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# 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 the Big Island and 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 Big Island communities with  
7 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 Big  
20 Island.

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



1 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 Big 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 Big Island  
21 inmates, thereby enhancing the effectiveness of reentry on the  
22 Big Island.



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 the Corrections Corporation of America to house  
7 a substantial number of Hawaii inmates in mainland private  
8 prisons at significant cost to the State and to the detriment of  
9 Hawaii inmates whose consideration for parole has and will be  
10 delayed due to the absence at these facilities of programs  
11 needed by the 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 underutilized facilities in Hawaii. Instead, the department  
19 chose to pay a private vendor and the federal government an  
20 additional 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 the Corrections



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



**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. (HD1)

