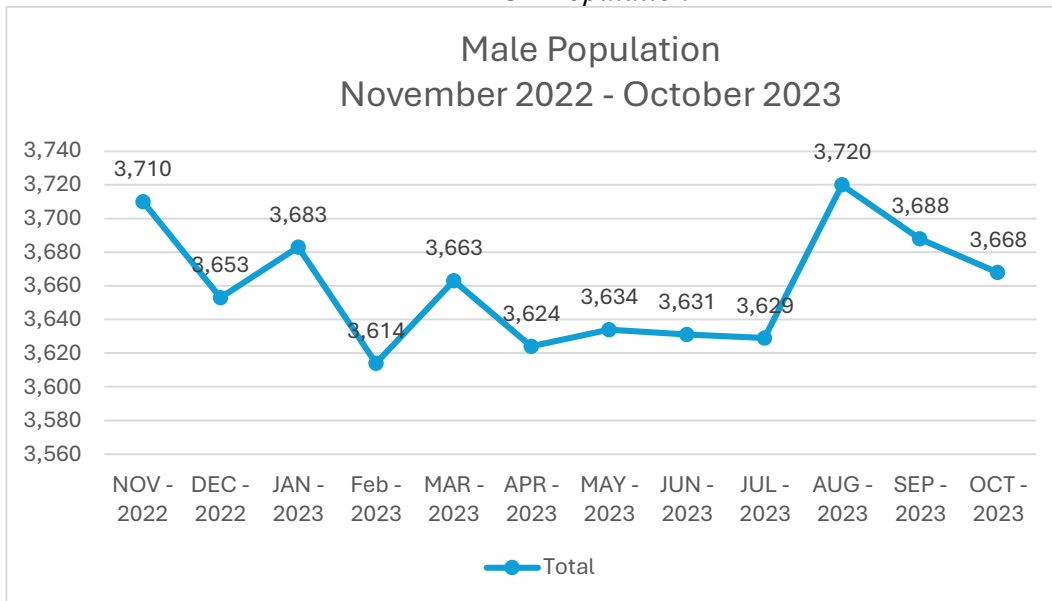
Demographic Information

The data in this section is based on information from the Hawaii Department of Public Safety's 2023 Annual Report, which fulfills the reporting requirements outlined in Hawaii Revised Statutes §353H, *Comprehensive Offender Reentry System*. The HCSOC created the following charts using this data from the annual report to produce a visual representation of key performance indicators.

Below are graphics illustrating some of the required reporting metrics, including:

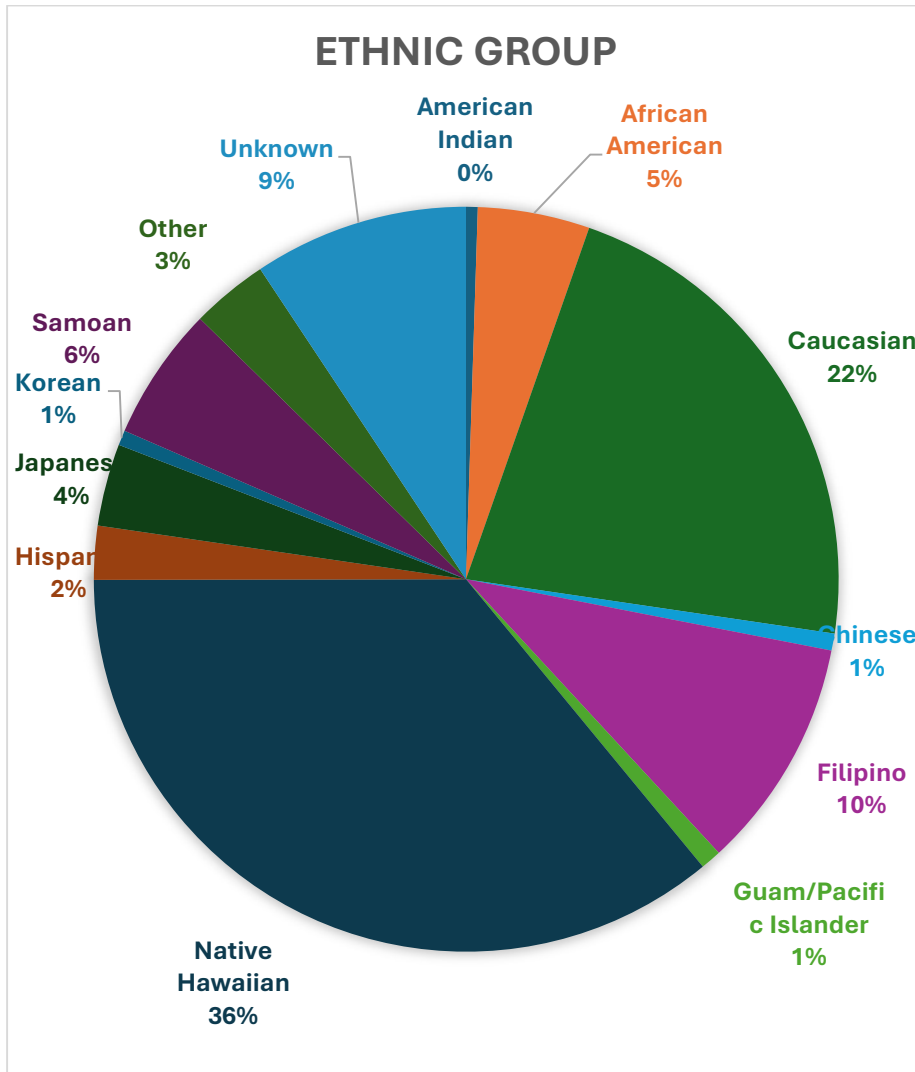
- Appendix F-1: HRS §353H-8(b)(9): demographics, covering gender, race, age, and type of offense.

*DCR Population*



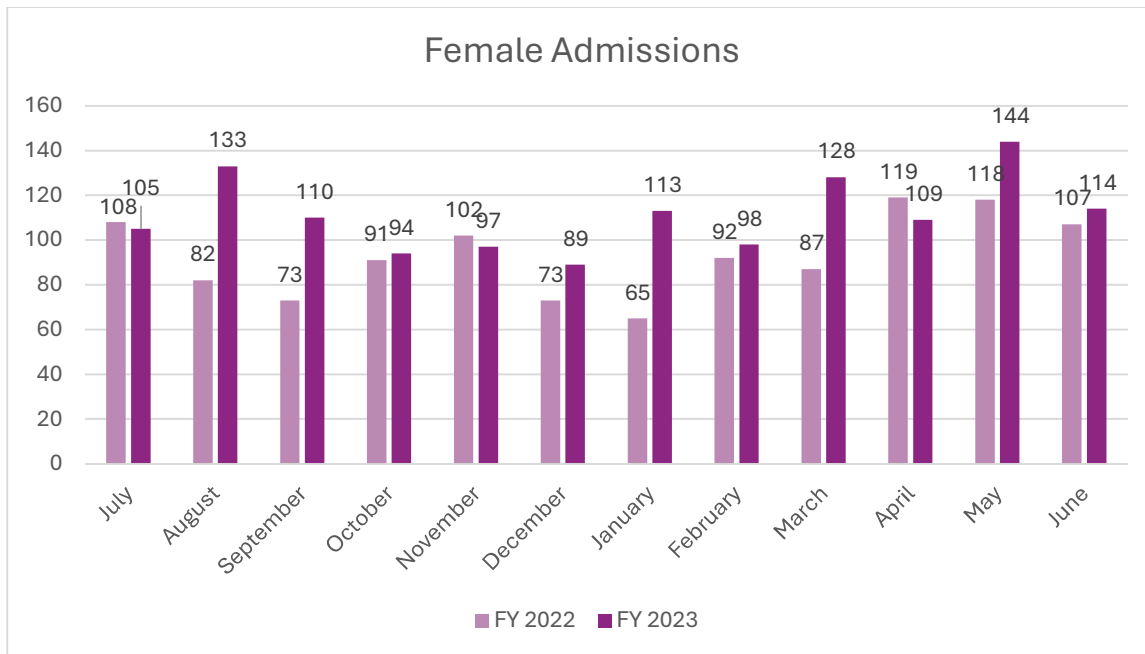
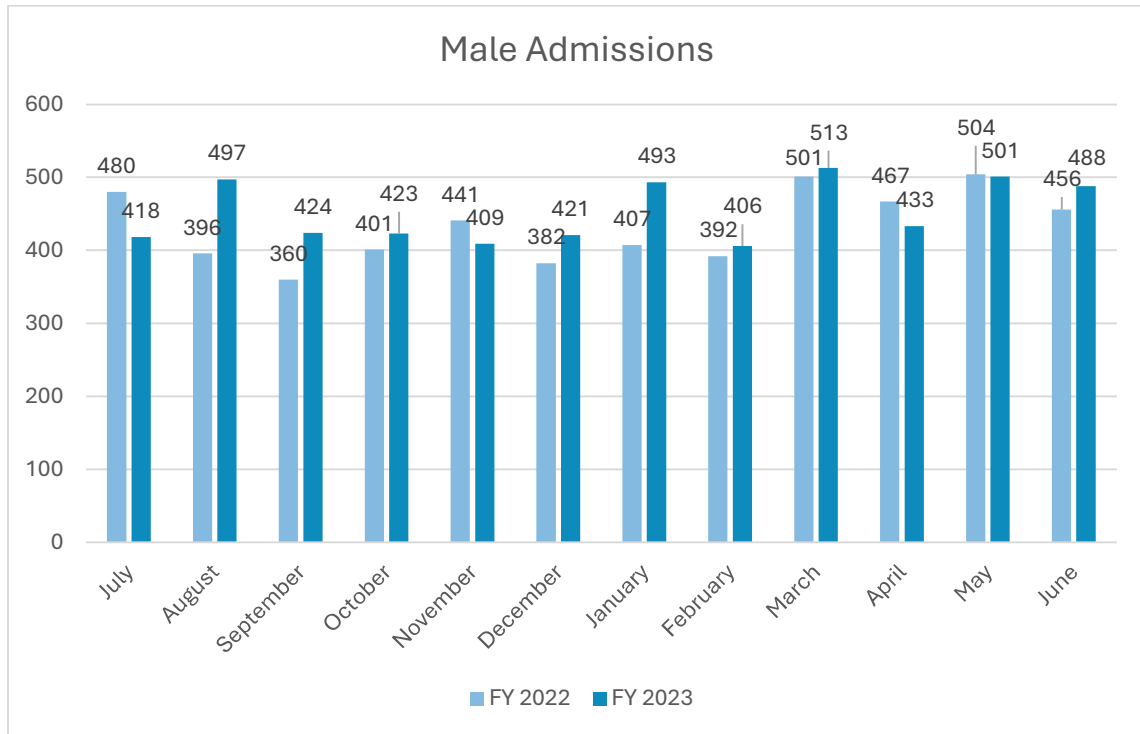
Source: HRS §353H-8(b)(9) response included in the Department of Public Safety Fiscal Year 2023 Annual Report, Attachment A, p. 163 –164.

- Appendix F-2: HRS §353H-8(b)(9): demographics, covering gender, race, age, and type of offense.



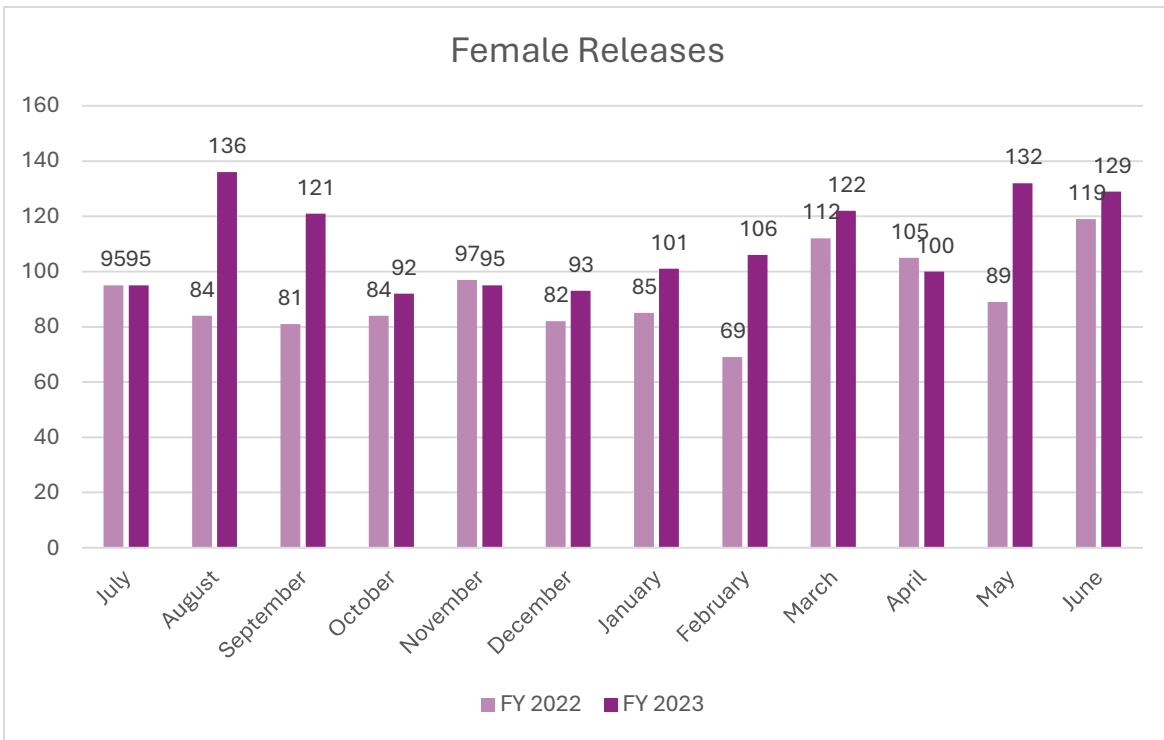
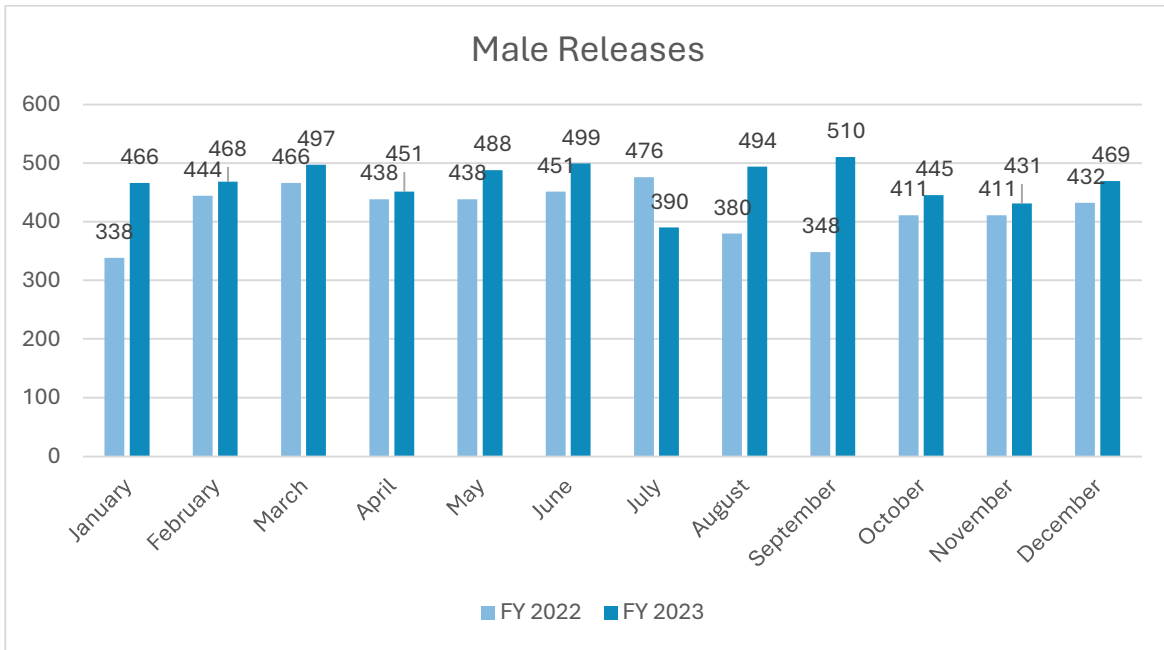
Source: HRS §353H-8(b)(9) response included in the Department of Public Safety Fiscal Year 2023 Annual Report, Attachment A, p. 163 –164.

- Appendix F-3: HRS §353H-8(b)(11): Total number of intakes, reported monthly.  
*Admissions*



Source: HRS §353H-8(b)(11) response included in the Hawaii Department of Public Safety Fiscal Year Annual Report, Attachment B, p. 165. Note: the HCSOC only created charts for FY 2022 and 2023.

- Appendix F-4: HRS §353H-8(b)(12): Total number of releases, reported monthly.  
*Releases*



Source: HRS §353H-8(b)(12) response included in the Hawaii Department of Public Safety Fiscal Year 2023 Annual Report, Attachment C, p. 165. Note: the HCSOC only created charts for FY 2022 and 2023.

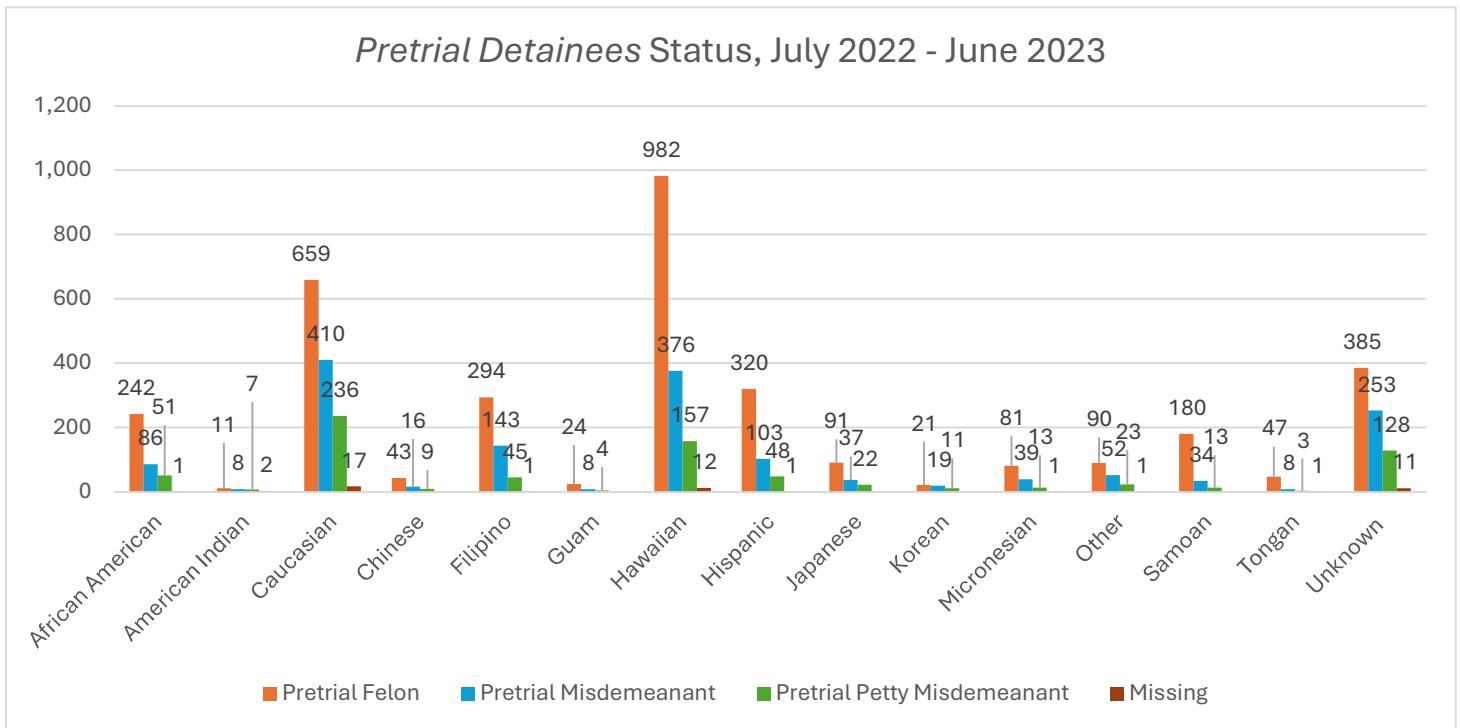


- Appendix F-5: HRS §353H-8(b)(16): Total number of pretrial detainees and monthly admissions, broken down by type race.

*Pretrial Detainees by Race and Ethnicity*

<b>Ethnic Group</b>	<b>Pretrial Felon</b>	<b>Pretrial Misdemeanant</b>	<b>Pretrial Petty Misdemeanant</b>	<b>Missing</b>
African American	242	86	51	1
American Indian	11	8	7	2
Caucasian	659	410	236	17
Chinese	43	16	9	
Filipino	294	143	45	1
Guam	24	8	4	
Hawaiian	982	376	157	12
Hispanic	320	103	48	1
Japanese	91	37	22	
Korean	21	19	11	
Micronesian	81	39	13	1
Other	90	52	23	1
Samoan	180	34	13	
Tongan	47	8	3	1
Unknown	385	253	128	11
<b>Grand Total</b>	<b>3,470</b>	<b>1,592</b>	<b>770</b>	<b>48</b>

*Pretrial Detainees Status, July 2022 - June 2023*



Source: HRS §353H-8(b)(16) response included in the Department of Public Safety Fiscal Year 2023 Annual Report, Attachment E, p. 171 – 176

# Appendix G

## DCRs Official Response of the HCSOC Reentry Report

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I  
**DEPARTMENT OF CORRECTIONS  
AND REHABILITATION**  
*Ka 'Oihana Ho'omalu Kalaima  
a Ho'oponopono Ola*  
1177 Alakea Street  
Honolulu, Hawaii 96813  
808-587-1288

TOMMY JOHNSON  
DIRECTOR

Melanie Martin  
Deputy Director  
Administration

Pamela Sturz  
Deputy Director  
Correctional Institutions

Sanna Muñoz  
Deputy Director  
Rehabilitation Services  
and  
Programs

No. \_\_\_\_\_

January 3, 2025

**ELECTRONIC TRANSMISSION:** [mark.patterson@hawaii.gov](mailto:mark.patterson@hawaii.gov)  
[christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov)

Mark Patterson, Chairperson  
Hawaii Correctional System Oversight Commission  
235 S. Beretania Street, 16<sup>th</sup> Floor  
Honolulu, HI 96813

**RE:** Response to Report - The State of Reentry in Hawaii

Dear Chair Patterson:

The Department of Corrections and Rehabilitation (DCR) received the commission's report on the State of Reentry in Hawaii and would like to thank the commission and in particular, Ms. Cara Compani for her work on the report. We appreciate the thoughtful and thoroughness in which she approached this area and for the in-depth review of reentry in Hawaii.

We also appreciate the opportunity to review and provide feedback, context and clarification regarding the findings and look forward to working with the commission, the Governor's Office, and the legislature to address many of the issues discussed. As you know, amongst other issues, the DCR has a critical need for additional staffing in our Reentry Coordination Office (RCO) and facility Case Managers in all correctional facilities statewide. In addition, the DCR needs additional funding for community-based contracted services, additional training for current staff, and more modern facilities that provides the required infrastructure, rehabilitative and restorative environment to conduct programs.

While the DCR requested additional positions and funding prior to 2023, 2024, and for the upcoming 2025 legislative session, our requests for 3 additional Corrections Program Specialists for the Reentry Coordination Office (RCO) and 20 Case Managers for our correctional facilities statewide was not funded. However, at present, there is some substantial funding we requested that is included in the Governor's Executive Budget directly related to improving our reentry efforts. There is \$4 million in reoccurring funding for reentry services, including connecting offenders with community-based services and

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housing. We plan to utilize these funds to also implement new initiatives designed to provide offenders with real-world work skills via pilot projects with tradecraft unions. There is also \$100,000 in reoccurring funding for to expand our efforts to assist inmate with obtaining birth certificates, civil ID cards, replacement social security cards for American born citizens, and provide bus passes. The DCR would appreciate the commission's support for these, and our other funding requests as outlined in the Governor's Executive Budget.

As part of our transition on January 1, 2024, from the Department of Public Safety (PSD) to the Department of Corrections and Rehabilitation (DCR) we continue to undergo many changes and improvements. Some of the areas highlighted by this report was already being evaluated and/or addressed, while others will take additional time. There are multiple areas throughout the report that cite the same deficiencies and/or violations and are mentioned numerous times. In lieu of providing redundant information, we did our best to highlight keys areas of the report and summarize them for easier reading and expediency.

It is noted that we are considered not in compliance with 353H-2.5(1), 353H-2.5(3), 353H-2.5(5), and 353H-2.5(7). The department is currently reviewing the Reentry plan to develop a plan that expands on the Initial Prescriptive Plan and the Prescriptive Plan Update by incorporating Housing search and placement assistance, job training and placement services, substance abuse treatment plan, mental health counseling and support, educational opportunities, family reunification support, legal assistance with outstanding warrants or civil issues, identification document acquisition, and transportation assistance items. We believe that developing a comprehensive plan will address most of the noted deficiencies.

In addition, Reentry Coordination Office Acting Development Officer Cristy Yokoyama provided further clarifications to follow up questions regarding 353H-2.5(1), 353H-2.5(3), 353H-2.5(6), 353H-2.5 (8), and 353H-2.5(9), that are not included in the original draft of this report (email dated 12/11/2024). To avoid redundancy, we are not restating her responses, please let me know if you need the email resent.

We disagree with statements presented that "the primary focus appears to be on ensuring the form is completed rather than on the quality of its content or its alignment with the individual's needs. There is little evidence that case managers are regularly reviewing or evaluating these forms."



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The facilities Case Managers frequently meet with inmates during their rounds, on an as needed basis when requests are received, review classifications, update reports for parole hearings, work line assignments, crisis intervention, and when transfer packets are due in the prisons, but in the furlough, facilities inmates meet with their Case Managers at least weekly for updates on employment, paychecks, furlough passes, personal documents, other needs, etc.

Most of our facilities case managers meet with their supervisors daily to discuss cases and staff meetings are held weekly. Specific deadlines are defined by policy. Unit Managers oversee the Case Managers and their duties. If an inmate complains about not meeting with their Case Manager, the Unit Manager will follow up with the Case Manager. More-over, the supervisors evaluate staff performance with scheduled performance evaluations.

We would agree that more training for staff is beneficial. Our Reentry Coordination Office continues to work on developing updated training schedules for our case management staff, and cross-training opportunities.

Please include in our response to 353H-2.5(7): Each furlough facility has different needs that are unique to their location and existing partnerships with community agencies. The Reentry Coordination Office continues to work with each facility to address the changing needs of the facility and population we serve. Currently, the following is provided:

1. Effective July 2024: Clear backpacks (OCCC, KCCC, MCCC, and HCCC)
2. Effective September 2024: Crossbody messengers' bags (WCCC)
3. Effective July 2024: Watches (Statewide)
4. Effective March 2023: 2-day bus passes (OCCC) Initial bus passes are distributed to furlougees for them to visit prospective agencies that provide monthly bus passes and to obtain their Social Security Cards and State ID's.

**Re: Community Resource Guide**

The Community Resource Guide is available on the inmate tablets and online once inmates are released.

**Re: 353H-31(b)**

Subject to funding by the legislature or other appropriate sources, the department of corrections and rehabilitation shall authorize the purchase of service contracts for activities that:

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**Re: 353H-3(b)(1)**

Adopting an operational philosophy that considers that offender reentry begins on the day the offender enters the correctional system. Each offender entering the system shall be assessed to determine the offender's needs to assist the individual offender with developing the skills necessary to be successful in the community

DCR has an effective assessment process.

**Re: 353H-3(b)(4)**

Ensuring that all reentry programs are gender responsive. As mandated, gender responsive programs for female offenders are available such as the Pre-Transition Program and Total Life Recovery at WCCC, that addresses issues such as trauma, family relationships, and domestic violence. The complete list of these programs and descriptions are found on our website, along with a copy of the annual Report to the Legislature in Response to HRS 367D-008 Gender Responsive Community Based Programs for Women.

**Re: 353H-4(1)**

Instituting model reentry programs for adult offenders.

DCR employs and contracts with licensed and certified staff to administer programs.

**Re: 353H-4(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.

DCR disagrees with the position that we are mostly not in compliance. That statutory requirement is met with the programs offered by our department through contracts and volunteer services. A complete list of our programs can be found on our website, including multiple education opportunities; employment training such as Culinary Arts, Forklift Certification, Carpentry Apprenticeship, and services through the American Job Center Program; Yoga, Cognitive Skills; Aztec Life Skills; Toastmasters; substance abuse treatment (Kashbox, Ke Alaula, Intensive Outpatient, Outpatient Treatment), and substance abuse supportive networks such as Alcoholics Anonymous and Narcotics Anonymous). Total Life Recovery includes courses in finances, time management, and Essential Education Web-based Software includes a course on money, computers, and work skills. DCR continues to seek additional programs.



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**Re: 353H-4(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.

Please add DCR's response: DCR offers services to assist families in family reunification to build stronger familial relationships for a successful transition back into the community. A list of the programs is available on our website under Programs/Family Re-Unification Programs, including Parenting After Violence, Family Education and Therapy, Kamalama Parenting, and Read-To-Me International. Additionally, DCR works with non-profit organizations that sponsor Kids Day Events. DCR welcomes the opportunity to increase the services to strengthen family relationships.

**Re: HRS 353H-5(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;

353H-5(2) Consider as a factor an offender's capacity to maintain parent-child contact when making prison placements of offenders;

353H-5(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;

353H-5(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.

DCR remains committed to and will continue to support initiatives that strengthen the relationship between parents and their children, as we are able to do so. We will continue to evaluate and implement statutory requirements, provided we have the space and resources to do so, and it does not compromise the safety and security of all we are responsible for.

**Re: 353H-6(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.

353H-6(b) The department of corrections and rehabilitation, 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.

DCR staff engaged in preliminary meetings with Workforce Development staff and will continue to develop a relationship with this department. DCR also works with the Department of Labor and Industrial Relations through the American Job Center and HireNet Hawaii. DCR continues to work toward compliance with legislative mandates, when able and appropriate.

**Re: 353H-7(a)**

The director of corrections and rehabilitation shall return Hawaii inmates held in out-of-state prisons at least one year prior to the inmate's parole or release date 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 into the island where they have the most support.

Transfers of inmates are based on classification. DCR is currently awaiting a Classification Study conducted by Dr. Janet Davidson. We are currently evaluating our Classification process and continue to strive towards classification of offenders in the least restrictive setting as possible. Please note a current pilot project approved by the Director aims to return inmates who are within 6 years of their tentative parole date (TPD).

In preparation of our Annual Report 2024, the first report as the DCR, the following areas presented in your report have been addressed or are being addressed as follows:

**Re: 353H-8(a)(1)**

Improving recidivism rates

Recidivism showed improvement based on the information provided in the Annual Report 2024.

**Re: 353H-8(a)(2)**

Decreasing prisoner assaults on correctional staff

Assaults have decreased as indicated in the Annual Report 2024.

**Re: 353H-8(a)(3)**

Reducing correctional staff turnover

Current information is available in the Annual Report 2024.

**Re: 353H-8(a)(4)**

Improving departmental efficiencies in staffing, budgeting, and data management and analysis

Current information is available in the Annual Report 2024.

**Re: 353H-8(b)(6)**

The number of parolees who have applied for a reduction of their minimum sentence, the number of applications approved and denied, and when applicable, the reasons for the denial of a parolee's application.

Current information available in the Annual Report 2024.

**Re: 353H-8(b)(7)**

The number of parole revocation hearings and the results of parole revocation hearings that, when applicable, explain why the parolee's revocation was denied.

Current information available in the Annual Report 2024.

**Re: 353H-8(b)(8)**

The cost of incarceration per inmate, per day, per facility.

Current information and explanation are available in the Annual Report 2024.

**Re: 353H-8(b)(10)**

The number of individuals who received vocational training or rehabilitation services and type of vocational training or rehabilitation services and type of vocational training or rehabilitation services received.

A table including a breakdown is included in the Annual Report 2024.

**Re: 353H-8(b)(13)**

The number of inmates with substance abuse problems, including the type of dependence or addiction, and the number of inmates with no reported substance abuse problems. Access to that data is not available to us. Data was previously provided by the AG's office for ICIS. That position has since been redescribed the position and ICIS no longer has

the same statistical/data analysis support. DCR reached out to Hawaii Criminal Justice Research Institute, who is currently working on the Recidivism Study, however it is not yet complete. Effective 2024, DCR's Substance Abuse Branch is now conducting TCUDS-5 on all RAD admissions and will be able to collect data.

**Re: 353H-8(b)(14)**

The median length of incarceration, including inmates who have received life sentences or been paroled.

An acronym legend is included in the Annual Report 2024.

**Re: 353H-8(b)(15)**

The population forecast for the next decade.

A response with applicable data is included in the Annual Report 2024.

**Re: 353H-8(b)(16)**

The total number of pretrial detainees and the number of pretrial detainees admitted each month by type of crime, bail amount, risk assessed, gender, race, and age.

Current tables included in Annual Report 2024.

**Re: 353H-8(b)(17)**

The number of pretrial detainees released or discharged each month and the reason for the release or discharge by type of crime, bail amount, risk assessed, gender, race, and age.

Current tables are included in Annual Report 2024.

Additional information regarding information provided in Annual Report 2023, follows:  
The ORAS category of "0" represents the number of assessments not completed due to any of the following:

- Ineligible for ORAS by HRS 353-10(b)(3):
  - o Persons subject to county or state detainers or holds
  - o Persons detained without bail
  - o Persons detained for probation violation
  - o Persons facing revocation of bail or supervised release
  - o Persons who have had a pretrial risk assessment completed prior to admission

- ORAS not completed due to:
  - o Person refused to participate
  - o Person unable to be interviewed due to apparent medical and/or mental health issues
  - o Person released or posted bail/bond
  - o Other reasons not listed

**Re: 353H-8(b)(18)**

The average length of stay for pretrial detainees by reason for release or discharge, type of crime, bail amount, risk assessed, gender, race, and age.

Current tables are included in the Annual Report 2024.

**Re: 353H-8(b)(20)**

The average amount of time for completing and verifying pretrial risk assessment by type of crime, bail amount, risk assessed, gender, race and age.

Current tables are included in the Annual Report 2024.

After careful review, please note that the following table reflects the corrected data for Risk Assessment by age from the 2023 Annual Report:

Analysis Variable : Time to Complete ORAS	
Age Group	Mean (Days)
18 to 19	1.48
20 to 24	2.91
25 to 29	1.71
30 to 34	2.88
35 to 39	3.07
40 to 44	0.31
45 to 49	3.28
50 to 54	3.84
55 to 59	2.13
60 to 64	1.14
65 and older	3.40



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**Re: 353H-8(b)(21)**

The number of pretrial detainees readmitted by reason for release, reason for readmission, type of crime, bail amount, risk assessed, gender, race, and age.

Following up with data request to Hawaii Criminal Justice Data Center (HCJDC).

**Re: 353H-9**

Annual Reporting Requirements

DCR continues to evaluate and improve on our reporting practices to ensure we meet statutory requirements. Regarding 353H-9(a)(2) The length of each program, and 353H-9(a)(6) The number of potential participants on waiting lists, DCR does not currently have any inmates in FDC.

**Re: 353H-9(a)(3)**

Each program's success rate, including the percentage of participant completion in the previous two years.

**353H-9(a)(4)**

A description of participant criteria assessed by the program for admittance.

**353H-9(a)(7)**

The number of participants who do not complete the program.

**353H-9(a)(8)**

A summary of reasons why participants do not complete a program.

**353H-9(a)(9)**

A complete list of programs that are no longer offered and explanation for termination of the programs.

**353H-9(b)**

The department shall also submit a report, including all the key performance indicators provided under this chapter, to the legislature no later than the first day of December each year, beginning with the period ending on November 30, 2018.

DCR is reviewing processes to ensure compliance with legislative mandates. We need additional time to review this section and develop a process to ensure compliance.



**Re: 353H-31(b), Pages 43 to 49**

Please include the following responses:

New and Upcoming Contracts

- 1) Therapeutic Living Program- Aloha House (Maui): Transitional housing for female furloughees and females paroling from furlough.  
Contract from 8/1/24 to 7/31/27
- 2) Therapeutic Living Program- BISAC (Big Island): Transitional housing for female furloughees and females paroling from furlough.  
Contract from 8/1/24 to 7/31/27
- 3) Therapeutic Living Program- Hina Mauka (Oahu): Transitional housing for female furloughees and females paroling from furlough.  
Contract from 8/1/24 to 7/31/27
- 4) Ka Wehena o Ke `Ao- University of Hawaii (Oahu): Holistic approach with an emphasis on incarcerated individuals to take responsibility for their choices and provide the means to assist in the reparation or establishment of relationships with their families or other close relationships.  
Contract from 4/1/24 to 3/31/25
- 5) Peer Mentors/Navigators- Male Offenders (Oahu): Request for Information (RFI) was posted on 12/24/24 and an Orientation meeting with potential vendors, Reentry Office, Procurement, HPA to take place on 1/3/24.
- 6) Peer Mentors/Navigators- Female Furlough Participants (Oahu): Currently in the planning phase with an upcoming Request for Information (RFI) to be posted soon.

It is also worth noting, we have ever-growing partnerships with community, state, and city and county agencies that have their own funding to assist offenders.

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**Re: 353H-32**

Offender Reentry; Identification Documents

Re: House and Senate Concurrent Resolutions, Senate Resolution 82, Senate Draft 1 (2023) and Senate Resolution 84 (2021), specifically, Senate Resolution 84 (2021) Requesting the Department of Public Safety to correct issues and dismantle barriers relating to the provision of civil identification documents and successful community reentry of inmates exiting incarceration.

We will continue to work with partner agencies to meet these legislative mandates. Other agency forms (Federal, State, County) are not within DCR's control. We are not authorized to alter their forms, and we do so, they could be rejected.

**Re: Senate Concurrent Resolution 25, Senate Draft 1 (2021)**

Requesting the Department of Public Safety allow faith pods based on Kapu Aloha to be established within each correctional center.

There is no plan to act currently. DCR continues to consider initiatives to address the needs of our inmate population, when appropriate.

**Re: House Concurrent Resolution 171 (2021)**

Urging the Department of Public Safety to recognize the value of culture-based rehabilitation activities in the state's correctional system.

Cultural programs are also available at other facilities. For example, Kamalama Parenting is available at MCCC as an introduction to Hawaiian values that support the principles of positive parenting and understanding that a parent is the child's "first teacher".

Saguaro Correctional Center recently celebrated that Makahiki. DCR continues to strive for and focus on implementing additional culturally relevant programs and activities in our facilities.

Finally, in response to the pretrial population, specifically the overcrowding conditions of the jails and the lengthy confinement of pretrial offenders, DCR is working with partners in the Judiciary, Office of the Prosecuting Attorney, Office of the Public Defender, Department of Health and community partners to increase diversion and support deflection efforts to minimize the pretrial population. Our department recently met with and developed a system to ensure Mental Health Court participants do not remain in our custody for longer than necessary for the courts/Adult probation officers to secure a community bed space for the participant.

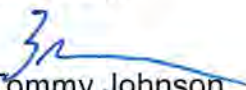
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However, DCR is required to receive all individual's sentenced to our custody and care by the Judiciary. DCR does not have the authority to release those individuals, only the court does. It recommended the oversight commission consider contacting the judiciary regarding its concerns in the area. The DCR stands ready to participate those discussions.

In response to the recommendation to utilize minimum security facility bedspace for offenders who do not meet the classification criteria for housing in those facilities, we offer that as indicated we are awaiting a report evaluating our classification system, and will make necessary adjustments (as appropriate) once we have received this report.

Again, we thank the oversight commission for the opportunity to review your report and provide our response to the draft. We look forward to your final report and an opportunity to respond to that report and working with the oversight commission and other stakeholder agencies to improve the system.

Sincerely,

  
Tommy Johnson  
Director, DCR

cc: DEP-A, DCR  
DEP-C, DCR  
DEP-R, DCR