
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. In response to the governor's plan to address
2 the State's budget shortfall by, among other things, closing the
3 Kulani correctional facility, a senate ad hoc committee reviewed
4 and assessed the impact that the imminent reduction in
5 government services would have on Hawaii's communities, inmates,
6 and the State's correctional system.

7 Information gathered in briefings held in Hilo and Kailua-
8 Kona on Hawaii Island and at the state capitol, revealed that:

9 (1) The Kulani correctional facility, in operation since
10 1946, is a minimum security facility situated on eight
11 thousand acres outside Hilo, Hawaii. The facility
12 houses adult male felons serving the last four years
13 toward their tentative parole date;

14 (2) The facility is the only department of public safety
15 facility that is a mandatory work camp, requiring all
16 inmates to work full time. Unlike other facilities
17 that have only limited vocational training in mostly
18 unskilled positions, Kulani correctional facility



1 offers a wide range of educational training and
2 occupational skills programs focusing on mechanical
3 repair and maintenance, construction, heavy equipment
4 operation, computer work, and horticulture and
5 conservation. Inmates use these skills in community
6 service projects, helping Hawaii Island communities
7 with projects that would otherwise be unaffordable;

8 (3) The Kulani correctional facility is the only
9 department of public safety facility with a sex
10 offender treatment program for minimum-custody sex
11 offenders who are neither violent nor mentally
12 challenged and are willing to work. The sex offender
13 treatment program is one of the most successful in the
14 nation. Treatment providers attribute this success to
15 the facility's unique provision of treatment in an
16 environment where inmates must also work and function
17 responsibly with minimum supervision. Options for
18 inmate transfer to other facilities with sex offender
19 treatment are limited and would involve, for example,
20 housing minimum-custody inmates in medium-security
21 facilities, which conflicts with the standards of the



1 American Correctional Association and the department
2 of public safety's policy and procedures;

3 (4) Discontinuing the programs offered by the Kulani
4 correctional facility will significantly impede
5 present and future inmates from completing their
6 prescriptive programs. Since completion of a
7 prescriptive program is a requirement for parole
8 eligibility, this will force inmates to remain in
9 incarceration longer. It may also impede their
10 successful reentry into society upon release;

11 (5) While the Kulani correctional facility is a one
12 hundred sixty-bed facility, it has housed up to two
13 hundred twenty inmates without operational problems;

14 (6) Since 2000, the facility has received state capital
15 improvement project funding of \$8,136,937; and

16 (7) As a result of the facility's closure, local vendors
17 will lose tens of thousands of dollars of sales in
18 goods and services, causing a detrimental economic
19 ripple effect for businesses throughout the island of
20 Hawaii.

21 The legislature finds that the information gathered by the
22 senate ad hoc committee raises questions about the wisdom of



1 closing the Kulani correctional facility. The State has made a
2 significant capital investment in this facility and its closure
3 would severely impede the department of public safety's ability
4 to meet the needs of present and future inmates, its own
5 policies, and accepted corrections standards and would result in
6 numerous adverse impacts to Hawaii Island communities.

7 The Community Safety Act of 2007 requires the department of
8 public safety to develop a comprehensive and effective offender
9 reentry system plan for adult offenders exiting the prison
10 system. That Act further requires the department to develop
11 comprehensive reentry plans and curricula for individuals
12 exiting correctional facilities to reduce recidivism and
13 increase a person's successful reentry into the community.
14 Kulani correctional facility played a pivotal role in the
15 reentry system, by preparing qualified inmates for their
16 eventual return to the community by providing job training,
17 treatment programs, and graduated exposure to the community.
18 Moreover, Kulani correctional facility's programs were
19 coordinated and articulated with those at the Hawaii community
20 correctional center/Hale Nani, the reentry point for Hawaii
21 island inmates, thereby enhancing the effectiveness of reentry
22 on the island of Hawaii.



1 The legislature further finds that the closure of this
2 facility with its unique and needed programs, when considered
3 with the fact that six of nine Hawaii correctional facilities
4 are under capacity, raises the question of the cost-
5 effectiveness of the department of public safety's policy of
6 contracting with Corrections Corporation of America to house a
7 substantial number of Hawaii inmates in mainland private prisons
8 at significant cost to the State and to the detriment of Hawaii
9 inmates whose consideration for parole has and will be delayed
10 due to the absence at these facilities of programs needed by the
11 inmates to complete their prescriptive programs.

12 The department of public safety's own study, presented to
13 the legislature in 2008, indicated that a significant number of
14 inmates housed in medium security prisons on the mainland and at
15 the medium security federal detention center should have been
16 classified as minimum or community security. These inmates
17 could have been housed at Kulani correctional facility and other
18 underused facilities in Hawaii. Instead, the department chose
19 to pay a private vendor and the federal government an additional
20 cost to house Hawaii inmates.

21 The purpose of this Act is to require an audit of the
22 department of safety's contracts with Corrections Corporation of



1 America and the federal detention center in Honolulu, which
2 focuses on a comparison, in terms of quality of programming,
3 costs, and economic benefit to the State, of housing Hawaii
4 inmates in mainland facilities and in the federal detention
5 center, with housing Hawaii inmates in Hawaii facilities
6 operated by the State.

7 SECTION 2. The auditor is directed to conduct a financial
8 and management audit of the department of public safety's
9 contracts with Corrections Corporation of America and the
10 federal detention center in Honolulu, which focuses on a
11 comparison, in terms of quality of programming, costs, and
12 economic benefit to the State, of housing Hawaii inmates in
13 mainland facilities and the federal detention center in
14 Honolulu, with housing Hawaii inmates in Hawaii facilities
15 operated by the State. The auditor is directed to, among other
16 things:

- 17 (1) Address the closure of the Kulani correctional
18 facility as part of its analysis in conducting this
19 comparison; and
- 20 (2) Make a recommendation on whether the continued housing
21 of Hawaii inmates in mainland facilities and in the
22 federal detention center in Honolulu is advisable, in



1 view of the explicit requirements of the Community
2 Safety Act of 2007 and its subsequent amendments.

3 SECTION 3. The auditor shall report its findings and
4 recommendations to the legislature no later than twenty days
5 prior to the convening of the regular session of 2011.

6 SECTION 4. This Act shall take effect on January 1, 2050.

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Report Title:

Corrections; Kulani Correctional Facility; Corrections Corporation of America; Ad Hoc Committee

Description:

Directs the auditor to conduct a financial and management audit of the Department of Public Safety's contract with the Corrections Corporation of America and the federal detention center in Honolulu. Effective 1/1/2050.

