

**A DEPARTMENT OF  
CORRECTIONS FOR HAWAII:  
A FEASIBILITY STUDY**

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## FOREWORD

This report on the feasibility of establishing a department of corrections for Hawaii is submitted to the Legislature pursuant to Senate Resolution No. 124 which was adopted during the Regular Session of 1982.

The data presented and the findings and conclusions reached in the report would not have been achievable without the help of others. The Bureau wishes to acknowledge the valuable assistance provided by the corrections agencies of other states and the state agencies from Hawaii's executive and judicial branches, and to extend its sincere appreciation to them for graciously cooperating in this study. The Bureau is especially grateful to the Corrections Division, the Intake Service Center, the Hawaii Paroling Authority, the State Law Enforcement and Planning Agency, the staff offices of the Department of Social Services and Housing, and the Judiciary for the time spent in compiling data for, and in reviewing and commenting on, this report.

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## EXECUTIVE SUMMARY

This study was conducted in response to Senate Resolution No. 124 which was adopted during the Regular Session of 1982. The Resolution inferred that the problems in Hawaii's correctional system, such as the lack of one underlying philosophy or policy governing corrections and the duplication of efforts, will be resolved with the establishment of a separate department of corrections. This study explores the validity of these assumptions by (1) identifying the problems in the correctional system; (2) ascertaining whether a change in organizational structure is the appropriate remedy; and (3) determining whether establishing a department of corrections is feasible for Hawaii. Readers are advised to refer to the Legislative Reference Bureau report entitled, "Review of the Implementation of the Hawaii Correctional Master Plan", as a supplement to this report since the the proposal to establish a separate department is inextricably tied to the failures of the Master Plan.

The Bureau conducted a survey of other states and found that while reorganization of correctional systems in the United States appears very popular, there is no ideal structural model for correctional organization. Although 33 states have a separate department of corrections, there are many variations among the states as to the correctional components that are included in the department. This is because a state must consider numerous factors, such as the evolution of corrections in the state, the current political climate, the availability of fiscal resources, and the compatibility of the objectives and goals of the correctional system with that of the rest of the criminal justice system.

The Bureau also conducted research on the pros and cons of different correctional and criminal justice organizational structures and concluded that although theoretically, the advantages of establishing a separate department outweigh the disadvantages, the following practical considerations render the proposal inappropriate for Hawaii at this time:

- (1) Most correctional administrators agree that establishing a separate department for corrections would only be worthwhile if the pre-trial, pre-sentence, intake, custodial care, probation supervision, and parole supervision functions are consolidated within the department as line divisions, with only the parole determination function under an autonomous agency. The historical development of corrections in Hawaii, however, has implanted an attitude of independence among correctional agencies and until there is a change in this attitude, there will be vigorous opposition to this type of department.
- (2) Although the Bureau did not conduct a cost analysis, it is obvious that creating a new department will be costly at the onset since funds would be required to establish staff services offices for the department, and for additional office space, equipment, and supplies. The present fiscal picture indicates that a commitment of necessary fiscal resources is not possible.

- (3) The problems in the system can be categorized as either dealing with coordination and communication among the correctional and criminal justice agencies, or administrative and management problems in the Corrections Division. Such problems will not be resolved by the creation of a separate department.
- (4) There is a need for a rearticulation of correctional policy and for the development of a new master plan and functional plan. Until these needs are met, any major reorganization proposal would be premature. It must be emphasized, however, that since correctional programs are directly impacted by the actions or non-actions of the courts, police, prosecutors, and the legislature (in enacting sentencing and correctional legislation and in funding correctional programs), the development of policies must be viewed from a criminal justice perspective.

In view of the findings, the Bureau made the following recommendations:

- (1) The Legislature should convene an ad hoc committee to rearticulate the correctional philosophy of this State, to develop coordinated correctional policies, standards and goals, and to clarify the functions and roles of each criminal justice agency in implementing state correctional policies.
- (2) The Intake Service Center is a unique agency because it is functionally involved in functions that affect two branches of government. The Master Plan deliberately designed the Center in this manner so that it could be involved in all phases of offender processing and coordinate service delivery in the correctional system. Unfortunately, this uniqueness has caused the placement of the Center in the State's bureaucratic structure to be a major problem. A firm decision must be made to determine whether or not the Center should continue in existence. In making this decision, the following options should be considered:
  - (A) If the Legislature believes that the Master Plan concept of service delivery coordination through an agency like the Center is still feasible and desirable, then the Center should continue as an autonomous agency. Clear guidelines as to the Center's responsibilities and authority must be developed and criminal justice agencies must be directed to accept such guidelines and cooperate with the Center. A decision must also be made as to whether the Center is to remain under the Executive Branch or whether it is to be transferred to the Judiciary.
  - (B) If the Legislature believes that the Master Plan concept of centralized service delivery is no longer feasible or desirable, then the Center should either be dissolved or made into a line division.

- (1) If the Center is dissolved, the pre-trial, pre-sentence, and offender supervision functions could be placed in the Judiciary and the intake and diagnostic corrections functions could be placed in the Corrections Division. This, however, would be tantamount to reverting back to the old system before the Master Plan was adopted.
  - (2) If the Center's status is to change from an administratively attached agency to a line division, its placement in the Executive Branch or the Judiciary depends on a policy decision as to which functions the Center should be performing and whether the Center should continue to perform functions which, in part, belong to another branch of government, i.e., if the Center is placed in the Judiciary, should it continue to perform intake and diagnostic corrections functions, or if it remains in the Executive Branch should it continue to perform pre-trial and pre-sentence functions.
- (C) Whether or not the Center is dissolved, or placed within the Judiciary or the Executive Branch as an administratively attached autonomous agency or as a line division, the functional conflicts must be resolved.
- (3) After the state correctional policies, standards, and goals are established, the Legislature should consider the establishment of a policy council, with professional staff, to monitor the implementation and continuing update of such policies, standards, and goals.
  - (4) A comprehensive management and program audit of all correctional agencies should be conducted in order for the Legislature to efficiently allocate the limited available resources that agencies are competing for. The correctional system has grown substantially since the Master Plan was adopted in 1973, yet there has never been a comprehensive evaluation of the operations to determine whether program objectives are being met and whether management techniques require improvement. Detailed audits will also identify where unnecessary duplication of efforts occurs.
  - (5) An information systems coordination committee, spearheaded by the Criminal Justice Data Center and composed of representatives of all criminal justice agencies and the Electronic Data Processing Division, should be established to develop a systemwide functional plan for criminal justice information processing.





## Chapter 1

# INTRODUCTION

The idea of establishing a separate department of corrections is an old proposal in Hawaii that has been revived because of frustration experienced by legislators in attempting to improve the State's capacity to deal with the overcrowding of its correctional facilities, the management of criminal justice agencies, and to curtail crime. During the 1982 legislative session, a senate bill calling for the establishment of a department of corrections passed third reading in the Senate but died in the House of Representatives. The intent of the bill, S.B. No. 2381-82, was to better coordinate the overlapping functions of the Judiciary and the Intake Service Center that have been the cause of conflicts between the Intake Service Center and the Judiciary since the Hawaii Correctional Master Plan was adopted. This bill, as amended, proposed the creation of a department consisting of the corrections division, the office of juvenile parole, and the adult and juvenile probation functions presently under the Judiciary. The Hawaii Paroling Authority, Intake Service Center, and the Criminal Injuries Compensation Commission were included in the proposed department as administratively attached agencies. For all intents and purposes, the only changes that would result from such a structure would be the transfer of probation functions to the executive branch and the establishment of administrative staff offices devoted to corrections.

The House had its own proposal to resolve the same problem. House Bill No. 2318-82 proposed the transfer of the Intake Service Center to the Judiciary. This bill was the result of an agreement that was reached between the Governor and the Chief Justice late in 1981 in an effort to work out an amenable solution to the Intake Service Center-Judiciary conflict. The two bills were obviously in conflict as to the functional placement of probation, and since the two houses could not agree on a compromise position, H.B. No. 2318-82 was amended in conference committee to only provide for the abolishment of the Intake Service Center policy board. Consequently, Senate Resolution No. 124 was adopted by the Senate to request the Office of the Legislative Reference Bureau to conduct a feasibility study on the concept of establishing a department of corrections (see Appendix F).

S.R. No. 124 stated that "...the consolidation of correctional services such as the adult and juvenile functions shared by the Department of Social Services and Housing and the Judiciary might facilitate better coordination among correctional agencies and reduce duplication of efforts and other inefficiencies of the present fragmented system." S.R. No. 124 infers that the problems in Hawaii's correctional system, such as the lack of one underlying philosophy or policy governing corrections and the duplication of efforts will be resolved with the establishment of a separate department of corrections. It is the intent of this study to explore the validity of the assumptions made by the resolution by (1) identifying the problems in Hawaii's correctional system; (2) ascertaining whether a change in the organizational structure is the appropriate remedy; and (3) determining whether establishing a separate department of corrections is feasible for our State.

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Last year, the Legislative Reference Bureau conducted a review of the implementation of the Master Plan and found that most of the problems in the current system stem from the Master Plan. The Bureau believes that the proposal to establish a department of corrections is inextricably tied to the failures of the Master Plan. Accordingly, the reader is advised to refer to that Legislative Reference Bureau report, "Review of the Implementation of the Hawaii Correctional Master Plan", as a supplement to this report.

### Methodology of Study

At the onset of this study, it was decided that in order to determine the feasibility of establishing a department of corrections, it would be necessary to ascertain which components would be included in the department, to identify the current problems in the correctional system, and to weigh the pros and cons on this issue. Accordingly, the research encompassed the following:

- (1) A survey of the other forty-nine states inquiring into their correctional organization and reorganizing experiences, if any;
- (2) Research on organizational structure, especially in the criminal justice and correctional areas;
- (3) Pre-interview survey of the correctional agencies in Hawaii regarding their views on the problems of the present system and the feasibility of establishing a department of corrections; and
- (4) Interviews in the field (see Appendix E for list of resource persons).

### Organization of Report

The report is set forth in the following parts:

- (1) Chapter 1 is the introduction;
- (2) Chapter 2 presents the historical background of the development of the field of corrections in America and in Hawaii;
- (3) Chapter 3 describes the current organizational structure of the Hawaii correctional system and the functions of the component agencies from the Department of Social Services and Housing and Judiciary;
- (4) Chapter 4 discusses the major problems of the present correctional system;

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- (5) Chapter 5 expounds on the department of corrections concept and the patterns of structural organization in other states;
- (6) Chapter 6 presents a discussion of the issues that must be considered in determining the appropriateness for a separate department for corrections in Hawaii;
- (7) Chapter 7 reports the findings, conclusions, and recommendations of the Office of the Legislative Reference Bureau; and
- (8) The Appendices provide details regarding the organization of correctional systems of other states.

### Definition of Terms

The National Advisory Commission on Criminal Justice Standards and Goals defines "corrections" as the community's official reactions to the convicted offender, whether adult or juvenile.<sup>1</sup> Although the term "convicted offender" is not really applicable to juveniles since there is no charge or conviction of a juvenile unless the juvenile is tried as an adult, corrections systems today are deeply enmeshed in juvenile programs and must continue such involvement until it is feasible to remove juveniles not tried as adults for criminal acts from the purview of corrections. The Advisory Commission also determined that pretrial detention, while not a correctional function, should be handled by the correctional facilities since they have the resources available.

Corrections functions traditionally mean all activities involving the offender after the point of sentencing, including probation supervision. Throughout this report, however, there will be discussion on some functions such as pre-sentence services which are traditionally "non-corrections" functions that have become part of Hawaii's correctional system under the Master Plan. The Master Plan consolidated these functions with corrections functions in order to provide a unified system response to offenders being processed through the criminal justice system. All references to "corrections" or "correctional system" will, therefore, encompass all functions of the Intake Service Center, Corrections Division, Hawaii Paroling Authority, and the Probation departments of the Judiciary. The term "criminal justice system" as used in this report includes the police, courts, prosecutors, and public defenders, as well as the correctional agencies.

## Chapter 2

# DEVELOPMENT OF THE CORRECTIONS FIELD

### Part I

#### Correctional System Components

Correctional systems throughout the country have a variety of component parts since what is included in a system depends primarily on the particular state's definition of corrections. Generally, the basic correctional components are institutional care, probation, and parole for both adults and juveniles. The designation of agency responsibility for each component and the placement of such agencies in the governmental structure among the fifty states are also diverse. The absence of an ideal model for all correctional systems is attributable to the fragmented development of each component part in American history and the subsequent attempts by criminal justice scholars to coordinate these components which evolved independently as new ideas on how to best deal with the criminal offender.

The use of **incarceration** as a sentence in the United States developed as a humane method of punishment during the late 1700s with the establishment of the Walnut Street Jail in Philadelphia during a time when physical punishment was the usual penalty for committing a crime and incarceration was primarily used as a means of detaining the accused until the mode of punishment had been determined. It was believed that incarceration would reform the offender on the theory that solitary confinement without work would provide the offender with an opportunity to contemplate the criminal act, to repent, and to be expiated. The adverse physical and psychological effects of such severe isolation soon became apparent, and work and moral and religious instruction were added to maintain the health of the prisoners.<sup>1</sup>

In ensuing years, as authorities began to realize that the system of isolation was not effectively accomplishing the purpose of inmate remorse and redemption, rehabilitative programs such as the establishment of libraries, recreational activities, and educational opportunities were added to the incarceration environment as incentives for prisoners to improve themselves and to change their ways.<sup>2</sup>

The concept of **probation** is believed to have originated in the early 1800s when a Boston cobbler by the name of John Augustus convinced the court authorities to allow him to pay the fines for common drunks and place them under his supervision. When the offender was brought back to court for sentencing, Augustus reported on the offender's progress toward reformation and the judge usually imposed a miniscule fine instead of commitment to an institution. As a result of Augustus' efforts, Massachusetts became the first state to pass a probation statute in 1878.<sup>3</sup>

When the first Juvenile Court was established in 1899, there was a strong impetus to further employ probation as a legitimate alternative to incarceration, as there was a desire to keep juvenile offenders out of adult prisons. Juvenile probation spread quickly throughout the nation and by 1910, forty states had some kind of probation service for juveniles. As for

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adult probation, the growth was slower and it was not until 1956 that probation was available for adult offenders in every state.<sup>4</sup>

The rudimentary origins of parole in the United States, can be attributed to the "good time" law enacted in New York in 1817 which enabled a correctional administrator to "reduce by one fourth the sentence of any prisoner sentenced to imprisonment for not less than five years, upon certificate of the principal keeper and other satisfactory evidence, that such prisoner had behaved well, and had acquired in the whole, the net sum of 15 dollars or more per annum."<sup>5</sup> While good time laws were a step in the right direction, they were not flexible enough since they were usually bound by a fixed formula. In 1832, the concept of indeterminate sentencing began taking shape with the efforts of an Englishman, Captain Alexander Maconochie,<sup>6</sup> and an Irishman, Sir Walter Crofton,<sup>7</sup> in the development of reform systems wherein upon good conduct, prisoners were allowed to be released with supervision prior to the expiration of the sentence term. Maconochie is credited with showing that by using indeterminate sentencing, imprisonment could be used effectively to prepare an offender for eventual return to the community. Crofton expanded Maconochie's concept by devising a system of conditional liberty in the community called a "ticket-of-leave", which could be revoked at any time within the span of the offender's sentence.

### Part II Evolution of Hawaii's Correctional System

#### Custodial Care

Prior to statehood, the custodial corrections function for adults and juveniles was located in the Territorial Department of Institutions.<sup>8</sup> Prior to the creation of the Department of Institutions, the Oahu Prison, including its outlying camps in the neighbor islands, was administered by an appointive non-salaried Prison Board.<sup>9</sup> The Hawaii Prison System under the Department of Institutions consisted of the Oahu Prison, which was later renamed to the Hawaii State Prison, the Kulani Project, and the Olinda Project. The administrator of the system was also the Warden of the Oahu Prison.<sup>10</sup>

The Statehood Reorganization Act, Act 1, Session Laws of Hawaii 1959, 2nd Special Session, abolished the Department of Institutions and created a new Department of Social Services which encompassed all programs concerned with problems of human behavior, adjustment and daily living, including the custodial care of adult and juvenile offenders and the autonomous Board of Parole and Pardons.

Under the Department of Social Services, the Division of Prison System was responsible for the operation of the State Prison and the Olinda and Kulani Honor Camps. A separate division, a Division of Training Schools, was responsible for the Koolau Boys' Home, the Kawaihoa Girls' Home, and the Molokai Forestry Section. The Board of Parole and Pardons retained its independent status but reported to the Director of Social Services for administrative purposes.<sup>11</sup>

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During fiscal year 1961-1962, the department was reorganized and the Corrections Division was officially established by the consolidation of the Prison System and Training Schools divisions. The branches under the newly created Corrections Division included the State Prison, Kulani Honor Camp, Olinda Honor Camp, Hawaii Youth Correctional Facility which was a consolidation of the boys and girls training schools, and the Juvenile Parole section.<sup>12</sup> The Conditional Release Branch was established in 1968 as the sixth branch of the Corrections Division.<sup>13</sup>

In the mid-seventies, the county jails were transferred to the Corrections Division, the Olinda Honor Camp was phased out as required by the Master Plan, and the juvenile parole branch was merged with the Hawaii Youth Correctional Facility branch. Today, the Corrections Division is responsible for the operation of all state correctional facilities, including the conditional release residences, and consists of eight branches and a central administration office.

### Parole

The concept of parole saw its beginning in Hawaii in 1909 when the territorial legislature adopted an indeterminate sentencing philosophy and empowered the Governor to parole any prisoner after serving a minimum term. In 1931, the legislature created a board of prison directors which was responsible for the administration of the prison system, parole decisions subject to the Governor's approval, parole supervision, and fixing minimum sentences subject to review by the sentencing courts. When the Department of Institutions was created in 1939, the prison administration functions were transferred to the new department and a Board of Paroles and Pardons was established to perform the parole functions. The legislature granted the Board sole authority to grant paroles in 1957 and, in 1965, empowered the Board to fix minimum sentences without the necessity of court review. In 1967, the Board was permitted to refix a minimum sentence.<sup>14</sup>

Finally, in 1976, the state legislature changed the Board from a part-time, five-member board to a three-member board with the chairperson serving on a full-time basis. The name of the board was also changed to the Hawaii Paroling Authority.<sup>15</sup>

### Probation

The concept of probation was first employed with juveniles in Hawaii. In 1905, the Territorial Legislature enacted Act 28 to empower all circuit court judges and district court magistrates to release juvenile delinquents under sixteen years of age on parole if the punishment was not more than two years and to place such delinquents on probation. The judges and magistrates were authorized to appoint three probation officers who served without pay and acted only when delinquents were placed under their charge. In 1909, the Juvenile Court was officially established by Act 22 in order to separate juvenile cases from the regular police courts, and circuit court judges were given original jurisdiction in cases dealing with juveniles. The present family court system was created by Act 232, Session Laws of Hawaii 1965, to replace

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the old juvenile court and domestic relations court and to establish a court system based on the concept of the preservation of the unity and well-being of the family.<sup>16</sup>

Adult probation was first authorized in 1931 with the passage of Act 41 which empowered circuit courts to suspend imposition or execution of sentence in full or in part and place convicted persons on probation except in the more serious offenses. The judges were authorized to appoint probation officers who served without compensation and the program was intended for first-time offenders. Act 41, with minor amendments, served as the framework for adult probation until 1972 when the Hawaii Penal Code was enacted. Under the Penal Code, probation became a specific sentence rather than an accompaniment to the suspension of imposition, or execution of, sentences as was the previous practice.<sup>17</sup>

### The Hawaii Correctional Master Plan

In 1969, the National Council on Crime and Delinquency completed a comprehensive study on Hawaii's correctional system.<sup>18</sup> At that time, the Corrections Division was only responsible for the State Prison, youth correctional facilities, and the Olinda and Kulani Honor Camps. Jails were operated by the county police departments, parole was under the jurisdiction of a part-time board, and probation was the responsibility of the courts. The National Council on Crime and Delinquency concluded that while Hawaii's correctional system was progressive and receptive to change, it was fragmented and did not provide a continuum of consistent and efficient services to all offenders as they were processed through the various phases of the criminal justice system.<sup>19</sup>

In response to the National Council on Crime and Delinquency findings, the Legislature, in 1970, authorized the development of a comprehensive master plan for corrections. The Hawaii Correctional Master Plan was completed and submitted to the Legislature in 1972 and enabling legislation was enacted in 1973 to commence implementation.

The Master Plan proposed an innovative approach to correctional planning by attempting to coordinate the operations of the entire criminal justice system to facilitate a systematic response to offender needs under one common philosophy. The Master Plan reorganized the arrangement of criminal justice agencies and created a centralized intake process for more efficient use of resources and delivery of services to the offender.<sup>20</sup>

While implementation of the Master Plan has been far from successful, it did contribute to the development of a correctional system in Hawaii that is highly centralized when compared with the systems of other states. All of Hawaii's correctional facilities, including the old county jails, are under the statewide control of the Corrections Division. The judicial system which has jurisdiction over the probation function, unlike many of its mainland counterparts, is a unified system with all the circuits under the general administrative control of the Chief Justice. Parole for all counties is under the statewide control of the Hawaii Paroling Authority. Accordingly, services in correctional facilities and in probation and parole supervision are generally

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provided on a uniform basis although each county jurisdiction is allowed much flexibility in operating to suit its peculiar needs.

The **Intake Service Center** is a unique agency that was created by the Master Plan for the purpose of coordinating criminal justice activities affecting corrections in a systematic and unified fashion. . It is unique because it was created to perform traditionally non-correctional functions (i.e., pre-trial and pre-sentences) and correctional functions (i.e., diagnostic evaluations to assist in decisions concerning security classification and program prescription). Since the Intake Service Center began its operations in 1976, it has been plagued with problems primarily due to a general absence of commitment among criminal justice agencies and legislators to accept and implement the coordinated systems approach to offender processing, and to a lack of faith in, or a resistance to accept, the Intake Service Center's involvement in areas that were previously the responsibility of another agency.<sup>21</sup>

The Intake Service Center, since its inception, has undergone several organizational changes. Act 179, Session Laws of Hawaii 1973, established the Intake Service Center as an agency attached to the Governor's office. Act 179 also provided for the creation of an Intake Service Center Advisory Board of fifteen members appointed by the Governor, for the purpose of advising and recommending policies and procedures for the operation of the Intake Service Center. The Act further provided that each of the four county Intake Service Centers be headed by an executive director to be appointed by the Governor from nominations submitted by the Advisory Board.

In 1976, Act 128 provided that the Oahu Intake Service Center would be the overall state executive director of the Intake Service Center. Act 209, Session Laws of Hawaii 1977, authorized the state Intake Service Center executive director, instead of the governor, to appoint the executive directors of the Hawaii, Maui, and Kauai Intake Service Centers. Then in 1980, Act 204 changed the Advisory Board to a policymaking board and transferred the Intake Service Center from the Office of the Governor to the Department of Social Services and Housing for administrative purposes. In 1981, Act 77 changed the titles of the county Intake Service Center executive directors, including the one for Oahu, to administrator and gave such administrators civil service status. The Act also provided for a separate state executive director to be appointed by the Governor. Finally, Act 111, Session Laws of Hawaii 1982, abolished the Intake Service Center Board and conferred the Intake Service Center policymaking powers, in addition to the management responsibilities, upon the state executive director.

The Intake Service Center is presently administratively attached to the Department of Social Services and Housing and is headed by an Executive Director who is appointed by the Governor, without consent of the Senate.



### Chapter 3

## THE CURRENT ORGANIZATION OF CORRECTIONS

All the executive branch correctional functions are placed under the Department of Social Services and Housing. As discussed in chapter 2, the Department of Social Services and Housing (then known as the Department of Social Services) was originally established by the Statehood Reorganization Act of 1959 by the consolidation of the public welfare department and the corrections component of the former Department of Institutions. The corrections components in those days consisted merely of the old part-time parole board and the Corrections Division which was a small division since it was only responsible for the state prison, youth facility, and honor camps.

### Department of Social Services and Housing Structure

The current structure of the Department of Social Services and Housing is depicted in Exhibit 1. There are three line divisions, five agencies that are administratively attached to the Department of Social Services and Housing, and five administrative staff offices that render services to all the Department of Social Services and Housing components. The public welfare division is the largest of all the Department of Social Services and Housing components with a total of 1,008 authorized positions (see Table 1).

Table 1

Department of Social Services and Housing  
Budget and Personnel Allocation  
(FY 1981-82)

<u>Division/Agency</u>	<u>Position Count</u>	<u>% of DSSH Total</u>	<u>Budget</u>	<u>% of DSSH Total</u>
Corrections Division	809.63	32.26	\$ 21,268,280	5.87
Hawaii Paroling Authority	21.00	.84	437,102	.12
Intake Service Centers	51.00	2.03	1,249,426	.35
Criminal Injuries Compensation Commission	3.00	.12	84,940	.02
Public Welfare Division	1,008.00	40.17	307,801,429	84.93
General Administration	171.00	6.81	3,694,674	1.02
Vocational Rehabilitation	178.00	7.09	7,713,087	2.13

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<u>Division/Agency</u>	<u>Position Count</u>	<u>% of DSSH Total</u>	<u>Budget</u>	<u>% of DSSH Total</u>
Commission on the Status of Women	2.00	.08	42,901	.01
Hawaii Housing Authority	266.00	10.60	20,116,238	5.55
	2,509.63	100.00	\$362,408,077	100.00

The Department of Social Services and Housing has a director and two deputy directors. The first deputy is responsible for the oversight of social service programs including public welfare, vocational rehabilitation, and the Commission for the Status of Women. The second deputy is like a chief of staff responsible for the coordination of staff operations and organizational problems and for the oversight of the public safety programs in the Department of Social Services and Housing, including the Corrections Division, the Intake Service Center, the Hawaii Paroling Authority, and the Criminal Injuries Compensation Commission.

The administrative offices that provide assistance and advice to all the Department of Social Services and Housing components are (1) the Administrative Services Office, (2) the Personnel Office, (3) the Information Systems Office, (4) the Research and Statistics Office, and (5) the Program Evaluation Office. A description of each office and the services they have been providing the corrections components follows below.

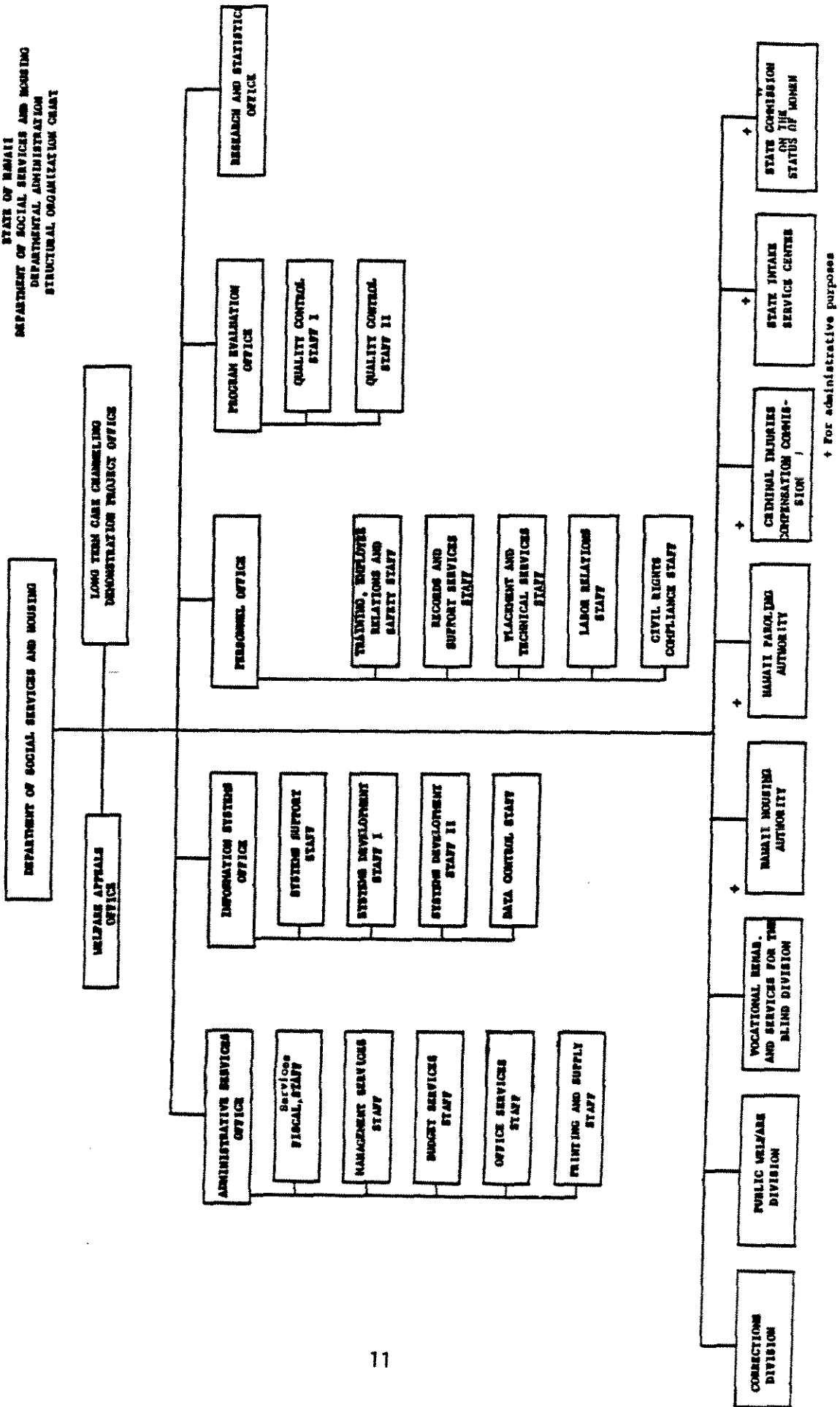
## Corrections Division

The Corrections Division is responsible for the care and custody of all offenders detained in the State's eight correctional facilities. It has a total position count of 892.63 and its operating budget was \$24,424,448 for fiscal year 1982-83. For fiscal year 1981-82, the position count was 809.63 and the budget was \$21,268,280. See Exhibit 2 for the organization structure and Table 2 for breakdown by branches. The population served by the Corrections Division as of December 6, 1982 was 1,359.

**The Corrections Division Administration.** The Corrections Division administrative office consists of an administrator, a deputy administrator, two administrative secretaries, a staff services office which provides fiscal and personnel services to the branches, a program planning office, a Corrections Training Center, and a Corrections Volunteer Services Section (see Exhibit 3). This administrative office has grown substantially within the past thirteen years. In 1969, prior to the Master Plan, the Corrections Division administrative office was staffed only by a director, an assistant to the director (responsible for the management of the prison industries program), and clerical staff. With the adoption of the Master Plan, the administrative staff increased slightly with the addition of a few temporary planning positions to oversee the construction of the new correctional facilities even

# EXHIBIT 1

## STATE OF HAWAII DEPARTMENT OF SOCIAL SERVICES AND HOUSING DEPARTMENTAL ADMINISTRATION STRUCTURAL ORGANIZATION CHART



# EXHIBIT 2

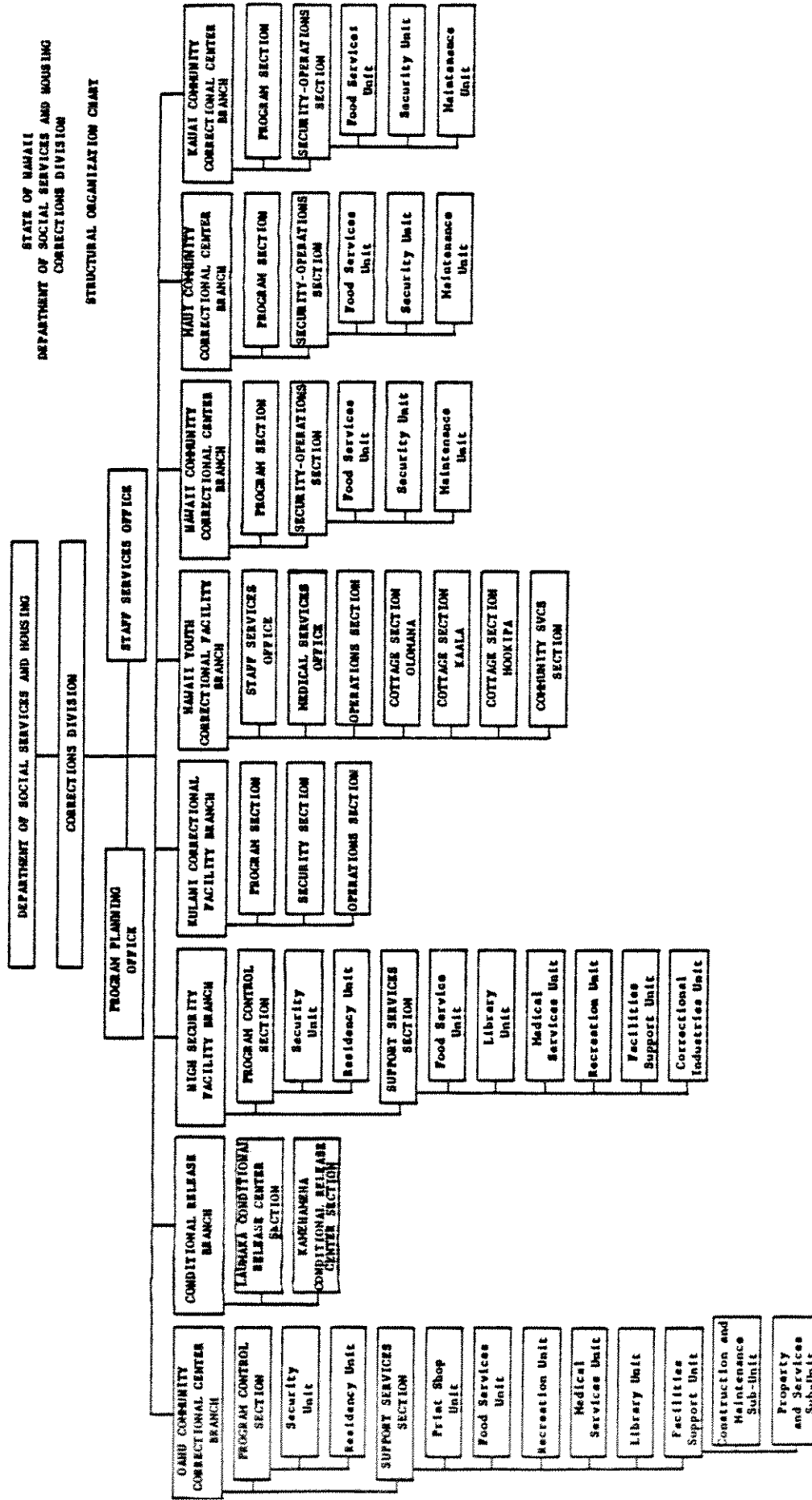


Table 2  
CORRECTIONS DIVISION

<u>Branch</u>	<u>Position</u>	<u>Budget Appropriations</u>		<u>Clients Served 12/6/82</u>	
	<u>Count</u>	<u>FY 81-82</u>	<u>FY 82-83</u>	<u>Headcount</u>	<u>Bed Capacity</u>
General Administration	25.00	\$ 361,383	\$ 776,337	-0-	-0-
Halawa High Security Facility	150.00	3,198,605	3,582,904	56	72
Oahu Community Correctional Center	470.80	11,391,806	12,729,051	1,086a	678b
Maui Community Correctional Center	29.00	735,977	736,250	73	47c
Hawaii Community Correctional Center	33.00	692,153	833,891	48	24
Kauai Community Correctional Center	27.00	616,246	776,337	27	15
Kulani Correctional Facility	53.83	1,351,620	1,700,853	77	90
Conditional Release Centers	15.00	485,367	614,617	10	23
Subtotal Adults	803.63	18,833,157	21,718,989	1,277	949
Hawaii Youth Correctional Facility	89.00	2,281,359	2,705,459	82	102
Total	892.63	\$21,114,516	\$24,424,448	1,359	1,051

aIncludes 47 women who have been relocated to Hookipa, on the HYCF grounds, to make more space available for the men at OCCC.

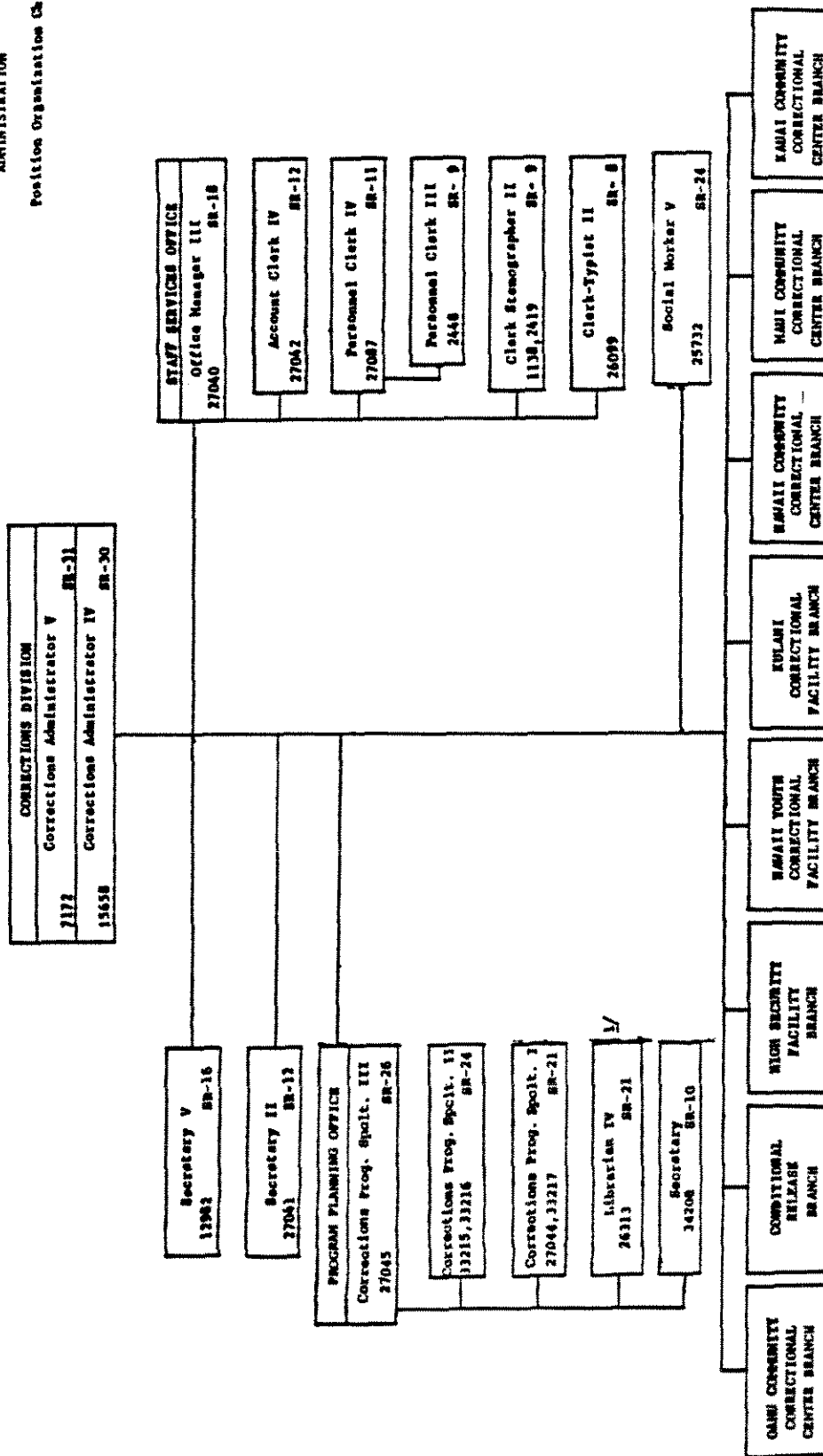
bIncludes 36 bed spaces at Hookipa

cIncludes 25 temporary bed spaces.

# EXHIBIT 3

## STATE OF HAWAII DEPARTMENT OF SOCIAL SERVICES AND HOUSING CORRECTIONS DIVISION ADMINISTRATION

### Position Organization Chart



1/ Pos. No. 26313, Librarian IV is budgeted in SOC 493 (Program Planning Office) and is responsible for the Statewide Corrections Library Program, as well as the Oahu Community Correctional Center Branch library functions.

## CURRENT ORGANIZATION OF CORRECTIONS

though the responsibilities of the Corrections Division had greatly increased with the transfer of the county jails to the Corrections Division. Moreover, the planning positions were made possible through Law Enforcement Assistance Administration funds and were not authorized as permanent positions until July 1, 1981. The Division was not authorized to hire permanent staff until 1982. Today, the Corrections Division administrative office has a total of 25 positions, but this increase in staff occurred only within the past few years.

From 1973 through 1980, the administrative office concentrated its efforts on the construction of new facilities because of the unexpected rise in inmate population. During the past year and a half, however, the administrative office has been attempting to increase its oversight of the activities in the branches, to provide more meaningful services to the branches, and to obtain more uniformity of basic operations. The Corrections Division administration staff was recently expanded to include the Institutional Facilities Superintendent, Correctional Industries Manager, and two adult corrections officer trainers which were previously under the Oahu Community Correctional Center and Halawa High Security Facility.

The Corrections Division administrative office recently completed its "Plan for the 80's" which identifies the division's goals and objectives, articulates its operating philosophy and major programs, and identifies the resources required to carry out its programs. This planning instrument is the first plan the Corrections Division has had since the adoption of the Master Plan. One difficulty encountered by the Corrections Division administrative office in its efforts to centralize programs and services under its direct control is the hesitancy of some of the branches to relinquish the freedom to operate independently that they inherited as a result of no overall plan or direction from the administration in the mid-seventies.

The Halawa High Security Facility is the maximum security facility for the State's most dangerous inmates. The Halawa High Security Facility has a ninety-bed capacity<sup>1</sup> and a total staff count of 150 positions. While the Halawa High Security Facility does have periodic staff shortages, especially in the adult corrections officer positions, its problems with staff turnover are not as great as with the Oahu Community Correctional Center. Included in the Halawa High Security Facility organization is a staff services office which includes an office manager, a receptionist, clerk typist, account clerk, and personnel clerk to process all the facility's paper work. The Halawa High Security Facility also has a Support Services Section and a Program Control Section.

The Oahu Community Correctional Center is the largest correctional facility of the Corrections Division. The inmate population is over 1,000 and the total staff position count is 473. The Oahu Community Correctional Center, like the Halawa High Security Facility, has its own staff services office, but because of the number of employees and inmates at the Oahu Community Correctional Center, it has a total of nine positions, including an office manager, identification officer, three account clerks, a personnel clerk, a clerk typist, a clerk-steno, and a receptionist. The Oahu Community Correctional Center also has a Support Services Section and a Program Control Section. Being the largest state correctional facility, the Oahu Community Correctional Center has the most serious problems with respect to

## DEPARTMENT OF CORRECTIONS FOR HAWAII

overcrowding of its inmate population, high staff turnover, staff recruitment and training, adequate inmate programs, and staff overtime.

The **Kulani Correctional Facility** is a minimum security facility for felons which is located on the slopes of Mauna Loa in the County of Hawaii. Kulani was first established as a farm and work camp operation in the 1940s but since the inmate population began a steady decline in the sixties, there were fewer inmates to run the camp's various operations and the number of activities slowly decreased. When the Master Plan was adopted in 1973, the demise of the Kulani Facility was among the many recommendations, and since the facility was expected to close its doors, only minimal funds for maintenance and personnel were allocated to Kulani and the facility was allowed to deteriorate. Unfortunately, the inmate population trend reversed itself in the mid-seventies and Kulani remained open to temporarily accommodate the overflow until the new Master Plan facilities were completed. Even after the new facilities were completed, the inmate population was still increasing and the Corrections Division finally made a decision in 1981 to retain Kulani on a permanent basis. Kulani's role in the correctional system, however, is still unclear.

Today, Kulani has a potential capacity of 120 inmates, but it can only accommodate about 90, because of problems with the water supply. Other problems that require attention before the facility's population increases are the deterioration of the buildings, equipment, and vehicles, the absence of a lock up capacity for isolating disciplinary or protective cases, and inadequate perimeter security. Currently, the facility has twelve worklines to which inmates are assigned from 7:00 a.m. to 11:00 a.m. before their lunch break. After lunch, the inmates are allowed to work in the craft shop during their free time between 2:30 p.m. and 10:00 p.m. where they can make koa wood products which go on sale at the facility's store with the inmates receiving 85 per cent of the profits.

Kulani has 53.83 authorized positions of which only three are clerical. Since Kulani is short-handed in clerical staff the social workers, operations supervisor, and the administrator all find themselves burdened with excess clerical work. Operationally and programmatically, Kulani cannot plan for its future until the Corrections Division's intent as to Kulani's role is made clear and the necessary funds to implement its role are allocated.

The **neighbor island community correctional centers** have relatively small bed capacities: 24 for Hawaii; 22 for Maui; and 15 for Kauai. Accordingly, the staff allocation for the neighbor island centers are smaller than that of the Oahu Community Correctional Center. The Hawaii and Maui centers each have a clerk-steno and an account clerk to process all the facility's paper work. The Kauai center only has a clerk-steno position to do all the clerical work, however, this clerk-steno position is of a higher class than those at the Hawaii and Maui centers.

The **Conditional Release Branch** is comprised of two conditional release centers: the Laumaka Conditional Release Center located in Kalihi, and the Kamehameha Conditional Release Center located in Kailua on the grounds of the Hawaii Youth Correctional Facility. The conditional release centers house only felons who are classified as low risk by the Corrections Division.



## CURRENT ORGANIZATION OF CORRECTIONS

Although the community correctional centers are overcrowded, the population at the conditional release centers is below capacity. The 1982 Legislative Reference Bureau report on the implementation of the Master Plan attributed this to the strong community opposition to the establishment of centers in their neighborhoods and the contention of the Corrections Division administration that there are less inmates today who can qualify for minimum security programs.<sup>2</sup>

The Hawaii Youth Correctional Facility is the facility responsible for the custody and care of male and female juvenile offenders. Also under the Hawaii Youth Correctional Facility is the Office of Juvenile Parole. When Hawaii was a territory the juvenile parole program was a separate division in the Department of Institutions known as the Division of Parole and Placement which was responsible only for juvenile parole. After statehood, juvenile parole became a separate branch under the Corrections Division, but was later transferred to the Division of Vocational Rehabilitation and Services for the Blind in January of 1975. Finally, in 1977, the juvenile parole program was transferred to the Hawaii Youth Correctional Facility.<sup>3</sup>

The Hawaii Youth Correctional Facility has a population of approximately 80 juveniles, of which 75 are boys and 5 are girls. While the Hawaii Youth Correctional Facility does not have an overcrowding problem, it is lacking in sufficient funds for programs for the juveniles and for physical plant improvements. During the period from 1974 to 1979, funding for the facility was minimal primarily due to the uncertainty as to its future under the Juvenile Justice Master Plan which was adopted in 1980. The problem, today, however, is more attributable to the fact that adult correctional programs are given a higher priority over juvenile programs by the policymakers of this State because of the critical nature of the overcrowding problems in the adult facilities.

The Hawaii Youth Correctional Facility maintains 130 heads of cattle and 200 pigs which are furnished to state institutions for consumption. The facility also has a small farming operation which serves primarily to keep the wards from being idle. The inmates of the Hawaii Youth Correctional Facility who are of mandatory school age, receive instruction from the Olomana School which is located on the grounds of the Hawaii Youth Correctional Facility but which is operated by the Department of Education. The Hawaii Youth Correctional Facility has a total of 91 staff positions, of which four positions are clerical positions responsible for the processing of paper work.

### Hawaii Paroling Authority

The Hawaii Paroling Authority is an autonomous body attached to the Department of Social Services and Housing for administrative purposes only. The Hawaii Paroling Authority board members are appointed to four-year terms by the Governor, with the advice and consent of the Senate, from nomination lists submitted by a special panel.<sup>4</sup> The chairperson serves on a full-time basis and the two other members serve on a part-time basis.

The major functions of the Hawaii Paroling Authority are to (1) set minimum sentences in cases where the statute does not provide a mandatory

## DEPARTMENT OF CORRECTIONS FOR HAWAII

minimum sentence term; (2) determine whether or not an offender should be granted parole; (3) provide supervision of paroled offenders; and (4) make recommendations for pardons to the Governor.

In addition to the three board members, the Hawaii Paroling Authority has a staff of nineteen positions to conduct its administrative and field supervision work. Of the 19 positions, one is split between one half-timer on Kauai and one half-timer on Hawaii. The field supervision staff conducts case investigations to assist the Hawaii Paroling Authority in making decisions on minimum sentences, parole release, and pardon recommendations to the Governor, and serves legal papers and notices for the Hawaii Paroling Authority. The major portion of staff time, however, is devoted to field supervision which entails assisting the parolee in developing a parole plan prior to release, and in making adjustments in the community, on the job, and with the family. The Hawaii Paroling Authority has a clientele of approximately 450 and the average caseload per parole officer is 20 cases.<sup>5</sup> The total operating budget for the 1980-81 fiscal year was \$399,926.06.

The current administrative location of the Hawaii Paroling Authority is not a problem insofar as its ability to carry out its duties and its relationships with other correctional and criminal justice agencies. With respect to the idea of combining probation and parole field supervision under one authority, the Hawaii Paroling Authority feels that consideration must be given to the fact that probationers are still under the jurisdiction of the courts while parolees are not. If a probationer violates the conditions of probation, the court can revoke probation and impose another sentence. When a parolee violates the conditions of parole, the Hawaii Paroling Authority can revoke parole and send the parolee back to prison. If probation and parole supervision are to be effective, it is important that the officers reflect the mood and intent of the decision-making arms and this may not be possible if both are under a line division under a separate department of corrections.

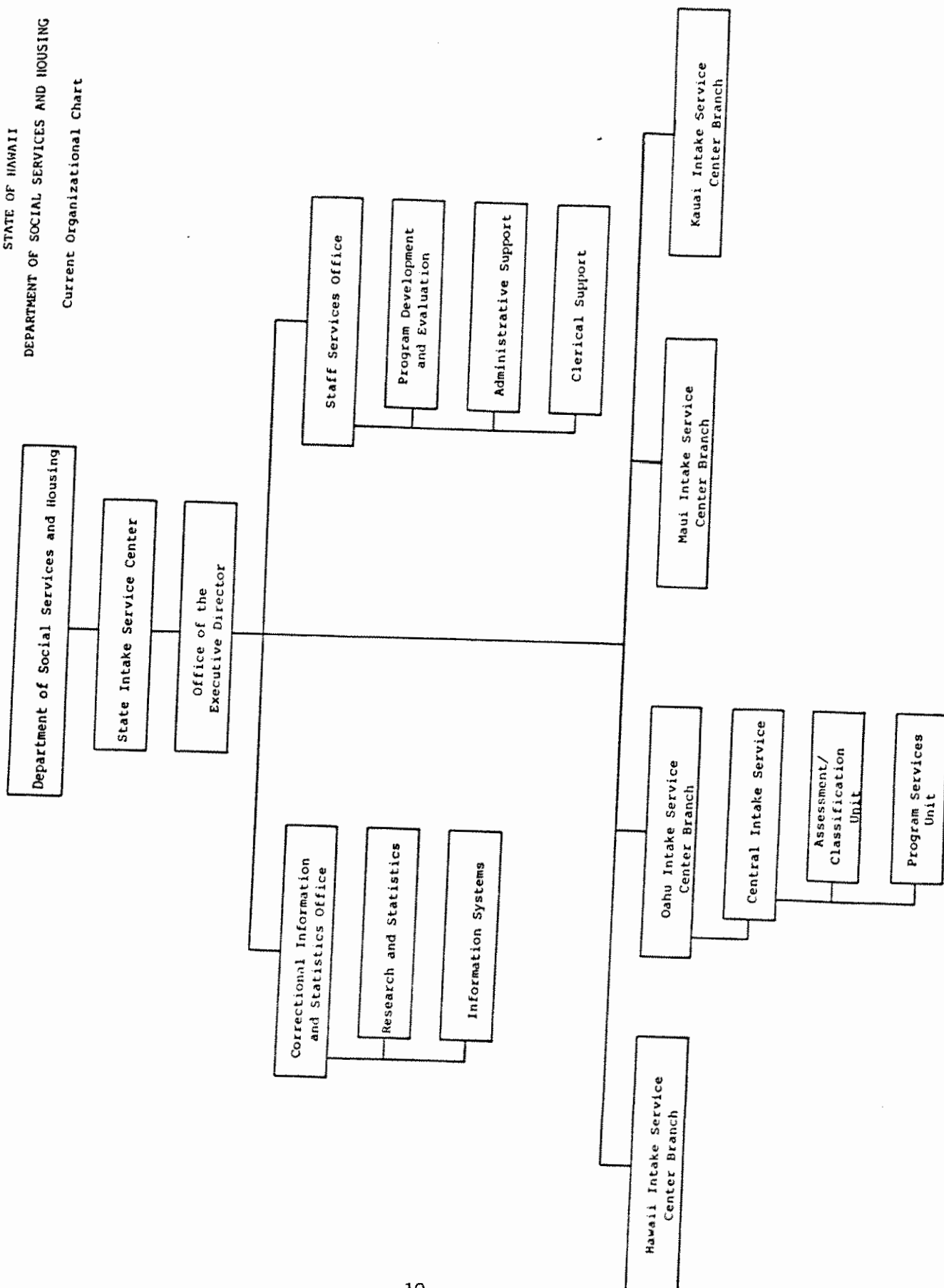
### Intake Service Center

The Intake Service Center is an autonomous agency which has been placed under the Department of Social Services and Housing for administrative purposes (see Exhibit 4 for the organizational structure). Act 179, Session Laws of Hawaii 1973, which established the Intake Service Center focussed on the direct offender contact service role of the Intake Service Center for both sentenced and not-sentenced offenders. The Intake Service Center, however, believes that the Master Plan and the legislature intended that it also effect a cooperative working relationship among the components of the criminal justice system and develop a comprehensive range of services for offenders throughout the criminal justice system and the community.

The Intake Service Center has a total of 51 permanent positions, and seven temporary positions. Of that number, 21 positions are in the Central Administration component of the Intake Service Center which consists of three offices: (1) the office of the Executive Director which is responsible for the uniform application of policies, procedures and practices of the Intake Service Center; (2) the Staff Services Office which is responsible for program planning and development, evaluation, administrative services, and clerical

# EXHIBIT 4

## STATE OF HAWAII DEPARTMENT OF SOCIAL SERVICES AND HOUSING Current Organizational Chart



# DEPARTMENT OF CORRECTIONS FOR HAWAII

support to the state Intake Service Center operations; and (3) the Office of Correctional Information and Statistics which is responsible for conducting research and statistical analysis for the Intake Service Center, the Corrections Division, and the Hawaii Paroling Authority, providing information systems support and quality control, maintaining central records archives for the Intake Service Center, the Corrections Division, and the Hawaii Paroling Authority, and verifying sentence calculations for corrections, parole, and criminal justice agencies.

Thirty positions are allocated to the Intake Service Center offender contact branch offices on Oahu, Hawaii, Maui, and Kauai that are responsible for the planning and control of all functions and activities within their respective counties. Specifically, the branches provide intake, assessment, and program/monitoring and supervision services to offenders within and outside the institutions, and provide liaison and coordination services with criminal justice and community agencies. A summary of the caseload activity of the branches is displayed in Table 3.

Table 3

## INTAKE SERVICE CENTERS CASELOAD

	<u>FY 1981-82</u>	<u>FY 1982-83 Estimated</u>
Pre-trial Investigations	4,992	5,127
Pre-sentence Investigations	513	528
No. Pre-trial Detainees Serviced	2,224	2,430
No. Pre-trial Persons on Supervision	1,076	1,308
No. Security Designation Forms Completed	1,926	2,850
No. of Release Interviews Conducted Within Correctional Facilities	1,795	2,765
No. of Intake/Screening Completed Within Correctional Facilities	3,332	3,455
No. of Intake/Screening Completed Outside Correctional Facilities	3,779	3,902

In addition to the 51 permanent positions, the Intake Service Center also has 7 temporary civil service positions that are distributed among the branch offices. For the 1983-85 fiscal biennium, the Intake Service Center is requesting that these positions be converted to permanent positions.

## CURRENT ORGANIZATION OF CORRECTIONS

The total operating budget for the Intake Service Center during fiscal year 1981-82 was \$1,285,347. For the 1983-85 biennium, the Intake Service Center is requesting a total authorization of 58 positions and operating funds of \$1,348,436 for fiscal year 1983-84 and \$1,371,202 for fiscal year 1984-85 for workload increases and improvements in information and statistics systems.

The Intake Service Center has reported that besides the need for more staffing, its major problems have been mainly in its functional relationships with the Judiciary and the Corrections Division. Much of this is attributed to the vagueness of Act 179, Session Laws of Hawaii 1973, which allowed both the Judiciary and the Intake Service Center to conduct pre-sentence investigations and brought on the struggle between the two agencies for control of this function. Currently, there is an agreement that the neighbor island Intake Service Center branches are to handle misdemeanor pre-sentence investigations and to assist the courts in processing additional workload. The two agencies are also involved in separate community service restitution projects for sentenced offenders. There is, however, an agreement that the neighbor island Intake Service Centers are to handle adult cases while the Judiciary is to handle adult cases on Oahu and all juveniles cases statewide. During 1981, there was substantial progress in communication between the two agencies that culminated in an agreement by the Governor and Chief Justice to transfer the Intake Service Center to the Judiciary. The Intake Service Center feels that should such a transfer occur, it would be in a better position to assume its coordinating role for criminal justice services as intended by the Master Plan.

With respect to its relationship with the Corrections Division, the Intake Service Center believes that there are some conflicting opinions as to each agency's responsibilities. The work on the development of the Corrections PROMIS system, a new management information system for the Intake Service Center, the Corrections Division, and the Hawaii Paroling Authority, has resulted in some progress in improving coordination and communication among these correctional agencies, but there are still some communication problems that perhaps can only be resolved with the passage of time or a change in personal attitudes.

### Correctional Functions in the Judicial Branch

#### Adult Probation

Adult probation functions in Hawaii are administered by the circuit courts. In the First Circuit, adult probation is handled through a separate unit, the Adult Probation Division, but in the other circuits adult probation functions are carried out by the family court staff.

**First Circuit** - The Adult Probation Division of the First Circuit is divided into two branches, one for pre-sentence investigations and the other for supervision. Approximately 67 per cent of all adult probation activity occurs in this circuit.<sup>6</sup> There is also a Special Services Section which administers the Interstate Compact Agreement for Parole and Probation by monitoring the movements of parolees and probationers entering or leaving the

## DEPARTMENT OF CORRECTIONS FOR HAWAII

State and processing all inquiries and requests regarding parolees and probationers.<sup>7</sup>

There are a total of 41 full-time personnel on the probation staff of the First Circuit who handle about 2,000 probationers on supervision and conduct about 800 pre-sentence investigations a year. The average supervision caseload is estimated to be around 134 an officer.<sup>8</sup> The operating budget for fiscal year 1981-82 was \$736,320.

**Second Circuit** - Adult probation services for Maui, Molokai, and Lanai are provided by this circuit through the Family Court. There are a total of 20.5 staff positions in this circuit of which 12 are probation positions. The average caseload for adult probation officers is about 227 an officer. The average caseload for juvenile probation officers is 70.4. The operating budget for the Family Court for fiscal year 1981-82 was \$404,102. During fiscal year 1981-82, this circuit handled 176 juvenile cases and 845 adult cases. It also conducted 238 pre-sentence investigations and 174 postsentence and courtesy supervision investigations.<sup>9</sup> (The Intake Service Center assisted the court by conducting a total of 279 pre-sentence investigations.)

**Third Circuit** - Adult probation services for the County of Hawaii are provided by this circuit through the Family Court. During the 1982 legislative session, a new Circuit Court for Kona was authorized, but until this circuit is operational, services will continue to be provided through the Third Circuit. There are a total of 23 staff positions in this circuit to cover both adult and children's services and the average caseload of probation officers was not available at the time of this writing. The operating budget for the Family Court for fiscal year 1981-82 was \$527,743.

**Fifth Circuit** - Adult probation services for the County of Kauai is provided by this circuit through the Family Court. There are a total of 7 staff positions in this circuit of which 5 are probation personnel. During fiscal year 1981-82, the Fifth Circuit processed 285 probation cases and conducted 150 pre-sentence investigations. (The Intake Service Center assisted the Fifth Circuit by conducting 216 pre-sentence investigations.) The monthly average caseload for adult supervision is about 55 an officer and for pre-sentence investigations, about 5 an officer. This circuit reported that adult investigation and supervision activity increased substantially during fiscal year 1980-81. The operating budget for the Family Court for fiscal year 1981-82 was \$200,494.<sup>10</sup>

# CURRENT ORGANIZATION OF CORRECTIONS

Table 4

## PROBATION PERSONNEL AND BUDGET

	<u>Positions in Probation</u> <u>(total position count)</u>		<u>Operating Budget</u> <u>(FY 81-82)</u>
First Circuit			
Adult Probation Division	41	(41.00)	\$ 736,320
Family Court	37*	(222.00)	4,461,825**
Second Circuit	12	(20.50)	404,102**
Third Circuit	(23)***		527,743**
Fifth Circuit	5	(7.00)	200,494**

\* Of the 37 probation officers who handle juvenile cases, 27 handle primarily law violation cases, while the rest handle primarily non-law violation cases.

\*\* Budgets are for entire family court; probation allocations not readily discernible.

\*\*\* This is the total position count for the family court; breakdown not available at the time of this writing.

## Juvenile Probation

The family courts are special divisions of the circuit courts that deal with matters pertaining to children and domestic relations. As provided under section 571- , Hawaii Revised Statutes, these courts have original jurisdiction over youths under 18 years of age who (1) have committed an act which constitutes a violation of any federal, state, or local law or municipal ordinance; (2) are neglected; (3) are subjected to abuse; (4) are deprived of educational services; (5) are beyond the control of their parents; (6) are not attending school as required by law; and (7) are in violation of curfew. The courts also have exclusive jurisdiction over adults in criminal offense cases such as desertion, abandonment, or failure to provide support; criminal offenses committed by parent or guardian against a child; and criminal offenses against a spouse. The courts also handle civil matters for adults dealing with annulment, separation, divorce, custody, and support proceedings; domestic violence cases; and institutional commitment of mentally ill or defective persons.<sup>11</sup> The courts also operate two detention homes, one on Maui and one in Honolulu for juveniles in need of protection as well as for juveniles awaiting disposition of their cases.<sup>12</sup>

Probation supervision of law-violators is only part of the total children's programs and services provided by the family courts. In the First Circuit, there are a total of 183 positions in the family courts and of that number,

## DEPARTMENT OF CORRECTIONS FOR HAWAII

approximately 37 social worker positions are devoted to probation supervision (see Table 4). It should be noted that these social workers may not be used exclusively for juveniles who have been charged with law violations since the responsibilities of the family court are so extensive. In the other circuits, the small size of the family court staff requires that social workers handle various types of cases so it is impossible to ascertain the number of positions that are devoted to servicing law violators.

Probation has been the focal point of debate when discussing corrections in Hawaii over the past few years because the Intake Service Center which is also conducting pre-sentence investigations, has been trying to assume the entire pre-sentence investigation function as it believes was the intent of the Master Plan. This transfer has been vigorously opposed by the Judiciary because some judges feel more secure with having judiciary staff performing the pre-sentence investigations and the probation staff appears to prefer being under the Judiciary where they are under a separate personnel system from the executive branch. Moreover, the probation administrators have expressed the fear that if probation is placed under the executive branch with parole supervision, funding will be even more difficult. The Judiciary has its own budgetary process similar to that of the executive, but it is less complex because there are fewer agencies than the executive branch. The probation offices presently have good leverage in negotiating for budget increases and while they feel that their major problem is insufficient funding for staff, they believe that had they been under the executive branch, they would not have been as successful in getting what they now have. There may be some merit in this argument because in the past few years, high priority in the corrections budget requests in the executive branch has been for statutory mandates and health and safety matters, i.e., construction of decent and adequate facilities, and the hiring of additional security personnel. Programmatic personnel, which would include social workers, have been assigned a lower priority. Thus, if probation was under the executive branch, funding requests for additional probation officer positions might have been given a lower priority than other health and safety requests.

It should be noted that during the 1982 legislative session, in an attempt to resolve the conflict between the Intake Service Center and the Judiciary over the pre-sentence investigation function, the Governor and the Chief Justice had agreed to the transfer of the Intake Service Center over to the Judiciary. An administrative bill to effectuate the transfer was introduced and passed third reading in the House of Representatives, but it was amended in conference committee to provide only for the abolishment of the Intake Service Center policy board.<sup>13</sup> The Judiciary still maintains its position on the Intake Service Center transfer, and believes that consolidating the Intake Service Center operations with the probation operations under the Judiciary would be a more sensible approach than to transfer probation to the executive branch. It has been brought to our attention that similar transfer legislation will be introduced during the 1983 legislative session. The Judiciary believes that no structural reorganization that transfers probation functions to the executive branch should occur unless there is strong evidence that probation services will improve with the change, and thus far it feels it has not heard any convincing arguments. It has been argued, however, that pre-sentence investigations could be conducted more expeditiously if handled by the Intake Service Center.



## DEPARTMENT OF CORRECTIONS FOR HAWAII

Other than the past struggle with the Intake Service Center regarding the pre-sentence investigation function, the Judiciary does not have any problems in communicating with other criminal justice agencies. In fact, the Judiciary considers its relationships with other agencies good to excellent although there is room for improvement on the expeditious sharing of information with the police.

### Agency Relationships

The four components in Hawaii's correctional system, the Corrections Division, the Intake Service Center, the Hawaii Paroling Authority, and the probation divisions of the Judiciary, are all subject to different authorities. The Corrections Division is directly answerable to the Department of Social Services and Housing director and the Corrections Division administrator is appointed through the civil service system and has tenure. The Intake Service Center's executive director and the Hawaii Paroling Authority's Chairperson are both appointed by the Governor, although the Hawaii Paroling Authority's chairperson requires Senate consent. Both positions serve at the Governor's pleasure and are answerable to the Governor. The probation administrators of the four circuits are answerable to the Chief Justice.

This arrangement of agency authority requires cooperative efforts of the independent authorities in order to achieve coordination within the system. No one agency can direct another agency to take any action. At the present time, the Department of Social Services and Housing has a public safety committee wherein the heads of all the Corrections Division, the Intake Service Center, and the Hawaii Paroling Authority periodically meet to discuss their operations and to seek amenable resolutions to coordination problems. At a higher level, the Governor has a criminal justice planning committee which includes representatives from all criminal justice components. Coordination problems among levels and branches of government, i.e., between the Judiciary and the Intake Service Center, can be addressed at this forum which meets periodically and annually proposes suggested legislation to the Legislature.

## Chapter 4

# PROBLEMS WITH THE PRESENT CORRECTIONAL SYSTEM

### Absence of a Viable Master Plan for Corrections

Correctional systems throughout the country are currently experiencing difficult times, and Hawaii is no exception although, relatively speaking, Hawaii's problems are not as severe as those of other states. Despite the fragmentation of authority over the four correctional components mentioned in chapter 3, coordination among the components in Hawaii should not be a problem since the State is small. Corrections and criminal justice administrators are all well acquainted with each other and there are frequent forums to openly discuss problems. The Master Plan, which was based on a coordinated approach hinging on voluntary cooperation, however, has failed to achieve coordination and the agencies continue to operate independently.

The Master Plan is a correctional plan that was developed from a criminal justice perspective on the premise that corrections is part of the larger problem of crime and is affected by the actions of criminal justice agencies. Accordingly, the Master Plan required comprehensive changes in past practices and agency relationships throughout the entire criminal justice system as well as the construction of modern correctional facilities. The Legislative Reference Bureau review of the Master Plan implementation indicated that the Master Plan's failure was not due to the concept being inappropriate. Rather, the report attributed the failure to the (1) absence of a clear statement of a statewide correctional policy with accompanying standards and goals; (2) lack of a functional plan with clear role definitions for each criminal justice agency in the operations of the correctional system; and (3) absence of commitment by the criminal justice agencies to accept and implement the Master Plan.<sup>1</sup>

The implementation of any new organizational structural plan will also be hampered by the same factors unless the agencies can agree on clear policies and standards and goals to guide criminal justice agencies in their operations which affect the correctional system. Without the articulation of correctional policies and standards and goals, there can be no viable implementation plan. Without a viable implementation plan, the problems of coordination and duplication of efforts cannot be alleviated as the criminal justice agencies will persist in operating autonomously with an "agency orientation" rather than a "systems orientation".

### Overcrowded Facilities

Faith in the Master Plan diminished at an increasingly faster rate when the State's inmate population unexpectedly surged over the State's facility capacity and the Master Plan was a convenient scapegoat for the State's unpreparedness. The modern facilities called for by the Master Plan were inadequate to accommodate the numbers and types of inmates that were filling up new bed spaces as soon as they were available. The Master Plan projected very low populations consisting mainly of less serious offenders

## PROBLEMS WITH THE PRESENT CORRECTIONAL SYSTEM

serving short prison terms and who could be furloughed for educational and work activities. The reality today, is that there are more than 700 felons whose average minimum sentences far exceed the 16-18 months projected by the Master Plan. The Corrections Division is unable to adequately program for this group because of lack of appropriate residential and activity space and other resources.

Since the Master Plan was adopted in 1973, there has been a perceptible shift in the public's attitude toward criminals, and the Legislature, the Judiciary, and the Hawaii Paroling Authority have responded to the public's get-tough mood. Sentencing practices have become more stringent with increased use of incarceration as a sentence, increased mandatory minimum sentences, longer minimum terms set by the Hawaii Paroling Authority, and a lesser number of paroles granted upon completion of the minimum terms. As a result of stricter sentencing practices, more incarceration space, security personnel, and operating expenses are required to accommodate the population increase. Alleviation of the overcrowding problem has been the number one priority in the Corrections Division in recent years, however, its efforts have been hampered since it has no control over the ingress and egress of its inmate population and it cannot construct facilities fast enough to accommodate the steady population increase.

Overcrowdedness in the new facilities and the old cellblock and lack of sufficient activity space resulted in increased tension among idle inmates and stress among the adult correctional officers. Periodic riots, increased vacancies for adult corrections officer positions, a national call for minimum bed space standards, and increased pressure from the public and politicians, diverted Hawaii's correctional planning efforts from a programmatic emphasis to a security emphasis.

### Insufficient Resources

The emphasis on security has resulted in the highest priority in the Corrections Division going to the construction of additional facilities and bed space and the hiring of additional adult corrections officers. The overall corrections budget, which includes the Intake Service Center and Hawaii Paroling Authority budgets, has been greatly affected by these priorities because of the present fiscally austere times. Other programs in corrections have had to go on year after year with inadequate or no funding because security requirements were allocated most of the corrections share of the budget.

The budgetary needs in corrections are boundless. To be effective, a correctional system must have a balanced overall program that encompasses security, program activities, management efficiency, employee training, system planning, and coordination among other correctional and criminal justice agencies. All of these components have cost factors. In addition to the usual cost increases associated with additional inmates, facilities, and adult corrections officers, the Corrections Division and the Intake Service Center have been requesting more social work and support personnel and an efficient automated management information system in order to effectively accomplish their mission and goals. Many such requests, however, which are considered

high priority from the programmatic standpoint cannot achieve approval at the Department of Social Services and Housing and Department of Budget and Finance budget review levels.

The state budgetary process involves the initial planning of budgets at the program or unit levels for submission to the division level. The division then compiles all budgets and establishes divisionwide priorities which are then submitted to the department for review. The department compiles all the division budgets and establishes overall departmental priorities. Finally, the department submits the budget to Budget and Finance where all departmental budgets are reviewed and overall state priorities are set based on the Governor's program priorities and statutory mandates.

The Corrections Division has been unhappy with this budget planning process, because it feels that the Department of Social Services and Housing has not allocated the budget equitably in terms of overall priority. The Department of Social Services and Housing maintains that other programs such as public welfare are in financial trouble because of federal cutbacks and new funding conditions that have sanctions tied to them if the conditions are not properly met by the State.<sup>2</sup> As a result, while the security aspects of corrections is a high priority within the entire department, the other corrections budget requests must take a back seat to other priorities such as adequate staffing, to meet the welfare division's needs for processing claims and meeting federal reporting requirements in order to prevent any future loss of federal funds. During fiscal year 1981-82, the Department of Social Services and Housing operating budget was \$362,408,077, of which \$22,954,808, or 6 per cent was attributable to the Corrections Division, Intake Service Center, and Hawaii Paroling Authority. Approximately 35 per cent of the department's total personnel requirements are assigned to the three public safety agencies (see Chapter 3, Table 1). It must be remembered that the Public Welfare Division's budget is large because it provides financial assistance to its clients.

Even if the Corrections Division's budget requests survive the Department of Social Services and Housing review, they would still be subject to being reduced at the Budget and Finance review. In its review, Budget and Finance will generally allow for current service appropriations plus an inflation factor, and where there are budget increases, the justifications provided by the departments or divisions weigh heavily in the decisions on overall statewide priorities. Budget and Finance noted that even if the departments establish their priorities, if it does not agree with the priorities it may make changes. The tighter the money situation, the stricter Budget and Finance is on justifications by requiring more supporting data from the department.

### Administrative Services

Being under an umbrella department means that the Corrections Division, Intake Service Center, and Hawaii Paroling Authority must rely on the Department of Social Services and Housing staff services offices for personnel, fiscal, budget, and other administrative needs. The staff services offices of the Department of Social Services and Housing are the (1)

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Administrative Services Office; (2) Personnel Office; (3) Information Systems Office; (4) Program Evaluation Office; and (5) Research and Statistics Office. Most Corrections Division administrators who were interviewed expressed concern that while the current departmental administrative staff offices have tried to provide good service to public safety components, public welfare needs are regarded as a higher priority.

A review of the historical development of the Department of Social Services and Housing sheds light on this concern. When Hawaii was a territory, the public welfare programs were under a separate department called the Department of Public Welfare and corrections was just a small division under the Department of Institutions. When the new Department of Social Services was created following statehood, all the personnel from the former administrative staff offices of the Department of Public Welfare were transferred to the new department. This was not considered a problem at that time because the administrative needs of the corrections components in the Department of Social Services and Housing were minimal. But since the adoption of the Master Plan when all correctional facilities fell under the jurisdiction of the Corrections Division, the Intake Service Center was created, and the number of inmates and staff soared, the administrative needs of the correctional components, especially the Corrections Division, have multiplied.

Corrections administration today is more complex than it was ten years ago. Administrators, while primarily concerned with the operation of the facilities, must also cope with the grievances and civil rights of the inmates as well as the employees. Corrections in Hawaii is in a critical period with inmate overcrowding, inadequate programs for the inmates, high staff turnover, and inadequate staff training. There is much tension at the overcrowded facilities and, in such an atmosphere, it is essential to make expeditious decisions. In the processing of inmate and employee cases through the personnel office or in obtaining budget or fiscal assistance, the services of the Department of Social Services and Housing staff offices are not optimally effective or efficient because the analysts in the Department of Social Services and Housing staff offices are not attuned to the special needs and problems of the corrections field. There is heavy reliance on the Corrections Division staff services office staff and the clerical staff of the branches to provide required details.

The Corrections Division staff services office which is comprised of four clerical positions is responsible for the processing of all administrative matters for the branches within the division. The branches each have at least one clerical worker to initiate transactions through the Corrections Division. The staff services office then routes all transactions and requests through the Department of Social Services and Housing staff offices for analysis and approval. Because three levels of staff are involved, the entire process is slow and often information is lost in the translation between levels.

The Corrections Division staff services office is heavily burdened with directing much of its attention to the immediate day-to-day problems at the branches and is forced to set aside other routine matters. While the staff works closely with analysts from the Department of Social Services and Housing staff offices, there is no coordination or control of the routing of

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forms and the Corrections Division has problems in keeping abreast of the latest status of transactions such as the filling of vacancies, overtime claims, and worker's compensation claims. Since the departmental staff offices have to service all divisions within the department, the Corrections Division must wait for responses and this results in a delay in transactions for the branches.

Much of the time the branches are kept waiting concerning the final dispositions of the transactions they initiate. Some branches claim there is duplication of efforts at the three staff levels and that it would be less confusing and faster if they were able to deal directly with the departmental staff offices rather than having to go through the Corrections Division first. The Corrections Division maintains that a more effective approach would be to add analyst positions to the Corrections Division staff services office so that it can act immediately on transactions rather than having to check with the departmental staff offices.

To date, most of the services to the correctional agencies have been rendered by the Administrative Services and Personnel Offices. The Department of Social Services and Housing has reported that out of the 154 positions within the 4 staff offices, there are only 4 identifiable positions that provide exclusive services to corrections. However, it is estimated that about 19.6 positions provide services to corrections on a part-time basis. While the Intake Service Center and the Hawaii Paroling Authority have maintained that the services from these offices have been adequate, the Corrections Division, which accounts for 92 per cent of the department's public safety budget, contends that its needs are not being fully met nor given the continuous attention and priority warranted by corrections. The staff offices dispute this contention claiming that corrections has been given priority in emergency situations but the real problem is that corrections always appears to be in a crisis situation and the staff offices cannot devote their full time to corrections needs as they must provide services to the rest of the divisions within the department. It is also argued that transactions sometimes get delayed because the staff offices must wait for approval from other departments such as Budget and Finance and Personnel Services. The Corrections Division, on the other hand, feels that if it was given continuous priority service from the staff offices it might be in a better position to avert frequent crisis situations.

### Role of the Intake Service Center

The Legislative Reference Bureau review of the Master Plan found that the creation of the Intake Service Center has been the root of many of the problems now confronting the correctional system. The reason is that while the Master Plan was not clear about the specific functions of the Intake Service Center, it did intend that the Intake Service Center assume a coordinating role in the criminal justice system in order to efficiently process offenders who enter the system. The relationships between the Intake Service Center and the other criminal justice agencies, however, were never clarified, and there is disagreement among the criminal justice agencies as to the proper role of the Intake Service Center vis-a-vis themselves. This disagreement is not surprising as it was expected that there would be a

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certain amount of resistance to the Intake Service Center's role because it would be assuming functions that were previously being performed by existing agencies as well as expanding and implementing new services. As a result, there is duplication between the Intake Service Center and the Judiciary in the pre-sentence investigation function and community service restitution projects and problems between the Intake Service Center and the Corrections Division regarding the responsibility for non-custodial functions for not-sentenced persons detained in correctional facilities.

This problem has been compounded by the austere fiscal period the State has been experiencing. The rivalry has intensified since some agencies feel that the Intake Service Center duplicates the ongoing efforts of other agencies and that limited fiscal resources would be better spent if there were no Intake Service Center to contend with. The Intake Service Center has displayed admirable perseverance despite the differences generated from certain segments of the criminal justice system and has expanded its operations substantially since it was established in 1976. The continued existence and its role vis-a-vis the other correctional and criminal justice agencies are still nagging issues that must be resolved before the Intake Service Center can progress into areas beyond the pre-trial phase as envisioned by the Master Plan.

### Information Systems Coordination

Most of the problems concerning coordination and duplication of efforts among correctional agencies could be alleviated if the criminal justice system had an adequate and operational information system to link all component agencies. Unfortunately, information automation in the system is still in the infant stage. There is a Criminal Justice Data Center that was initially established by a Law Enforcement Assistance Administration grant for the purpose of creating a repository for the disposition of all criminal history records of the criminal justice system.<sup>3</sup> Chapter 846, Hawaii Revised Statutes, requires every criminal justice agency to report the disposition of cases "as promptly as feasible but not later than ninety days after the happening of an event which constitutes a disposition". An impediment to the Center's operations, however, has been the lack of timely and consistent compliance to this reporting requirement. As a result, the information collected by the Center is not as useful to criminal justice agencies as was intended by chapter 846, Hawaii Revised Statutes.

The Center attributes the problem to an overall lack of adequate funding and computer time for a comprehensive data processing system for criminal justice agencies. In order for a statewide criminal history record system to be effective, all components must have an information management system that interfaces with the Center to allow for the sharing of certain common data among the criminal justice agencies. There should also be adequate computer time to accommodate the twenty-four hour operations of the criminal justice system. Currently, only the Honolulu Police Department and the prosecutors of certain counties have such management systems. The Intake Service Center is in the process of developing a system for the correctional agencies under the Department of Social Services and Housing, and the Judiciary has a system that has not been fully developed.

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Both the Intake Service Center and the Judiciary contend that the major stumbling block to the development of their information management systems has been obtaining approval from the State's Electronic Data Processing Division for the funding and computer services. Since the Electronic Data Processing Division is the policymaking body for state data processing needs, everything must be cleared through it. Because there are numerous agency needs throughout the State and limited computer time and personnel and fiscal resources, all data processing needs are prioritized by the Electronic Data Processing Division, as in the case of the Executive Budget. According to a report by the Chamber of Commerce, out of 50 Electronic Data Processing Division computer priorities, only two are criminal justice system priorities.<sup>4</sup>

The Honolulu Police Department already has its own computer that operates on a twenty-four hour basis and is reluctant to rely on the Center's system because the Center uses the Electronic Data Processing Division's computer which closes down every day for a few hours and is used almost completely for other purposes on election days and during payroll periods.

### Staff Recruitment and Retention

A career in corrections is not attractive since it entails working with convicted criminals who are perceived as intimidating or dangerous. The stressful conditions in the overcrowded facilities have made corrections work even less palatable. Recruitment, especially for adult corrections officer positions, is an ongoing process since new vacancies occur as fast as others are filled. The need for adult corrections officers is so critical in some facilities that new recruits are placed on the job with minimal training. Many new recruits quit or transfer to another, more attractive job because they are unable to cope with the daily fears and frustration of working in the prison community or because they feel there is no future for career advancement.

Corrections administrators contend that a career-ladder for correctional workers coupled with a solid training program would provide valuable incentives for prospective adult corrections officers and social workers to enter the corrections field. As one administrator noted, if only a small segment of the work force is willing to enter the corrections field, there should be adequate incentives to retain those that are hired. Under the present personnel system, formal education is required for administrator positions, and experience as a correctional worker cannot be substituted for educational requirements. Consequently, those who are seeking a corrections career and are willing to start at the bottom are discouraged from remaining in the system. It was brought to our attention that the Personnel Office of the Department of Social Services and Housing is currently reviewing the requirements for administrator positions.

A restructuring of the personnel system to formulate a career-ladder could also help to develop a compensation scheme for correctional workers which would be more equitable and reflective of the unique nature of their work. Furthermore, with a career-ladder, a comprehensive training program geared to professionalism in the field of corrections could be developed to provide new recruits with the necessary tools to better cope with the working



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conditions of the prison community and to instill pride and professionalism in their work.

Corrections administrators claim that past attempts to change the personnel policies concerning correctional workers have been futile. While the Department of Social Services and Housing administration has not opposed this idea, it has not considered it a priority and thus, very limited efforts have been exerted in developing a proposal to present to the Department of Personnel Services for consideration. The corrections administrators who actively support the career-ladder concept contend that this kind of administrative matter would probably be afforded closer attention under a separate department of corrections.

## Chapter 5

# THE DEPARTMENT OF CORRECTIONS CONCEPT

### Part I The Unification Movement

The field of corrections developed in a fragmented fashion with each component--prisons, probation, and parole--introduced independently of each other as a new approach to the problem of controlling criminal behavior. Because of such fragmented development, corrections components in many states today remain independent and correctional systems have been frequently referred to as a "non-system". This heritage has resulted in a traditional acceptance of limiting the operational boundaries of correctional responsibility to the time span between sentencing to institutional custody and release. What occurs prior to sentencing is generally perceived as responsibilities of the legislative bodies, police, courts, and probation and what occurs after institutional custody is regarded as the responsibility of parole.<sup>1</sup> Recent efforts to reorganize correctional systems in the United States have attempted to change this "non-system" arrangement of correctional agencies by consolidating agencies with related functions to achieve better use of resources and efficiency.

The impetus for establishing a separate department for corrections came in 1967 when the President's Commission on Law Enforcement and Administration of Justice advocated unification of the fragmented corrections delivery system. Study groups and professional associations began to issue formal recommendations, standards, and legislation for various unification models. When the National Advisory Commission on Criminal Justice Standards and Goals issued its comprehensive report in 1973, the movement for unification was intensified but the diversity of organizational models still persisted.

The National Advisory Commission on Criminal Justice Standards and Goals<sup>2</sup> called for complete unification of correctional services to be administered by a statewide agency qualified only by a caveat that while the unifications standard was applicable to most jurisdictions, there might be exceptions based on local conditions or history which justified the separation of adult and juvenile services or pre-trial and post conviction services. The Advisory Commission noted that too often, organizational analysis begins with diagrams rather than a detailed analysis of the problem in terms of alternative functional groupings to meet previously specified objectives. The Advisory Commission further noted that corrections has an historical proclivity for fads and that calling for a simple unification of institutional care, parole, and probation into a state department of corrections has been a frequent suggestion. The Advisory Commission cautioned, however, that it is a delusion to believe that tinkering in organizational structure can alone effect the functional integration desired. Organizational change is not always the panacea for all operational problems and should be viewed from all perspectives to draw out possible implications of the proposed structural solution.

Part II  
Correctional Systems of Other States

Despite the cautionary statements by the National Advisory Commission on Criminal Justice Standards and Goals, its position on integration and unification seems to have induced a number of states into examining the possibilities for further integration and unification of correctional services. In 1977, the Council of State Governments' study on reorganization efforts of correctional systems revealed that, between 1965-1975, 42 states reorganized their correctional systems and of that number 29 did so twice. The two most dominant organizational structures at the time were separate departments of corrections and umbrella departments (human services or public safety).<sup>3</sup>

The placement of corrections under a human services umbrella reflects a correctional philosophy that corrections is a part of human services and has rehabilitative objectives. On the other hand, placement under a separate department of corrections or a public safety umbrella emphasizes a philosophy that corrections is unique among the human and social services and requires separation. While it appears that the size of the correctional system might influence the need for a separate department of corrections, there are instances of small corrections departments, i.e., Idaho, and of large corrections systems, i.e., Maryland and Wisconsin, that have remained under an umbrella department (see Appendix B).

Generally, the objectives of reorganization efforts to consolidate correctional programs were categorized by the Council of State Governments as (1) programmatic reform, (2) increased managerial effectiveness, and (3) enhanced political relationships.

Proponents for programmatic reform contend that consolidation results in (1) the development of a coherent and uniform approach to corrections, (2) increased professionalism, (3) greater program innovation and development, and (4) improved service delivery. Reorganization to increase managerial effectiveness is based on the assumption that consolidation increases economy and efficiency and the ability of the executive leadership to control and direct correctional activities. Those seeking enhanced political relationships maintain that structure has major impact on political relationships since it affects the visibility and accountability of corrections.

For the purpose of this study, the Legislative Reference Bureau also conducted a survey of the states regarding more recent reorganization efforts. With responses from 33 states, the survey found that since the Council of State Governments' study, more states have established separate departments for correctional services. Currently, there are a total of 33 states that have a separate department for correctional services while there are only 12 states that have placed correctional services under an umbrella department.<sup>4</sup> Of the 12 states, Maryland is the only one that has a public safety umbrella while the remaining states have human service umbrellas. South Dakota and Wyoming have constitutionally established boards that oversee corrections, Nevada and New Hampshire have very fragmented operations with adult correctional facilities under a Department of Prisons and probation, parole, and juveniles under separate authorities, and Pennsylvania has a Bureau of Corrections under the Governor's Office.

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Within the broad departmental structures, there are many variations as to the correctional components that were consolidated. Of the 33 states with separate departments for correctional services, only Maine, Virginia, and West Virginia have jurisdiction of all correctional functions. Three states, Delaware, Minnesota, and New Mexico, are unified except for the juvenile probation functions. Although Vermont's Department of Corrections only handles adult functions, it has one of the most unified systems since the juvenile functions are under the Department of Rehabilitation Services which is also under the same Agency of Human Services as the Department of Corrections. Eighteen of the 33 states have adult facilities, probation supervision, and parole functions under the department, and 17 states have a separate department for juveniles. Nine states have only adult facilities and parole supervision under the department and in 4 states, the department is only responsible for adult institutions. Of the 12 states with umbrella structures, Montana and Oregon have consolidated all functions except juvenile probation (see Appendix C for placement of correctional functions in the 50 states).

The primary intent of most of the reorganizations was to consolidate correctional services that were previously scattered among two or more departments for better control and more consistent delivery of services among the different jurisdictions. In some instances, the components of the new department were the same components that were under the division level. Functional placement of corrections components usually followed the traditional pattern of agency location prior to reorganization, i.e., if probation was already an executive function, it would become a component of the new department, but if it were traditionally a judicial or local function, it would not be transferred automatically to the new department (see Appendix D). In a few states--Georgia, Ohio, and Wisconsin--functional transfers between branches or levels of government did occur. Most of the states could not specifically attribute any positive or negative changes that occurred as a direct result of reorganization. But many states indicated that the results were more positive than negative as the states cited more centralization, visibility, accountability, coordination, and professionalism with the establishment of a separate department. An exception was Ohio which experienced worse conditions after reorganizing into a separate department (see Appendix D).

While the Council of State Governments and the Legislative Reference Bureau surveys discovered the popularity of reorganization, they also found that there is no ideal structural model for correctional organization since there are numerous factors that must be considered by a state before a decision is made, such as the evolution of corrections in the state, the current political climate, the availability of fiscal resources, and the compatibility of the objectives and goals of the correctional system with that of the rest of the criminal justice system.

The Council of State Governments survey pointed out that structure has important implications for corrections in that the structure selected can affect priorities among programs, the resources available, and the accountability of administrators. The link between structural change and correctional programming, however, is tenuous and largely dependent on corollary factors such as new leadership, additional funds, appropriate personnel recruitment

## DEPARTMENT OF CORRECTIONS CONCEPT

patterns, and a supportive political climate. The Council of State Governments also noted that reorganization is a costly, time-consuming process which is more appropriate for dealing with broad-scale weaknesses in a state correctional program than for rectifying specific problems. The Council of State Governments' study concluded that determining which structure is best depends on the position of the decisionmakers and their objectives for corrections.<sup>5</sup>

## Chapter 6

### WEIGHING THE ISSUES FOR HAWAII

In considering any reorganization proposal in the corrections field, there are three basic functional issues that must be dealt with before a final decision is made. These issues are: (1) whether probation is an executive or judicial function; (2) whether juvenile and adult corrections should be separately administered; and (3) whether parole determination and supervision should be separately administered.

#### Probation - Executive or Judicial Function

Originally, probation was considered more as an alternative to correctional treatment and was therefore initially made available as a suspension of sentence. Later, several states created independent probation agencies contending that probation supervision was an executive and not judicial function. According to Daniel L. Skoler who has done extensive research in corrections, there is little dispute that the administrative separation of institutional services and community supervision (parole and probation) should be continued. There is disagreement, however, as to whether probation is a judicial or executive function and whether it should be controlled at the local or state level. Such disagreement stems from the fact that probation has historically been administered by the courts and the contention that the local, community-based character of probation warrants autonomy from central supervision and policy-setting.<sup>1</sup>

Skoler found that statewide probation systems existed in 26 states and several more featured a statewide structure but have independent local offices in major cities and communities. It is difficult to argue that the probation function must be placed with the courts as there are many correctional systems that have successfully integrated probation. On the other hand, the social history investigation or pre-sentence investigation function normally performed by probation staff is arguably a function that should remain with the courts since such investigation serves as vital input to the sentencing decision which is a judicial function.

Currently, there are 38 states that have adult probation supervision under the executive branch and, of that number, 34 also include the pre-sentence investigation function. Conversely, there are 10 states that have adult probation supervision under the judicial branch and 14 states that have retained the pre-sentence investigation function with the courts. Two states have probation systems operated by the counties. As for juvenile probation, the functions are in the judicial branch in 22 states, in the executive branch in 14 states, and under the counties in 8 states. Four states have probation functions split between the judiciary and the executive branch and 2 states have the functions split between the counties and executive branch (see Appendix C for placement of correctional functions in the 50 states).

## WEIGHING THE ISSUES FOR HAWAII

The National Advisory Commission on Criminal Justice Standards and Goals reported that those who favor the placement of probation in the judicial branch believe that: (1) probation would be more responsive to court direction; (2) the judiciary would have automatic feedback on the effectiveness of dispositions; (3) the courts would have greater awareness of needed resources; and (4) there would be an increase in the use of pre-trial diversion as courts, which have historically not been inclined to transfer authority, may set stricter limits on the discretion of nonjudicial personnel in releasing or diverting offenders. Those who oppose the placement of probation within the judiciary argue that: (1) judges are usually not equipped to be administrators; (2) priority is likely to be on services to the courts rather than to probationers; (3) probation staff may be involved in court work that is unrelated to probation; and (4) since courts are adjudicatory rather than service-oriented bodies, probation will be subservient to the court and will not develop an identity of its own.<sup>2</sup>

Supporters of placing probation in the executive branch argue that: (1) all other subsystems for implementing court dispositions of offenders are in the executive branch so better coordination and functional integration can be achieved; (2) opportunities for increased coordination, cooperative endeavors, and comprehensive planning with other human service agencies in the executive branch are increased; (3) more rational decisions about the best distribution of resources can be made; and (4) under the executive branch, probation administrators are in a better position to negotiate and present their budget requests since this role is not traditionally undertaken by the judiciary.<sup>3</sup>

The National Advisory Commission on Criminal Justice Standards and Goals concluded that, on balance, the arguments for placement under the executive branch were more persuasive, and accordingly, recommended that probation departments be included in a unified state correctional system.<sup>4</sup>

This issue on the placement of probation in government is the key to the decision concerning a separate department for Hawaii since most observers agree that without the inclusion of probation functions, reorganization may be impractical. In weighing this issue for Hawaii, the implications of the historic development of probation in this State and the fact that the judicial system is a unified system are unavoidable. The Legislative Reference Bureau report on the Master Plan noted that the issue of the transfer of probation functions, especially the pre-sentence investigation function, to the Intake Service Center was one of the major stumbling blocks to the full implementation of the Master Plan.<sup>5</sup> The Judiciary maintains that it was always opposed to such a transfer because its judges preferred to have their own personnel performing the services. Moreover, it is contended that the probation departments in Hawaii operate independently with the administrators, not judges, overseeing the daily operations. The judges do not have the time nor the desire to be administrators, and do concentrate on their adjudicatory duties. Also, the independence of the probation departments in each circuit discounts the possibility of probation staff being used for other judicial purposes other than probation functions.

While it is true that the consolidation of field supervision services under one authority in the executive branch would provide better opportunities for

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optimum resource allocation, it would not necessarily make funding acquisition easier nor assure program improvement. Since the Judiciary has a separate budget and personnel system from the executive branch, and it is not as large as the executive branch, probation departments are more likely to obtain their budget requests in the Judiciary than the executive branch.

As for the argument regarding better coordination of probation departments and human resource agencies, this is not a problem in Hawaii since there is much cooperation already present and, while there is room for further unification of probation services among the different circuits, there has been substantial improvement in standardizing practices since the National Council on Crime and Delinquency study on the Hawaii system criticized the fragmented and inconsistent practices.

Proponents for the transfer of probation to the executive branch have argued that probation is more properly an executive function and that there is a potential conflict of interest in having the courts which make sentencing decisions also have jurisdiction over post-sentence programs. On the otherhand, it is argued that probation, unlike imprisonment, is a tentative sentence which remains under the control and supervision of the sentencing judge throughout the period of probation. Accordingly, probation is more properly a judicial function and the probation officers should be employees of the judiciary. Proponents have also argued that since the parole officer's caseload is not as high as that of probation officers, a consolidation of field supervision services under the executive branch would facilitate a more efficient allocation of resources. Although it is true that the probation officer's caseload is much higher than that of the parole officer, the Legislative Reference Bureau could not find clear evidence that a transfer of probation functions, would substantially improve probation operations in the State.

In 1981, the Legislative Reference Bureau found that too much time and energy have been wasted on, and too many personality conflicts have developed from, this issue. The Legislative Reference Bureau recommended that the probation functions remain with the Judiciary so that the Intake Service Center could direct its attention to the pre-trial diversionary programs that need development. The Bureau maintains this position because it believes that until there is a clear corrections policy for Hawaii that will justify the need for total corrections unification, the differences and problems between the Judiciary and the executive branch will persist.

### **Consolidating Adult and Juvenile Programs**

The juvenile court process is a special proceeding involving civil and criminal principles and is specifically designed to determine the best interest of the child before the court. Proponents for separating juvenile from adult corrections maintain that juveniles must be protected from full exposure to the criminal justice system and physically separated from adult offenders. While it is acknowledged that these conditions could be met by establishing separate divisions within a single department, it is argued that juvenile corrections needs better visibility to obtain its fair share of the limited fiscal resources and there is concern that it might be subjected to the dominance of the



custody-oriented, non-progressive thinking that has characterized the past history of adult corrections in America. On the other hand, those in favor of consolidation, argue that decisionmakers would be better able to sort out priorities, resolve confusions about current investments of limited resources, and make more rational policy and resource allocation decisions among alternative programs with a unified department.

Of the 50 states, 28 states have juvenile corrections separated from adult corrections while 22 states have consolidated the two programs. In those states that have separate programs, juvenile programs are usually under a separate department for youth services or under a social service umbrella (see Appendix C). In Hawaii, the incarceration and paroling of sentenced juvenile offenders have always been functions of the same department that handles adult offenders. This combination has not been a problem philosophically since adult corrections in Hawaii is more progressive than other states and under the Master Plan adult corrections is oriented toward more community diversionary programs rather than incarceration. Recently, however, the adult corrections program has been experiencing serious problems, and juvenile programs have had lower priority in funding and personnel resource allocation. Any further consolidation is not likely to change this situation.

The Juvenile Justice Master Plan was enacted by the legislature in 1980 by the passage of Act 303, Session Laws of Hawaii 1980, for the purpose of creating an integrated system of relationships among juvenile justice system components and to clarify and codify the programs and services provided by juvenile justice agencies. To ensure optimum coordination among the agencies spanning boundaries of levels and branches of government, Act 303 created a Juvenile Justice Interagency Board of seven members representing the police, family courts, prosecutors, private social service agencies, Department of Education, public defender, and Department of Social Services and Housing. The Board is empowered to promote the implementation of the master plan and establish general policies for cooperation and coordination, uniform procedures, and an integrated information system.

The Interagency Board has expressed support for the establishment of a department of corrections only if the components include intake, probation, and parole as well as the institutional function. The Board's position is that if such a department is created, then serious consideration for the consolidation of juvenile and adult programs can be made. The Board is concerned, however, that the inclusion of all juvenile functions in an executive department would first require a complete evaluation and overhaul of the juvenile justice master plan concept which places heavy emphasis on the role of the Family Courts.

### **Parole Determination and Supervision**

There is general agreement among correctional experts that because of the quasi-judicial nature of parole determinations, parole boards should be independent from the corrections agency. There is disagreement, however, as to whether parole boards or the corrections agency should be responsible for parole field supervision. Advocates of the separation of the determination function from the supervision function maintain that in light of the similarity

of parole and probation supervision, better utilization of fiscal and personnel resources would result if the two functions are combined under one authority. Those in favor of board administration of parole supervision contend that such an arrangement facilitates a more consistent policy in dealing with the offender. Of the 50 states, the parole board administers parole supervision in only 10 states (see Appendix C).

Parole supervision in Hawaii has always been a function of the parole board. The Hawaii Paroling Authority believes that the greatest advantage of this arrangement is that the parole officers feel they have more leverage in keeping parolees in line. Field supervision is under the Hawaii Paroling Authority, where the parole officers set conditions for their parolees. When the conditions of parole are not met, the Hawaii Paroling Authority can then be expected to support the officers by revoking parole. The Hawaii Paroling Authority contends that having all parole functions under the same authority provides for more consistent and coordinated parole policies and programs.

It is reasonable to conclude that if parole and probation supervision in Hawaii were consolidated, there might be better utilization of fiscal and personnel resources as the parole supervision caseload is much lower than the probation caseload and probation is in need of more officers. On the other hand, this could also have the effect of weakening the effectiveness of the parole supervision program.

#### **Pros and Cons of Establishing a Separate Department of Corrections**

Proponents for establishing a separate department for correctional services in Hawaii have argued that such consolidation would increase the accountability of corrections administrators to the Legislature and the Governor, since it is easier to hold a single individual responsible for corrections decisions than numerous agency heads. Consolidation of correctional programs under one authority, it is argued, is likely to result in a more coherent and uniform philosophical approach to corrections as it would appear easier to obtain consensus and cooperation on program implementation and operational relationships than if all agencies were independent. A single authority could also provide better visibility for corrections which in turn could lead to increased leverage in budget negotiations.

One of the most frequently mentioned advantages of a separate department consolidating all correctional components is that the single executive would have the authority to deploy fiscal and personnel resources in a flexible manner throughout the department and there would be improved economy and efficiency in corrections operations. In support of this argument is the contention that Department of Social Services and Housing is too large and has too many different functional responsibilities to be effective in all areas. Another argument in favor of a separate department is that corrections programs would receive the focussed and continuous attention that they desperately need. An umbrella department cannot devote full and undivided attention to corrections because there are other programs that are equally important in fulfilling the department's mission.

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The retention of correctional personnel is an aggravating problem in corrections. While a large part of this problem is due to the stressful environment, it has also been suggested that the lack of career development opportunities also contributes to the inability to retain both adult corrections officers and social workers. The Corrections Division admits that it has been unsuccessful in its attempts over the years in obtaining Department of Personnel Services agreement to formulate a career ladder specifically for corrections personnel partly because it has not had the strong support of the Department of Social Services and Housing administration. A separate department could assign a high priority to this concept and devote the necessary time required to develop the concept. In conjunction with the career ladder development, it is probable that correctional personnel might have more pride in their profession and a more professional attitude might evolve.

Those against the establishment of a separate department are concerned primarily with the present fiscal conditions of the State. They argue that creating any new department at this time will not ensure successful program implementation because the problem of insufficient resources will still exist. It is also argued that under an umbrella department, administrative support services are provided at a lower cost to each program division because of economies resulting from size. In a time when agencies are vigorously fighting for more funds, creating a new bureaucracy is viewed as fiscally irresponsible.

A persuasive argument for placement under an umbrella department is the availability of additional emergency funds through the transfer of funds from other agencies within the umbrella department. This is an important factor because too many unpredictable factors such as shakedowns, riots, and the population level affect the corrections budget and it is difficult to accurately estimate annual costs. During the last fiscal year, approximately \$2 million from the Department of Social Services and Housing budget was transferred to the Corrections Division to cover unanticipated overtime costs for adult corrections officers. If there were a separate Department of Corrections, it would not have a sufficient pool of resources from which to transfer emergency funds and would have to seek approval from the Governor and the legislature for supplemental funds.

Proponents for retaining the present structure also argue that in recent years, the Department of Social Services and Housing has directed more of its departmental staff resources to the public safety components, especially the Corrections Division, and that the problem lies in the management of the Corrections Division operations, a lack of an adequate divisionwide program plan, and lack of sufficient resources at the departmental level to render more full-time staff services.

Another argument is that the umbrella administrative structure serves as a buffer to direct political pressures from the Governor, the Legislature, and the public and provides needed lobbying support. Under the present umbrella structure, the Director must face the Governor and the Legislature in defense of the correctional program's request for additional funds. The department's information officer prepares official public statements for the

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corrections agencies and responds to the pointed questions and criticisms from the media.

Finally, it is contended that while there is need for a more coherent and uniform philosophical approach to corrections, the best way to achieve this is through the establishment of clear policies, standards, and goals, and not through a costly reorganization. Until this underlying problem is addressed, a change in organizational structure will not be effective.

## Chapter 7

# CONCLUSIONS

### Part I Findings

Experts in organizational structure have repeatedly emphasized that structure is but one determinant of organizational design and effectiveness. There is no one best way to organize, and not all ways of organizing are equally effective. There are many variables that must be considered in formulating an equation for optimum organizational performance.<sup>1</sup> Among these variables are the historic development of correctional functions and their placement in government, the political climate, the size and demography of the state, and fiscal resources. The Council of State Governments noted that although the creation of a single corrections agency has been strongly advocated, the achievement of this goal has been difficult because "...consolidation of corrections services is not simply a matter of bringing together a group of separate agencies with common objectives. There are significant public policy differences among corrections agencies that have kept them organizationally distinct over the years. Many efforts at consolidation have foundered on these policy differences."<sup>2</sup>

Theoretically, the advantages of establishing a separate department outweigh the disadvantages; but the practical considerations render the proposal inappropriate for Hawaii at this time. For Hawaii, most corrections administrators agree that establishing a separate department for corrections would only be worthwhile if the pre-trial and pre-sentence services, intake, custodial care, probation supervision, and parole supervision functions are consolidated within the department as line divisions, with only the parole determination function under an autonomous administratively attached agency. The historical development of corrections in Hawaii has implanted an attitude of independence among correctional agencies and until there is a change in this attitude, there will be vigorous opposition to this type of department. On the other hand, while the correctional functions are fragmented among the various independent components, there is considerable coordination and cooperation among the correctional agencies, especially at the line levels. This is possible because Hawaii is a small state which is very centralized. Corrections and other justice administrators periodically meet in forums and are very attuned to the problems and needs of each other's operations. While there is a need for better coordination, the root of the problems in relationships among agencies appears to be the competition for the State's limited fiscal resources.

The Bureau did not conduct a detailed cost analysis, but it is obvious that creating a new department will be costly at the onset since funds would be required to establish staff services offices for the department, and for additional office space, equipment, and supplies. Based on the existing number of approximately 1,100 staff positions and an estimated budget requirement of more than \$25 million for all the correctional components, it is estimated that a Department of Corrections would be a medium size department comparable to the Department of Budget and Finance or Agriculture. The

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requirements for the administrative staff offices to service such a department can be expected to substantially increase operating costs. The Department of Social Services and Housing has only about 4 staff persons exclusively servicing corrections and the department contends that none can be transferred out to a new department since they are already operating with an overload. Although it may be true that in the long-run a separate department might be more cost-effective than the existing system, there must be assurance that once a commitment is made, the necessary fiscal resources will immediately be available to implement the concept. The present fiscal picture indicates that this kind of commitment of funds is not possible.

Currently, there is a ceiling on all departmental budgets. The Department of Budget and Finance has limited each department's budget to a dollar amount equal to the current service of the present fiscal year plus an inflation factor. Adjusted increases are allowed for such things as federal budget reductions. If there were a separate Department of Corrections for the upcoming fiscal year, the Department of Budget and Finance claims it would probably allocate a dollar amount based on the present budgets of the correctional agencies that would be in the department and take into account the other necessary budget items such as administrative staff offices. Establishing a separate department does not necessarily mean that the top priorities of the department will be approved by the Department of Budget and Finance since it is not its practice to take the first priorities of all departments. Instead, the Department of Budget and Finance might find that on a statewide basis, the first ten priorities of one department might be more important than the first priorities of other departments and the budget will be allocated accordingly. A new corrections department would be competing for the same pool of resources on the same basis as it does today with the only difference being that the priorities that may not be on the Department of Social Services and Housing's priority list might be priorities under a Department of Corrections' list.<sup>3</sup> As a further indication of the critical financial status of the State, the Governor, on December 1, 1982, imposed restrictions on state hires and out-of-state travel in an effort to further limit state spending.

If the abovementioned conditions did not exist to impede the creation of a new department, the decision would rest on what problems in the present system are sought to be resolved and whether reorganization is the only answer. The problems of the present system can be categorized into two groups (1) problems dealing with role confusion, coordination, and communication among correctional and other criminal justice agencies, and (2) administrative and management problems in the Corrections Division. With respect to the first group, the Bureau believes that creating a separate Department of Corrections will not resolve the problem unless the components of the new department are all line divisions answerable to one executive. Currently, the Hawaii Paroling Authority and the Intake Service Center as administratively attached agencies are afforded greater flexibility and autonomy in their operations and are not as carefully scrutinized by the Department of Social Services and Housing as are the line divisions. Although, the Director is empowered to make demands of, or overrule the heads of administratively attached agencies, the director appears hesitant to do so, since such agency heads are appointed by the Governor. Most observers agree that even under a different structural configuration, if only

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the Corrections Division remains a line division under a new department, as was proposed by the senate bill during the 1982 legislative session, the same number of coordination problems can be expected to continue. Coordination and communication problems in the criminal justice system are most effectively accomplished through voluntary cooperation. In order to facilitate such cooperation and avoid discord, there is a need for an articulation of and acceptance of state policies, standards, and goals for corrections so that all criminal justice agencies are aware of the State's overall program and their individual roles in that program.

With respect to the administrative and management problems of the Corrections Division, the Bureau believes that many of the problems can be resolved internally within the present structure. Clearly, there are communication problems between the Corrections Division and the department's staff offices. The Bureau is of the opinion that these problems are a direct result of the Corrections Division not having sufficient administrative resources and a functional plan at the onset to cope with the implementation requirements of the Master Plan. Too much attention has been focussed on construction of the new facilities. Today, the Corrections Division lags in the development of its administrative, operational, and programmatic aspects and it needs more support staff assistance.

There is general agreement among the corrections administrators interviewed that a new department is not an appropriate remedy in view of the nature of the problems of the correctional system. Most of the problems are attributable to the fact that Hawaii's correctional system is operating under a vague and outdated Master Plan that has never been fully implemented.

The Master Plan was a correctional plan that required commitment and cooperation from all criminal justice agencies in order to achieve correctional objectives. The Master Plan, however, was never really understood or accepted by the criminal justice agencies and consequently, the agencies have been operating in their traditional independent roles despite the Master Plan's intent for coordination, information sharing, and cooperative decision-making.

The unanticipated overcrowding of facilities brought added stress to the system and impeded the Master Plan's program implementation since most of the funds allocated to corrections had to be reserved for construction and adult corrections officer positions. The gloomy fiscal picture, the State's constitutional spending limit, and federal budget cuts have resulted in uncertainty as to the commitment of available correctional funds. This condition has generated more "territoriality" among the agencies competing for additional resources instead of causing them to work together to gain optimum use of the limited resources.

The 1982 Legislative Reference Bureau report pointed out the need for a rearticulation of correctional policy from a criminal justice perspective and for the development of a new master plan and functional plan. Until these needs are met, any major reorganization proposal would be premature. There are too many uncertainties as to the direction in which corrections should be headed, the responsibilities of each correctional component, and the interfacing required among correctional and other criminal justice components

in order to preserve the balance of justice while at the same time effecting coordination and integration of programs and services. If these uncertainties continue, the problems will persist even under a separate departmental structure.

In the words of one corrections administrator, "[t]here is nothing in the system today that will change with the creation of a separate department of corrections and there is no problem in the system that cannot be corrected today under the present structure."<sup>4</sup> The problem of conflicting personalities in key correctional positions is still inhibiting progress in some areas but the system does appear to be functioning as well as could be expected considering the overcrowding and lack of sufficient resources.

## **Part II Recommendations**

1. The Bureau believes that it is premature to further debate the issue of establishing a separate department in this State since there is still much confusion as to the State's philosophy and direction in corrections. Reiterating the recommendation from the 1982 Legislative Reference Bureau report, "A Review of the Implementation of the Hawaii Correctional Master Plan", the Legislature should convene an ad hoc committee to rearticulate the corrections philosophy of this State, to develop coordinated corrections standards and goals, and to clarify the functions and roles of each criminal justice agency in implementing state correctional policies. Without a solid foundation from which to guide its operations, the corrections system will continue to have problems even under a separate department.

Since correctional programs are directly impacted by the actions or non-actions of the courts, police, prosecutors, and the Legislature (in enacting sentencing and correctional legislation and in funding correctional programs), it is emphasized that in the development of policies, corrections must be viewed from a criminal justice perspective. It is interesting to note that there is no mention of a public safety functional plan in the Hawaii State Plan although section 226-26, Hawaii Revised Statutes, does state the general objectives and policies for public safety. There is clearly a need to formulate a detailed plan for correctional agencies and other justice agencies to implement these objectives. Correctional policies, ideally, should be developed as part of an overall state public safety plan.

Once there is agreement regarding the State's correctional philosophy, policies, and direction, a decision can be made as to what type of organizational structure would be appropriate.

2. A firm decision must be made to determine whether or not the Intake Service Center should continue in existence. The Center is a unique agency because it is functionally involved in services that affect two branches of government. The Master Plan deliberately designed the Center in this manner so that it could be involved in all phases of offender processing and coordinate service delivery in the correctional system. Unfortunately, this uniqueness has caused the placement of the Center in the State's bureaucratic



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structure to be a major problem from the onset. The following options should be considered:

- (A) If the Legislature finds that the concept of service delivery system coordination through an agency like the Intake Service Center is still feasible and desirable, clear guidelines as to the Center's responsibilities and authority must be developed and criminal justice agencies must be directed to accept such guidelines and cooperate with the Center. Along with such clarification, a decision must be made on the placement of this autonomous agency either in the executive branch or the judicial branch. It is our understanding that legislation for the transfer of the Center from the executive branch to the judicial branch will be introduced during the 1983 session.
- (B) If the Legislature finds that the Master Plan concept of centralized service delivery is no longer feasible or desirable, then the Center should either be dissolved or made into a line division.
  - (1) If the Center is dissolved, the pre-trial, pre-sentence, and offender supervision functions could be placed with the Judiciary and the intake and diagnostic corrections functions could be placed in the Corrections Division. This, however, would be tantamount to reverting back to the old system before the Master was adopted.
  - (2) If the Center's status is to change from an administratively attached agency to a line division, its placement in the judiciary or the executive branch depends on a policy decision as to which functions the Center should be performing and whether the Center should continue to perform functions which, in part, historically belong to another branch of government, i.e., if the Center is placed in the Judiciary should it continue to perform intake and diagnostic corrections functions, or if the Center is maintained in the executive branch should it continue to perform pre-trial and pre-sentence functions.
- (C) Whether or not the Center is dissolved, or placed within the Judiciary or Executive Branch as an administratively attached autonomous agency, or as a line division, the functional conflicts must be resolved.

3. After the state policies, standards, and goals are established, the Legislature should consider the establishment of a policy council, similar to the one proposed for Minnesota (see Appendix D) in order to monitor the implementation and continuing update of corrections policies, standards, and goals. This policy council would be responsible for the review and coordination of all criminal justice policies and functional plans alluded to in Recommendation number 1 in order to ensure that all agencies are operating

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consistently with the State's overall policies and goals. To be effective, such a council would require a professional staff.

Hawaii already has a body that can serve as the foundation for a policy council. The Governor's Planning Committee which was initially established by the Governor in 1975 is composed of representatives of the criminal justice system. This Committee, which is staffed by the State Law Enforcement Planning Agency, serves as a forum for criminal justice problems in the State and plans the annual Governor's Conference on Crime. Although many problems have been addressed by the Committee, it does not have policymaking and oversight powers necessary to ensure the implementation of agreements made at the conferences or to coordinate and direct the State's overall effort to curtail crime.

4. *It is apparent that most of the operational problems experienced by corrections agencies are due to the fast growth rate of the inmate population and inadequate resources. While there appears to be a need for additional personnel and funds for correctional agencies, the Bureau believes that a comprehensive management and program audit of the correctional agencies should be conducted before the Legislature can best determine where the resources are most needed, i.e., at the branch, division, or department level, and how to efficiently allocate available resources. It should be emphasized that the correctional system has grown substantially in terms of the number of clients served, the staffing, and the operating expenses since the Master Plan was adopted in 1973. Yet there has not been a comprehensive evaluation of the operations to determine whether program objectives are being met and whether management techniques require improvement. Detailed audits will also identify where unnecessary duplication of efforts occur.*

5. There is need for the immediate coordination of correctional and criminal justice information systems. While it would be best to wait for an articulation of state correctional policies and the formulation of a new or revised master plan, work on a coordinated information system should not be delayed any longer. Under the present arrangement, the criminal justice agencies are competing against each other for computer resources. *It appears that their needs may be better fulfilled if they worked together to formulate a comprehensive plan and proposal to the Electronic Data Processing Division. It is recommended that an information systems coordination committee composed of representatives of all criminal justice agencies and the Electronic Data Processing Division be established to develop a systemwide functional plan for criminal justice information processing. It is suggested that the Criminal Justice Data Center of the Office of the Attorney General be designated as the lead agency since it is intended to be the central repository of criminal justice information and all other systems should be interfaced with the Data Center.*

# FOOTNOTES

## Chapter 1

1. National Advisory Commission on Criminal Justice Standards and Goals, *Corrections* (Washington, D. C.: 1973), p. 2.

## Chapter 2

1. Harry E. Allen and Clifford E. Simonsen, *Corrections in America: An Introduction* (Beverly Hills, CA: Glencoe Press, 1975), pp. 29-33.
2. The Council of State Governments, *Reorganization of State Corrections Agencies: A Decade of Experience* (Lexington, KY: 1977), p. 3.
3. Allen and Simonsen, pp. 119-120.
4. *Ibid.*, p. 120.
5. *Ibid.*, pp. 164-165.
6. Captain Alexander Maconochie was in charge of the British penal colony on Norfolk Island, about 1,000 miles off the Australian coast, where criminals were sent and conditions were so bad that men preferred the death penalty. Upon his arrival, Maconochie eliminated the flat sentence and developed a "mark system" whereby a convict could earn freedom by hard work and good behavior. Unfortunately, this system of placing the burden of release on the convict was not supported and when Maconochie was fired from the colony for spending too much money, it resorted back to the flat sentence system and cruelty. Allen and Simonsen, pp. 50-51, 62.
7. Sir Walter Crofton of Ireland was inspired by Maconochie's work and is credited for establishing the first system of conditional release in the community, the system we know today as parole. His ideas were based on the notion that criminals could be reformed, but only through employment in a free community. Allen and Simonsen, pp. 51, 62.
8. Hawaii, Department of Social Services, *Charts and Statements of Functions: Plan of Organization* (Honolulu: 1960).
9. Territory of Hawaii, Department of Institutions, *The First Ten Years: 1939-1949* (Honolulu: 1949), p. 13.
10. Hawaii, Department of Social Services, *Charts and Statements of Functions: Plan of Organization*.
11. Hawaii, Department of Social Services, *Annual Report 1962* (Honolulu: 1962).
12. Hawaii, Department of Social Services, *Annual Report 1968* (Honolulu: 1968), p. 20.
13. Kulani was also scheduled to be phased out under the Master Plan, but because of the rise in inmate population, the facility has remained open.

14. Charles T. Araki, *Comprehensive Plan of the Board of Paroles and Pardons, State of Hawaii* (Honolulu: 1973), pp. 16-19.
15. 1976 Haw. Sess. Laws, Act 92.
16. Hawaii, The Judiciary, *Comprehensive Planning in the Hawaii Judiciary*, p. 14.
17. Hawaii, The Judiciary, *Adult Probation Manual of Policies and Procedures*.
18. National Council on Crime and Delinquency, *Corrections in Hawaii: A Survey of Correctional Services in Hawaii* (Honolulu: 1969).
19. *Ibid.*, pp. 7.10-7.20.
20. Susan Claveria, *Review of the Implementation of the Hawaii Correctional Master Plan*, Legislative Reference Bureau, Report No. 1 (Honolulu: 1982), pp. 10-12.
21. *Ibid.*, pp. 32-36, 47-48.

## Chapter 3

1. Includes the thirty-bed module which is expected to be completed by the end of 1982 and excludes 12 beds of the special holding area used for disciplinary and protective segregation.
2. Susan Claveria, *Review of the Implementation of the Hawaii Correctional Master Plan*, Legislative Reference Bureau, Report No. 1 (Honolulu: 1982), p. 40.
3. Hawaii, Department of Social Services and Housing, *Annual Reports 1974-1975 and 1977*.
4. *Haw. Rev. Stat.*, sec. 353-61.
5. The average caseload is calculated by the Hawaii Paroling Authority by assigning numerical units for different cases, i.e., pardon investigations are worth, on the average, 5 units because of the time and effort involved, while each parolee assigned to an officer is worth one unit.
6. Hawaii, The Judiciary, *Supplemental Budget (1982-1983) and Variance Report (1980-1982)* (Honolulu: 1981) (hereafter referred to as *Supplemental Budget (1982-1983)*), p. 24.
7. Hawaii, The Judiciary, *Comprehensive Planning in the Hawaii Judiciary* (hereafter referred to as *Comprehensive Planning in the Hawaii Judiciary*), p. 14.
8. *Supplemental Budget (1982-1983)*, p. 26.
9. Statistical data provided by the Family Court of the Second Circuit, December 15, 1982.

10. Statistical data on court activity provided by the Family Court of the Office of Family and Adult Probation Services of the Fifth Circuit, December 1, 1982.
11. *Comprehensive Planning in the Hawaii Judiciary*, pp. 15, 18; *Supplemental Budget (1982-1983)*, pp. 39-41.
12. *Supplemental Budget (1982-1983)*, pp. 39-40.
13. House Bill No. 2318-82, Eleventh Legislature, 1982, State of Hawaii.

## Chapter 4

1. Susan Claveria, *Review of the Implementation of the Hawaii Correctional Master Plan*, Legislative Reference Bureau, Report No. 1 (Honolulu: 1982), pp. 41-50.
2. In an effort to clamp down on errors in computing eligibility and payments for the financial assistance, food stamp, and Medicaid programs, the federal government has established standards for acceptable levels of errors and penalties for error rates higher than the standards. The Public Welfare Division reported in September of 1982 that Hawaii has been threatened with a possible \$5 million in penalties because Hawaii's error rates are higher than the standards. The Medicaid program has already been assessed almost \$500,000 because physicians failed to fill out required forms. The Division claims that the main reason for such high error rates is inadequate staffing due to the stress of heavy caseloads and low pay. The problem has been compounded recently because the federal government is constantly changing its reporting requirements. See *Honolulu Advertiser*, September 30, 1982, and *Honolulu Star-Bulletin*, September 29, 1982.
3. House Conference Committee Report No. 71, on H.B. No. 282, H.D. 1, S.D. 2, C.D. 1, Tenth Legislature, 1979, State of Hawaii.
4. Chamber of Commerce of Hawaii Crime Committee, *Report of the Subcommittee on Information Systems* (Honolulu: December 18, 1981).

## Chapter 5

1. National Advisory Commission on Criminal Justice Standards and Goals, *Corrections* (Washington, D.C.: 1973), pp. 444-445.
2. The Commission was appointed by the Administrator of the Law Enforcement Assistance Administration in October, 1971, to formulate a comprehensive set of national standards and goals for crime reduction and prevention at the state and local levels. The Commission submitted six reports entitled: (1) A National Strategy to Reduce Crime; (2) Criminal Justice System; (3) Police; (4) Courts; (5) Corrections; and (6) Community Crime Prevention.
3. The Council of State Governments, *Reorganization of State Corrections Agencies: A Decade of Experience* (Lexington, KY: 1977).

4. The 33 states with separate departments are: Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, and West Virginia.

The twelve states with umbrella departments are: Alaska, Hawaii, Iowa, Massachusetts, Missouri, Oregon, Utah, Vermont, Wisconsin, Maryland, Montana, and North Dakota.

5. The Council of State Governments, pp. 52-58.

## Chapter 6

1. Daniel L. Skoler, *Criminal Justice Organization, Financing, and Structure: Essays and Explorations*, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, June 1978, pp. 150-151.
2. National Advisory Commission on Criminal Justice Standards and Goals, *Corrections* (Washington, D.C.: 1973), pp. 313-314.
3. *Ibid.*, p. 314.
4. *Ibid.*
5. Susan Claveria, *Review of the Implementation of the Hawaii Correctional Master Plan*, Legislative Reference Bureau, Report No. 1 (Honolulu: 1982), pp. 34-35, 47-48.

## Chapter 7

1. Daniel L. Skoler, *Criminal Justice Organization, Financing, and Structure: Essays and Explorations*, National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, June 1978, pp. 38-39. See also, H. George Frederickson, *New Public Administration* (University, Alabama University of Alabama Press, 1980); James L. Garnett, *Reorganizing State Government: The Executive Branch* (Boulder, CO: Westview Press, 1980).
2. The Council of State Governments, *Reorganization of State Corrections Agencies: A Decade of Experience* (Lexington, KY: 1977).
3. From interview with Jimmy Nakamura and Bob Nagao of the Department of Budget and Finance, October 21, 1982.
4. From interview with Thomas Hugo, Jr., Chairman of the Hawaii Paroling Authority, October 1, 1982.

## APPENDIX A

### Department of Social Services and Housing Administrative Staff Offices

#### Administrative Services Office

This office provides staff assistance and advice in the areas of fiscal management, budgeting, management improvement, and housekeeping matters. It is responsible for the formulation of departmental policies and administration of the central accounting system, auditing, inventory management, and purchasing programs. Sections within the Administrative Services Office include Fiscal Services, Management Services, Budget Services, Office Services and Printing and Supply. Fiscal Services being the largest unit within the Administrative Services Office has a total of 71 authorized positions. Of these positions, there are 3 out of 4 positions in the audit section and two positions from the accounting section that are in the Public Welfare Division's position count, and 2 positions from the accounting section that are in the Vocational Rehabilitation and Services for the Blind Division's position count.

The services provided by the Administrative Services Office units to public safety components in the Department of Social Services and Housing are limited primarily to recording and reporting services. The department estimates that only 4 of a total of 154 staff positions are devoted full-time to correctional agencies in the department while an estimated 19.6 positions provide service on a part-time basis. This is because the social service programs have heavy reporting and auditing demands from the federal government and Administrative Services Office must keep up with the work or the department could be penalized by a funding decrease. Although there are no positions devoted full time to corrections, when there are emergencies, Administrative Services Office has pooled its staff resources to provide intensive and expeditious services to the Corrections Division.

The **Accounting** section essentially provides recordkeeping services to the public safety components, as most of its efforts goes into public welfare because of the stringent federal requirements. The Hawaii Paroling Authority and Intake Service Center each have their own fiscal person to perform all their fiscal needs since they are administratively attached to Department of Social Services and Housing, but final approval must still be obtained from Administrative Services Office.

The **Procurement** section consists of one individual who channels all major purchasing by the divisions to ensure that statutory requirements are met. It services public safety components on a regular basis as needed. The **Management Services** unit has been providing limited service to public safety components as priority has been in the social service program area. Lately, however, as the Corrections Division has been experiencing more problems than any other Department of Social Services and Housing program, this unit has been spending more time with Corrections Division.

The **Audit** unit was originally established to meet federal requirements and has been geared to welfare programs. As a regular service to all departmental agencies, the Audit unit conducts "spot" audits when financial reports look suspicious, i.e., audits of the inmate stores in correctional facilities and audits on private providers that the Department of Social Services and Housing contracts services from. Recently, however, more comprehensive facility audits have been conducted for the Kulani and Oahu Community Correctional Center facilities.

## **Personnel Office**

This office is responsible for all personnel matters of the Department of Social Services and Housing including recruitment and placement, position descriptions and comprehensive reviews, classification and pricing appeals, labor relations, employee relations and safety, employee training and development, civil rights compliance, personnel transactions and records maintenance. Sections within the Personnel Office include Placement and Technical Services; Recruitment; Records and Support Services; Civil Rights Compliance, Labor Relations; and Training, Employee Relations and Safety.

The **Placement and Technical Services** section provides services involving position actions, recruitment, and employee benefits. There are 7 positions in this section and approximately 25-30 per cent of the Placement and Technical Services staff resources are devoted to the public safety components. One position is assigned exclusively to service the Corrections Division and the remaining positions devote portions of their time (between 10-30 per cent) to the Corrections Division, Hawaii Paroling Authority, and Intake Service Center.

The **Records and Support Services** section is responsible for the centralized system of recording and reporting personnel transactions and renders secretarial and typing services for Department of Social Services and Housing agencies. There are 4 clerical positions in this office of which 1 personnel clerk is assigned nearly exclusively to service Corrections Division. Another personnel clerk spends approximately 10 per cent of the time per month servicing the Intake Service Center and Hawaii Paroling Authority.

The **Civil Rights Compliance** section is responsible for ensuring the Department of Social Services and Housing's compliance with the various federal and state civil rights requirements for employment, as well as program or activities receiving federal financial aid. There is only one position in this office and that position spends approximately 15 per cent of the time per month to service the Corrections Division, Intake Service Center, and Hawaii Paroling Authority. Since this is a one-person operation, the office responds primarily to crisis situations on a daily basis and does not have sufficient time for the usual program planning, development, and coordination.

The **Labor Relations** section represents the Department of Social Services and Housing in collective bargaining negotiation sessions, and is responsible for ensuring proper implementation of the contracts covering Department of Social Services and Housing employees. There are 3 positions in this office

and approximately 70-75 per cent of the staff time has been spent in servicing Corrections Division.

The Training, Employee Relations, and Safety section plans, organizes, coordinates, and evaluates departmental training programs, employee relations programs, and employee safety programs. Generally, the staff spends a proportionate amount of time in public safety programs as with other programs in the Department of Social Services and Housing. In the area of workers' compensation, however, an overwhelming percentage of time is spent on Corrections Division claims, follow-ups, and employee placement. The staff consists of 3 professional positions and 1 clerical position. The section estimates that of the 3 professional positions, about 1.5 of the staff are tied down with Corrections Division claims and job placement and .5 of the clerical position's time is spent on Corrections Division claims. This overemphasis on Corrections Division claims has resulted in the neglect of the other functions of this section and cursory service to other Department of Social Services and Housing programs.

#### **Information Systems Office**

This office is responsible for the development, coordination, and maintenance of all automated data processing systems, training, and data control and entry for Department of Social Services and Housing. This office came into existence because of public welfare needs. Prior to 1973, there was only 1 data analyst. When the new public welfare system was installed, the office was expanded and services were geared strictly to public welfare and vocational rehabilitation programs. There are a total of 29 positions in this office, none of which are devoted to servicing public safety components. Thus far, the only involvement in corrections has been in meeting with the offender-based transaction group to develop the corrections management information system. The administrator of this office believes that services should be provided to public safety components to assist in administrative support matters and has unsuccessfully attempted to obtain additional positions to do so over the past 5 or 6 years. For the upcoming fiscal year, this office has requested 2 systems analysts, 1 programmer, and a mini computer to carry out plans for 5 information subsystems (automated food system, sub-personnel system to keep track of employee rosters and schedules, inventory system, and accounting system) for corrections administration.

#### **Research and Statistics Office**

This office plans, directs, conducts, and coordinates statistical reporting and social research for the department. Historically, this office evolved from the Division of Research and Statistics which was transferred from the old public welfare department. Since it was geared to service specific public welfare needs, the tradition of this role was carried over to the new Department of Personnel Services. This office has 8 positions (including the administrator and 1 clerical) and it is difficult to provide a full range of research and statistical service to the department's components when there are frequent special studies that must be performed for public welfare in

order to meet federal requirements. To date, the services this office has provided to corrections includes (1) statistical analysis on population projections for Corrections Division facilities and headcount and bed space comparisons, and (2) analysis of escapes over the past 5 years to identify security points where breakdowns have occurred and causes of such breakdowns. Of the 8 staff positions, .1 person is used .5 time in corrections projects and the other .5 time in vocational rehabilitation projects. The 1982 Legislature did approve a new analyst position for this office and when the position is finally established, it will be used for corrections on a full-time basis.

### **Program Evaluation Office**

This office is responsible for conducting efficiency and effectiveness reviews required by the federal government for social service programs such as the Aid to Families with Dependent Children, Medicaid, and the Food Stamp program. This office evolved out of the need to meet such evaluation requirements and, consequently, has only been involved in social service programs. The only involvement in corrections occurred within the past year when the administrator of this office was requested to provide assistance in a program evaluation and analysis of the food service program at the Oahu Community Correctional Center. According to the administrator, 8 years ago, this office has a staff analyst who was specifically assigned to Corrections Division to provide program analysis on an as needed basis. However, this position was transferred out to the Corrections Division since Corrections Division wanted an analyst physically located in its office.



# APPENDIX B

## SUMMARY OF CHARACTERISTICS OF STATE CORRECTIONAL DEPARTMENTS (July 1, 1981)

	Number of Offenders in Institutions and Community Facilities		Number of Institutions**		Number of Employees		Operating Budget	
	Adults	Juveniles	Adults	Juveniles	Adults	Juveniles	Adults	Juveniles
*Alabama	4,236	512	24	4	1,393	337	\$ 49,583,276	\$ 9,750,737
Alaska	765	NA	10	2	393	NA	NA	NA
*Arizona	3,839	334	13	4	2,478	*	86,171,300*	*
*Arkansas	3,307	209	9	4	747	348	25,901,484	8,828,314
*California	25,838	5,675	12	17	8,470	4,062	444,290,815	225,022,865
*Colorado	2,418	523	10	5	1,034	543	44,550,926	17,679,568
*Connecticut	4,300	113	11	1	1,821	282	51,209,120	5,682,032
*Delaware	1,050	373	7	4	650	187	34,400,000*	*
*Florida	20,424*	854	80	33	4,253	1,977	214,228,936	165,559,623
*Georgia	13,192	1,107	26	20	3,970	1,532	111,552,652	32,743,088
Hawaii	868	120	9	1	622	77	17,425,186*	*
*Idaho	819	187	3	1	321	123	9,723,200	692,920
*Illinois	12,516	1,023	26	8	7,893	*	241,767,000*	*
*Indiana	7,008	844	12	11	3,199	*	90,500,000*	*
Iowa	2,611	273	13	2	1,177	262	48,836,000	5,866,000
*Kansas	2,483	413	8	5	1,082	420	37,852,712	9,913,942
*Kentucky	3,340	408	9	25	1,783	1,077	44,816,700	NA
*Louisiana	8,185	1,227	11	6	4,630	*	122,066,071	7,612,943
*Maine	774	233	3	NA	406	222	19,200,000*	*
Maryland	8,657	987	18	5	3,278	1,429	77,529,015	41,182,549
Massachusetts	2,934	93	25	NA	2,743	566	72,932,666	27,000,000
*Michigan	12,781	809	16	10	5,467	748	221,910,000	24,692,900
*Minnesota	1,964	263	13	8	1,565	*	64,165,500*	*
*Mississippi	3,835	293	11	3	1,147	379	28,744,306	6,831,686
Missouri	5,337	195	11	23	1,945	664	48,331,815	10,812,416
Montana	826	127	2	2	351	221	19,259,560*	*

*Nebraska	1,281	213	4	2	889	219	31,087,607*	*
Nevada	1,992	258	8	2	603	215	26,051,512	7,900,000
New Hampshire	315	137	4	2	205	149	4,837,281	3,305,194
*New Jersey	6,598	569	9	24	3,694	588	100,898,288*	*
*New Mexico	1,350	356	6	4	934	269	45,753,000*	*
*New York	23,475	1,146	32	63	11,952	NA	330,570,200	NA
*North Carolina	14,339	651	74	14 <sup>d</sup>	6,411	742	159,605,135	20,716,658
North Dakota	303	100	3	1	126	85	12,112,745*	*
*Ohio	14,246	2,003	11	9	3,799	1,989	118,732,204	68,610,253
*Oklahoma	3,961	250	21	6	2,307	523	71,428,560	NA
Oregon	2,718	705	4	7	1,291	531	56,093,628	14,141,635
Pennsylvania	8,670	710	9	7	3,001	835	103,432,000	28,887
*Rhode Island	825	120	9	2	722	205	22,507,184	5,849,806
*South Carolina	6,993	753	27	4	2,111	918	54,362,833	19,049,130
South Dakota	631	129	3 <sup>b</sup>	--	185	100	9,108,369*	*
*Tennessee	7,203	897	15	17	3,137	742	115,131,300*	*
*Texas	30,921	1,020	19	14	4,250	1,373	158,420,154	33,540,388
Utah	874	110	7	1	683	113	222,420	9,259,200
Vermont	277	NA	6	0	384	NA	10,370,555	NA
*Virginia	7,603	1,281	39	18	6,243	589	195,893,020*	*
*Washington	4,787	831	13	12	2,692	712	54,738,520	28,591,500
*West Virginia	1,239	252	8	3	475	227	15,103,618*	*
Wisconsin	4,155	484	15	2	2,695	483	88,553,000*	*
Wyoming	451	165	4	2	229	99	5,779,461	2,706,785

Source: American Correctional Association, Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities, 1982 Edition.

\* States with separate departments for corrections.

\* Combined adult and juvenile figures.

\*\* Excluding detention centers.

a. 8 are institutions for juveniles tried and sentenced as adults.

b. Combined adult and juvenile institutions.

## APPENDIX C

### ORGANIZATION OF CORRECTIONS IN THE FIFTY STATES

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>Alabama</u> Department of Corrections Board of Pardons and Pardons Department of Youth Services Courts (unified system)	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Alaska</u> Department of Health and Social Service; Corrections Division Board of Parole Courts Department of Health and Social Service, Division of Family and Youth Service	X	X	X	X	X			X
<u>Arizona</u> Department of Corrections Board of Pardons and Pardons Courts (county level)	X	X	X	X	X		X	X
<u>Arkansas</u> Department of Corrections Department of Human Service, Division of Youth Service Board of Pardons and Pardons Juvenile Courts (county level)	X	X	X	X <sup>a</sup>	X	X	X	X
<u>California</u> Youth and Adult Correction Agency: Department of Corrections California Youth Authority Board of Prison Terms Youthful Offender Parole Board County Probation Departments	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Colorado</u> Department of Corrections Board of Parole Juvenile Parole Board Courts Department of Institutions Division of Youth Services	X	X	X	X	X		X	X

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>Connecticut</u> Department of Correction Department of Adult Probation Department of Child and Youth Services Board of Parole Courts	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Delaware</u> Department of Correction Board of Parole Courts		X	X	X <sup>a</sup>	X	X	X	X
<u>Florida</u> Department of Corrections Department of Health and Rehabilitation Service, Division of Youth Service Parole and Probation Commission	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Georgia</u> Department of Offender Rehabilitation (Board) Department of Human Resources, Youth Service Division Board of Pardons and Parole Juvenile Courts (county level)	X	X	X	X <sup>a</sup>	X	X	X	X <sup>b</sup> X <sup>b</sup>
<u>Hawaii</u> Department of Social Services and Housing, Corrections Division Hawaii Paroling Authority Courts	X	X	X	X	X	X	X	X
<u>Idaho</u> Department of Corrections Commission for Pardons and Parole Department of Health and Welfare Courts (in 3 counties only)	X	X	X	X <sup>a</sup>	X	X	X	X X
<u>Illinois</u> Department of Corrections Prisoner Review Board Courts	X	X	X	X	X	X	X	X
<u>Indiana</u> Department of Correction Indiana Parole Board Courts	X	X	X	X	X	X	X	X

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>Iowa</u> Department of Social Services, Division of Adult Corrections Department of Social Services, Bureau of Child Services Board of Parole Courts	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Kansas</u> Department of Correction Department of Social and Rehabilitation Service Adult Parole Authority Courts	X	X	X	X	X	X	X	X
<u>Kentucky</u> Kentucky Corrections Cabinet Department of Human Resources, Bureau of Social Services Parole Board	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Louisiana</u> Department of Corrections Board of Parole Department of Health and Human Resources, Division of Youth Services Courts	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Maine</u> Department of Mental Health and Corrections Maine Parole Board	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Maryland</u> Department of Public Safety and Corrections Services Maryland Parole Commission (not independent) Juvenile Services Administration	X	X	X	X <sup>a</sup>			X	X
<u>Massachusetts</u> Executive Office of Human Services, Department of Correction Executive Office of Human Services, Department of Youth Services Parole Board Courts	X	X	X	X	X	X	X	X

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>Michigan</u> Department of Corrections (Comm) Department of Social Services, Youth Parole and Review Board Parole Board, Department of Corrections (not independent) Department of Social Services, Office of Child and Youth Services Courts	X	X	X	X <sup>a</sup>		X		X X
<u>Minnesota</u> Department of Corrections Minnesota Corrections Board (not independent) Counties	X	X	X <sup>c</sup>	X <sup>a,c</sup>	X	X	X <sup>c</sup> X <sup>c</sup>	X <sup>c</sup> X <sup>c</sup>
<u>Mississippi</u> Department of Corrections State Parole Board Department of Youth Services	X	X	X	X <sup>a</sup>	X		X	X
<u>Missouri</u> Department of Social Services, Division of Corrections Department of Social Services, Division of Youth Services Board of Probation and Parole Courts	X	X	X	X <sup>a</sup>	X	X	X X	X
<u>Montana</u> Department of Institutions, Corrections Division Board of Pardons Courts (county level)	X	X	X	X <sup>a</sup>	X	X	X	X
<u>Nebraska</u> Department of Correctional Service Board of Parole (not independent) Courts	X	X	X	X	X	X	X	X
<u>Nevada</u> Department of Prisons Department of Parole and Probation Department of Human Resources, Youth Services Division Counties Board of Parole Commissioners	X	X	X	X <sup>a</sup>	X	X	X	X

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>New Hampshire</u> State Prison Youth Development Center Board of Parole Board of Probation	X	X	X	X	X	X	X	X
<u>New Jersey</u> Department of Corrections State Parole Board Courts	X	X	X	X	X	X	X	X
<u>New Mexico</u> Corrections Department Adult Parole Board Juvenile Parole Board Courts	X	X	X	X <sup>a</sup>	X	X	X	X
<u>New York</u> Department of Corrections Services Executive Department, Division of Probation Board of Parole Counties Executive Department, Division of Parole Executive Department, Division of Youth Services	X <sup>d</sup>	X	X	X <sup>a</sup> X <sup>e</sup>	X	X	X	X <sup>e</sup>
<u>North Carolina</u> Department of Corrections Department of Human Resources, Division of Youth Services Parole Commission Courts	X	X	X	X <sup>a</sup>	X	X	X	X
<u>North Dakota</u> Director of Institutions Social Service Board, Community Service Division Parole Board Parole and Probation Department Counties	X	X	X	X <sup>a</sup>	X <sup>f</sup>	X	X	X
<u>Ohio</u> Department of Rehabilitation and Correction Ohio Youth Commission Adult Parole Authority (not independent) Courts	X	X	X	X <sup>a</sup>	X	X	X	X <sup>g</sup> X

	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
Oklahoma Department of Corrections Department of Human Services Counties Adult Parole Board	X	X	X	X <sup>a</sup>	X	X	X	X X
Oregon Department of Human Resources, Corrections Division Department of Human Resources, Child Services Division Board of Parole Courts	X	X	X	X <sup>a</sup>	X	X	X	X
Pennsylvania Governor's Office, Bureau of Corrections Board of Probation and Parole Department of Public Welfare, Office of Child and Youth Counties	X	X	X	X <sup>a, h</sup>	X	j	j	X
Rhode Island Department of Corrections Parole Board Department for Children and Families	X	X	X	X <sup>a</sup>	X	X	X	X
South Carolina Department of Corrections Department of Parole and Community Corrections Department of Youth Services Juvenile Probation Board	X	X	X	X	X	X	X	X
South Dakota State Board of Charities and Corrections Board of Pardons and Paroles Courts	X	X	X		X	X	X	X
Tennessee Department of Corrections, Adult Services Division Department of Corrections, Youth Service Division Board of Pardons and Paroles Courts	X	X	X	X <sup>a</sup>	X	X	X	X
Texas Department of Corrections Texas Youth Council Board of Pardons and Paroles Counties	X	X	X	X <sup>a, k</sup>	X		X	X <sup>a, k</sup>



	Adults				Juveniles			
	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision	Correctional Facilities	Parole Determination	Parole Supervision	Probation Supervision
<u>Utah</u> Department of Social Services, Division of Corrections Department of Social Services, Division of Youth Corrections Board of Pardons (not independent) Courts	X		X	X <sup>a</sup>				
		X			X	X	X	X
<u>Vermont</u> Agency of Human Services, Department of Corrections Agency of Human Services, Department of Social Rehabilitation Service Board of Parole Courts	X		X	X <sup>a</sup>				
		X			X		X	X
						X		
<u>Virginia</u> Department of Corrections Parole Board	X		X	X <sup>a</sup>	X	X	X	X
		X						
<u>Washington</u> Department of Corrections Department of Social and Health Services, Bureau of Juvenile Rehabilitation Board of Prison Terms and Parole Counties	X		X	X <sup>a</sup>				
		X			X	X	X	X
<u>West Virginia</u> Department of Corrections Board of Probation and Parole	X		X	X	X	X	X	X
		X						
<u>Wisconsin</u> Department of Health and Social Services, Division of Corrections Parole Board (not independent) Counties	X		X	X <sup>a</sup>	X		X	
		X				X	X	X
<u>Wyoming</u> Board of Charities and Reform Department of Probation and Parole Parole Board	X		X	X <sup>a</sup>	X	X	X	X
		X						

- Sources:
1. American Correctional Association, Juvenile and Adult Correctional Departments, Institutions, Agencies and Paroling Authorities, 1982 Edition.
  2. American Correctional Association, Probation and Parole Directory, First Edition 1981.
  3. Responses to LRB survey from Arizona, Arkansas, California, Delaware, Georgia, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wisconsin, and Wyoming.
- a. Departments in executive branch or counties that includes pre-sentence investigation function.
  - b. Juvenile probation services in 112 counties provided by Youth Services Division; in 12 counties provided by courts; and in 35 counties shared by Youth Service Division and Courts.
  - c. Counties under Community Correction Act provide probation and parole services. In remaining counties, county provides for juveniles and state provides for adults.
  - d. New York City has its own correctional system.
  - e. Three counties, Fulton, Montgomery, and Warren have state supervision.
  - f. Only one state institution; rest handled by counties.
  - g. Probation is chiefly court function but authority provides services to courts, i.e., supervision and pre-sentence investigation.
  - h. Probationers with sentences 2 years or more.
  - i. Probationers with sentences less than 2 years.
  - j. The term parole is not applied to juveniles.
  - k. Adult Probation Commission and Juvenile Probation Commission govern uniform standards.
  - l. Parole Board part of DHSS secretary's executive staff; advises secretary in parole decisions.
  - m. State provides half of after-care services.

## APPENDIX D

### CORRECTIONAL SYSTEMS OF OTHER STATES

The following brief discussion on the organizational structures and reorganizational experiences was compiled from the responses received by the the Legislative Reference Bureau from thirty-three states and information from the Council of State Governments study entitled, "Reorganization of State Corrections Agencies: A Decade of Experience". Information on Alabama, Alaska, Connecticut, Idaho, Indiana, Kansas, Mississippi, Missouri, Montana, Nevada, North Carolina, South Dakota, Virginia, and West Virginia was unavailable except for what is provided in Appendices B and C. The states have been separated into three groups (1) states with separate departments, (2) states with umbrella departments, and (3) states with independent agencies.

#### States with Separate Department of Corrections

**Arizona.** The Arizona Department of Corrections was established in 1968 for the purposes of breaking up fiefdoms that developed in institutions that operated autonomously under the control of wardens or superintendents and of developing a strong central administration to improve services and programs. The impetus for the reorganization came from the Legislature with support from the Governor.

The Department, which was created by a new master plan adopted by the Legislature, consolidated under one authority all adult and juvenile correctional facilities, and parole supervision. The effects of reorganization included: (1) increased resources in terms of budget allocation and assistance from other state human services agencies; (2) a more consistent philosophy and policy for correctional programs and comprehensive planning; (3) an integrated and coherent administration of a diversified array of correctional programs; and (4) better qualified staff with increased salaries and career-ladder opportunities.

**Arkansas.** The Department of Corrections was created in 1968 and is governed by a policymaking Board of Correction. The Department of Corrections is responsible for all adult correctional functions while juvenile corrections is under the Human Resources Agency. Prior to the establishment of the Department of Corrections, Arkansas had a fragmented system with the counties responsible for jails and juvenile detention, probation, and aftercare. Administrative boards managed adult institutions, a Probation and Parole Board was responsible for adult probation and parole supervision, and a Prison Board was responsible for parole determination. When the Department of Corrections was first created, it only handled adult institutions but more functions were added to the Department of Corrections in ensuing years. Arkansas did not report any positive or negative effects of the reorganization.

**California.** The California Department of Corrections was originally established prior to 1968 as a department under the Youth and Adult Correctional Agency. About 1969, the Agency was dissolved and corrections was placed under the Health and Welfare Agency. Then in 1980, the Youth and Adult Correctional Agency was reestablished and correction was removed from the Health and Welfare Agency.

The Youth and Correctional Agency is composed of the adult and youth parole boards, the California Youth Authority, and the Department of Corrections. The Department of Corrections is responsible for state adult institutions and parole supervision while the Youth Authority provides the same for juveniles. Jails and probation services are handled by the counties.

The primary result of re-establishing the Youth and Correctional Agency was that more attention was given by the Agency staff to the Department of Corrections operations because the Youth and Correctional Agency was smaller than the Health and Welfare Agency. Some departmental people felt that the smaller agency interfered too much with Department of Corrections operations, but others felt that the Youth and Correctional Agency staff had better access to political persons who could help the system.

**Colorado.** The Colorado Department of Corrections, established in 1977, encompasses state adult and juvenile correctional facilities, and probation and parole supervision. Parole determination is made by independent boards, one for adults and one for juveniles. Prior to the creation of a separate department, corrections in Colorado, since 1961, was under a Department of Institutions. This arrangement reportedly had no noticeable effect on corrections since each facility's warden or superintendent operated autonomously and reported directly to the Legislature. In 1974, an attempt to reorganize corrections was defeated in the Legislature, but the Governor subsequently established a combined adult-juvenile Corrections Division within the Department of Institutions, by executive order. In 1975, this executive order was rescinded since the division director was so involved with problems of adult programs and youth services was being neglected.

**Delaware.** As part of a statewide reorganization effort in 1970, two separate agencies, the Youth Services Commission and the Adult Services Board were included as separate divisions under a human service umbrella called the Department of Health and Social Services. Subsequently, in 1975, due to a concern for making the Department of Health and Social Services more manageable and a philosophical position that corrections was not a welfare or social service function, the corrections functions were removed and consolidated under a separate Department of Corrections with cabinet level status. The Department of Health and Social Services had 12 divisions including mental health, mental retardation, services to children and youth, public health, social services, juvenile corrections, adult corrections, aging, the state medical examiner, state service centers, business administration and general services, and planning research and evaluation. It was found that corrections demanded between 20-50 per cent of the Department of Health and Social Services' time and its deficits were covered at the expense of already underfunded social services division.

When the Department of Corrections was established, it experienced a net loss of funds and staff since purchasing was centralized in the Department of Administration and the Department of Corrections was neither given funds or positions for administrative services nor allowed to retain administrative service staff which was previously provided to the Corrections Division under the Department of Health and Social Services. However, the Legislature increased administrative accountability and political control since it confirmed the appointment of administrator and appropriated funds.

**Florida.** Florida's Department of Offender Rehabilitation was established in 1975 for the purpose of consolidating field services and institutional care under one authority. Previously, corrections was administered by the Department of Health and Rehabilitative Services but efforts to reorganize the department was initiated in 1974 concurrently by the Governor's Task Force on Management Efficiency and the Legislature, and it was concluded that a separate department for correctional services would be a stepping stone to unifying the criminal justice process.

Parole investigation remained under the autonomous Parole Commission while parole supervision was moved to the Department of Offender Rehabilitation. Juvenile corrections remained under the Department of Health and Rehabilitative Services.

The merger of field services and institutions under one department has resulted in more integration of administrative support services and it was anticipated to provide greater career mobility within the Department of Offender Rehabilitation. The separation of adult corrections from the Department of Health and Rehabilitative Services has had mixed results on corrections' accessibility to obtain resources with the elimination of the necessity to secure clearances from the Department of Health and Rehabilitative Services on one hand and the difficulty of attracting additional financial resources to address emergency or crisis situations on the other hand. The reorganization has improved relationships with the Governor, the local sheriffs, and district attorneys while the relationships with other state agencies have remained relatively unchanged. From the Legislature's view, reorganization has allowed it to exercise more direct control over and demand more accountability from adult corrections.

In 1976, corrections services were reorganized into five regional offices to decentralize the day-to-day administrative operations of the department and the department was renamed the Department of Corrections. Then in 1981, the National Institute of Corrections was requested to contract the Wharton School of Business for technical assistance in evaluating the regional structure of the Florida system. The study team recommended that the status quo be terminated and that any recommendations for reorganization should come from the department since it is solid, stable, and effective. Action on any new reorganization is still pending.

**Georgia.** The Department of Offender Rehabilitation includes state adult correctional facilities and probation supervision including residential community diversion centers. Juvenile corrections is under the Department of

Human Resources. The State Board of Pardons and Paroles is responsible for parole approval and supervision.

Since 1972, Georgia has experienced several reorganizations. The major one involved the creation of the Department of Corrections and Offender Rehabilitation to administer adult institutional and community services. Later, several internal reorganizations involving the various divisions and functions of the Department of Corrections and Offender Rehabilitation occurred with the transfer of the parole investigations from the Department of Corrections and Offender Rehabilitation to the Pardon and Parole Board being a significant functional change.

Georgia noted that it is difficult to single out any one factor as the cause of changes and thus impossible to state that problems or improvements in functioning have a direct relationship to reorganization. It emphasized the importance for a state to carefully evaluate the strengths and weaknesses of the present organization and clarify the problems and goals that can be achieved through reorganization before making a reorganization decision.

**Illinois.** The Department of Corrections was established in 1970 to merge adult institutional and parole services (previously under the Department of Public Safety) and juvenile institutions and parole services (previously under the Illinois Youth Commission). The reorganization goal was to reform a fragmented, failing prison system. Advocates anticipated that the already humanistic rehabilitation-oriented juvenile services would produce a reorientation in priorities of adult corrections toward rehabilitative services, and that more funds could be attracted for both components with increased visibility and status. One year prior to the reorganization, the operating budget for corrections was \$50,728,200 and the year following reorganization the budget was \$71,748,700. This increase in funds has been attributed to a strong resolve by the Governor and Legislature to reform the prison system with commitment. Staff increased 270 per cent between 1969 and 1971.

The most important change in the 1973 reorganization was the integration of administrative support services within the Department of Corrections' central office. This reduced the autonomy and independent authority of the wardens who were resistant to the introduction of rehabilitation programs in the institutions and impeded the efforts to integrate field service and institutional activities.

Legislative and gubernatorial control and comprehension of corrections were facilitated by the creation of the Department of Corrections and internal reorganizations effected a more professional style of leadership and management. While the 1970 reorganization improved communication at the cabinet level with other state departments, the 1973 change provided for more joint cooperative ventures with some state agencies. But, reorganization has failed to alter the reluctance of many agencies to interact programmatically with corrections.

The Department of Corrections implemented a computerized corrections information system and maintained open dialogue with criminal justice agencies to resolve individual or mutual concerns. Delivery of corrections' services

has improved as efforts were directed toward upgrading staff in terms of quality as well as numbers. More central direction was provided in establishing goals and coordinating planning resources and staff allocation to achieve goals.

Currently, Illinois is considering the development of a statewide probation agency since localities offer varying services. The question of funding and opposition from individual localities to such a move has deferred action to date.

**Kentucky.** The Kentucky Corrections Cabinet was established in 1981 to provide corrections with independence from enforcement agencies. The Cabinet is responsible for adult institutions, probation and parole supervision, and corrections training. Juvenile corrections are consolidated under the Bureau of Social Services in the Department of Human Resources. Prior to 1981, adult corrections functions were managed by a Bureau under an umbrella public safety department. While it is too early to report noticeable differences since the reorganization, Kentucky reported that there has been more direct contact with the Governor and more independence from law enforcement agencies.

**Louisiana.** In the early 1970's, Louisiana established a Department of Corrections. Prior to the Department of Corrections, the corrections functions of juvenile and adult facilities and adult probation and parole were under the Department of Institutions. In 1977, a reorganization occurred within the Department of Corrections as a result of a state constitutional reorganization aimed at having no more than 20 cabinet level agencies to streamline state government.

The reorganization effort consolidated data processing, research, and statistics under a newly created Office of Management and Finance headed by an Undersecretary. All adult and juvenile institutions and programs were placed under separate offices headed by Assistant Secretaries.

Reorganization has promoted a more even distribution of funding among the various correctional facilities and units due to standardized budget requests and clearer delineation of departmental priorities. Reorganization has also helped to eliminate some duplication and promote efficiency. The new structure has helped Louisiana deal with its increased responsibilities mandated by law and with changes in the system such as the influx of offenders and diversification of institutions.

**Maine.** The Department of Corrections is one of the most unified with all adult and juvenile correctional functions under its jurisdiction. Prior to the establishment of the Department of Corrections in 1981, Maine had a Bureau of Corrections that was under an umbrella department with mental health functions. The correctional components that were under the Bureau were the same components that were transferred over to the Department of Corrections. The intent of the reorganization was to provide corrections with cabinet level status to facilitate the cooperative efforts of the Governor, Legislature, and

the Commissioner of Corrections to improve correctional services. The reorganization effort took about two years to convince the Legislature that a separate department would be beneficial and cost-effective.

Maine reported that the Department of Corrections has provided a more streamlined and responsive administrative structure with more direct and efficient coordination of correctional information and services and funding allocations. There has not been a large difference in the corrections operating budgets under the old organizational structure and the new Department of Corrections.

**Michigan.** The Michigan Department of Corrections encompasses all adult corrections functions while juvenile corrections is placed under a separate social services department. Since its inception in 1965, the Department of Corrections has experienced two major reorganizations. The first, in 1977, was to regionalize the management of the prison system to allow the deputy director more time to develop policy, work on planning and budgeting, and give more time to the State's expanding prison system. Since wardens and superintendents now report to regional administrators, there is closer supervision and assistance to individual needs.

The second reorganization which occurred in 1980 was for the state assumption of the felony probation function with the purposes of assuring an equitable distribution of state money to all counties and to provide uniform statewide probation services. The reorganization is 90 per cent accomplished and is expected to be completed by 1986. Increases in the operating budget following the first reorganization were not due to the reorganization, but in 1981, the budget did increase because of the transfer of probation personnel from the counties. Michigan reported that the goals of both reorganizations have been met.

**Minnesota.** The Department of Corrections which was established in 1979 encompasses both adult and juvenile corrections functions, although probation functions are shared with the counties. This unified structure has been established for more than ten years. While there is no current effort to reorganize, a comprehensive justice system improvement study considered the issue of creating a Department of Justice to unify all the State's criminal justice functions.

The purpose of this study was "...to identify organizational problem areas (e.g. overlap, duplications, fragmentation; and lack of integration, cooperation, and coordination) and offer recommendations which would create a more integrated and coordinated criminal justice system at the state level." The study was conducted by a citizens panel knowledgeable about criminal justice system problems and issues. Staff support and research for the task force was obtained through Law Enforcement Assistance Administration funds.

The study concluded that Minnesota did not have serious problems with the current performance of the criminal justice system or evidence that the creation of a Department of Justice would result in significant improvement in the system's efficiency or in cost savings.



The study instead found the need for leadership and a clearly defined decision-making process and recommended the creation of a fully empowered Criminal Justice Council and a Department of Planning and Policy Development which would serve as staff to the council. The specific recommendations were (1) to empower the Council to set goals and objectives for Minnesota's criminal justice system to plan for the criminal justice system, and monitor plan implementation, and to make the Department of Planning and Policy Development responsible for developing long-range, systemwide plans for achieving goals and objectives; (2) to give the Council the authority for policy review, legislative review, and budget review; (3) to require the executive branch criminal justice agencies to submit operational plans to the Department of Planning and Policy Development for review and comment; (4) to require that the Council be representative of all aspects of the criminal justice system and include citizen representatives; (5) to require the Council to establish a permanent criminal justice data processing advisory body which would be staffed by the Department of Planning and Policy Development; and (6) to make the Department of Planning and Policy Development responsible for coordinating training be executive branch criminal justice agencies.

The Minnesota Department of Energy, Planning and Development, the recipient of the Law Enforcement Assistance Administration grant for the study, reported that while these recommendations were discussed in the legislature, no action was taken. The most controversial of the recommendations has been the Council's proposed budget review authority.

**Nebraska.** Adult and juvenile correctional functions excluding probation supervision are under the Department of Correctional Services. Probation is the responsibility of the courts. Prior to the establishment of this department, the same correctional functions now under the department were under a Department of Institutions.

The only reorganization that occurred since the switch to the Department of Correctional Services was the creation of a central office in the Department of Correctional Services to provide central control and oversight over all institutional procedures, personnel, fiscal, budget, planning and research, and staff training functions. The adult institutions that were previously under the blanket administration of the Penitentiary, were made autonomous and the Penitentiary reported to the central office just as the other institutions. The reorganization broke down the power block of the old system and brought in new people, new ideas, and new programs. Since this reorganization there has been more consistent extraction of information and improved coordination with all phases of the correctional system, and increased professionalism in Nebraska. The present system, with its highly centralized decision-making process, is fairer and provides a more professional approach to corrections. However, the reorganization was costly; the system is more bureaucratic, and decisions take longer.

**New Jersey.** All adult and juvenile corrections functions except for probation are located in the Department of Corrections. Probation is administered by the counties under the direction of the assignment judge. Prior to the creation of the Department of Corrections in 1977, correctional

functions were in the Division of Correction and Parole under the Department of Human Services. The reorganization was aimed at achieving greater control and accountability over correctional funds and programs.

With the Department of Corrections, there was an increase in the corrections budget to provide for required additional staff for the four divisions of Adult Institutions, Juvenile Services, Policy and Planning, and Administration. Relationships were formalized between the Department of Corrections and the State Parole Board, the Division of Systems and Communication, and the Administrative Office of the Courts for information coordination and sharing.

According to New Jersey, the reorganization has been successful in meeting its goals. The Department of Corrections has been able to extend its role in corrections around the state by providing technical assistance to the counties. The Department of Corrections has also served to improve and expand correctional services to the inmates and parolees as well as their families. There is increased visibility, accountability, and broad based support that was absent before the Department of Corrections. The Department of Corrections has greater control over its requests for funding and evaluation and assessment of its programs. Initially, there were problems in making the transition from a division to a department but the Department of Corrections has stabilized its operations and is able to address its goals and objectives in a more positive and aggressive manner.

**New Mexico.** The Department of Corrections encompasses all adult and juvenile corrections except juvenile probation. The Adult Parole Board, Juvenile Parole Board, Public Defender, and Organized Crime Commission are administratively attached to the Department of Corrections.

In 1978, as part of a state government reorganization effort, the Department of Corrections, Governor's Council on Criminal Justice Planning, and State Police were reorganized into a single department re-named the Criminal Justice Department. After fifteen months of operation, the justice department was again legislatively reorganized to separate the state police from the department. The following year, the department was again reorganized by the legislature to its present structure. New Mexico contends that it is difficult to attribute improved correctional service delivery to reorganization since the Department of Corrections has been reorganized at some level every year from 1978 through 1980. However, it believes that having an experienced professional corrections administrator has improved services.

**New York.** New York correctional functions are fragmented among various agencies. Adult and juvenile facilities are under the Department of Corrections. Adult and juvenile probation and parole functions are handled by three separate divisions under the Executive Department. New York City has its own correctional system.

At one time or another all of the aforementioned agencies were administratively part of the Department of Corrections. The latest major

change that occurred was the reestablishment of the Division of Parole as a separate agency only seven years after its merger with the Department of Corrections.

New York reported that while the consolidation of agencies had the potential for greater efficiencies and economics in staffing, supplies, maintenance, training, consistency of administrative policies, maximum physical plant utilization, etc., the separation of functions permitted the tailoring of policies and administration to meet specific needs without pre-conditioning such efforts by consideration on how they will impact on other functional areas.

**Ohio.** In 1972, Ohio established a separate Department of Corrections. Corrections previously operated as a division under the Department of Mental Hygiene and Corrections. Factors favoring reorganization included (1) corrections' dissatisfaction with being a stepchild and wanting to improve its ability to obtain more funds and enhance the managerial capacity and professionalism in adult corrections; and (2) the old umbrella organization was too cumbersome, complex, and programmatically divergent to be effectively administered.

The Department of Corrections had the same functional responsibilities it had as a division under the umbrella department. It was responsible for adult institutions, probation, parole, and probation services. Youth corrections remained under a separate agency, the Ohio Youth Commission.

While elevation to department status created more visibility and accountability, in the long run, the Department of Corrections reorganization reduced its budget levels, and programs suffered because legislators were more concerned about the political impact on their constituency rather than the correctional clientele. Increased visibility of the Department of Corrections resulted in the inhibited use of community-based programs and continued criticism of the Department of Corrections by the Legislature which had a demoralizing effect on correctional staff. Moreover, the absence of an enduring political constituency for corrections made it easier to reduce Department of Corrections funding. Some observers contend that the Department of Corrections' problems were due to a large turnover of staff resulting in inexperienced legislative liaison. Funding problems were also attributed to lack of budget flexibility of the Department of Corrections. Under the umbrella provision, corrections was able to draw discretionary funds from the other divisions, but such transfer practices among cabinet level departments are more restrictive.

**Oklahoma.** The Department of Corrections was established in 1967 and today encompasses all adult correctional functions. Juvenile corrections is the responsibility of the Department of Human Services. The Director of Corrections is appointed by and is responsible to the Board of Corrections. Prior to the establishment of the Department of Corrections, Oklahoma's correctional system was fragmented with the adult institutions under an administrative board, probation administered by the local governments, and parole supervision under the parole board. Since the 1967 reorganization,

there have been only a few changes to provide for deputy directors and for expansion of facilities and programs. The relationships with other corrections and criminal justice agencies are generally informal and cooperative.

**Rhode Island.** Adult correctional functions in Rhode Island are consolidated under the Department of Corrections while juvenile correctional functions are consolidated under the Department for Children and Their Families. The Department of Corrections was originally established in 1972 with all adult and juvenile correctional functions consolidated under the department. In 1978, however, the responsibility for juvenile corrections was transferred to the Department for Children and Their Families. Rhode Island's correctional system is highly unified with all facilities, including the jails, under a statewide system and the Department of Corrections enjoys cooperative relationships with the other criminal justice agencies.

**South Carolina.** Corrections in South Carolina are administered through three separate agencies. The Department of Corrections, originally established in 1960, is responsible for adult institutions, the Department of Parole and Community Corrections is responsible for probation and parole services for adult offenders, and the Department of Youth Services is responsible for all juvenile corrections functions. Prior to this organizational structure, the only change experienced by the Department of Corrections was due to a jurisdictional shift from the local to the state government over custody of adult offenders 17 years or older serving a term of more than 3 months. Other changes in the system included the recent combination of the Division of Youth Services and the Department of Juvenile Placement and Aftercare into one agency dealing with juvenile corrections, the Department of Youth Services, and the transformation of the Probation, Parole and Pardon Board to a Department of Parole and Community Corrections. Although the correctional functions are fragmented, the Department of Corrections has good working relationships with all the correctional and criminal justice agencies at the policymaking, management, and line levels.

**Tennessee.** The Department of Corrections is responsible for the administration of adult and juvenile correctional facilities and probation supervision. Parole supervision for both adults and juveniles is handled by the Board of Pardons and Paroles. Local jails are the responsibility of cities. Counties are responsible for misdemeanants and felons with sentences of five years or less. This organizational structure has been in existence for more than ten years and Tennessee is not currently considering any reorganization proposals.

**Texas.** Corrections in Texas is fragmented with each component administered by a board or commission. The Department of Corrections which is headed by a Board of Corrections is only responsible for the administration of adult correctional facilities. Parole supervision for adults is handled by the Board of Pardons and Paroles, the Texas Youth Council administers juvenile correctional facilities and parole supervision, and the counties are responsible for adult and juvenile probation supervision. Texas has had this

organizational structure for more than fifteen years and has reported that it has not seriously considered any reorganization proposal because the board/commission form of government has allowed all state agencies to operate with a degree of stability and provided reasonable time to implement programs and services.

**Vermont.** Vermont has one of the most unified correctional systems with adult and juvenile corrections functions under separate departments under the umbrella Agency of Human Services, and with all facilities, including jails under a statewide system. The department heads are appointed by the Governor but report to the Secretary of the Agency. The Agency was created in 1970 to monitor and respond to the human service needs of Vermont.

During 1980-81, the Department of Corrections was reorganized to replace the old management structure which was incoherent. Roles and functions were defined, the line staff roles of facilities were redefined, and a bifurcated program/security career track with clear career ladders was established. The primary goal of this internal reorganization was to define clear lines of authority, communication, and responsibility. The new structure has allowed the development of major new policies and procedures, the revision of prior operating processes, and the establishment of specific job descriptions for all facility staff. The reorganization has allowed for the collection of realistic information about performance and for better communication to the rest of the criminal justice system about corrections. This improvement in the collection of information has had a positive effect on the funding allocations of the Department of Corrections because the Department of Corrections was better able to explain its status and needs. With better management control, there is increased accountability under the reorganized structure.

**Washington.** The Department of Corrections was established in July, 1981. Previous to this reorganization, corrections was under the Department of Institutions, a human services agency, and then the Department of Social and Health Services. The reasons for establishing a separate department were (1) problems in correctional programs were critical; (2) the corrections division had experienced a rapid rotation of directors with widely varying philosophies and practices; and (3) more visibility, accountability, authority, and prestige for corrections were desired.

The move to create a separate department began in 1979 when the House of Representatives established a select committee which conducted a two-year study involving more than 150 public hearings. The House Committee received testimony and assistance from special interest groups, the criminal justice professional community, the political interstructure, academic and research communities, and the general public. As a result of this study, it was determined that to reform corrections it would be necessary to simultaneously reform the sentencing structure. The Committee did not produce a final written report of its findings in the interest of time and instead drafted proposed legislation which incorporated its recommendations.

Overall, the Department of Corrections believes that the positive results have been that an accountability system has been installed; the management structure has greatly improved; standards are being identified and articulated with program development aimed at meeting those standards; fiscal and personnel issues are under control; and a centralized method is taking shape.

The primary reason for selecting the separate department concept was the desire for a simple, straightforward, highly accountable system for corrections as it was evident that the Department of Social and Health Services was incapable of appropriately handling correctional problems. The Committee believed that a single, strong executive who is a good manager with a solid correctional background and who would be directly accountable to the Governor would make the department accountable to both the Governor and the Legislature and contribute to program effectiveness. To ensure responsiveness of the director of the Department of Corrections, the Legislature also modified the civil service law to exempt virtually all policy making positions in the Department of Corrections from civil service.

In deciding against inclusion of the juvenile system in the Department of Corrections, the Committee concluded that establishing a good adult system was a sufficient challenge to the new department and instead called for a study on the feasibility of consolidating juvenile services into the Department of Corrections.

Since the Department of Corrections is only a year old, it is too early to make an assessment as to whether services have improved. Some of the immediate results have been that (1) because large numbers of staff became exempt from civil service, there was a large turnover particularly in the upper levels (within one year the entire central administrative staff was replaced); (2) the accountability and responsibility structure changed considerably; and (3) all aspects of the old correctional system have been re-evaluated and reconsidered in view of the new sentencing system and philosophies and intents expressed in the legislation creating the Department of Corrections. Overall, the Department of Corrections indicated that the positive effects of establishing a separate department have been that (1) the management structure has greatly improved; (2) an accountability system has been installed; (3) standards are being identified and articulated, and program development is aimed at meeting such standards; and (4) fiscal and personnel issues have been brought under control and a centralized method is taking shape.

### States with Umbrella Departments

**Iowa.** Adult corrections is administered through a division under the Department of Social Services which has oversight of the adult institutions, prison industries, and parole and work release programs. Juvenile corrections is under a separate division within the same Department. This organizational structure was established in 1968 for the purpose of integrating into one agency, all components of human service delivery in an attempt to provide more effective service delivery. Iowa reported that it is currently

studying whether establishing a Department of Corrections will be a more effective approach fiscally and operationally.

**Maryland.** Maryland is the only state that has included corrections functions in a public safety umbrella department. The Department of Public Safety and Correctional Services has two major components, one for public safety agencies and one for correctional agencies. Included in the correctional component are a Division of Correction, Division of Parole and Probation, the Parole Commission, the Inmate Grievance Commission, the Correctional Training Commission, the Commission on Correctional Standards, the Sundry Claims Board, and the Patuxent Institution which is an autonomous correctional facility that has its own paroling authority. Juvenile corrections which was a separate Department of Juvenile Services was placed under the Department of Health and Mental Hygiene.

Prior to the creation of the Department of Public Safety and Correctional Services, correctional services were administered separately by the Department of Corrections and Department of Probation and Parole. The creation of the new department was part of a state reorganization effort rather than a reorganization of corrections. Reorganization was a means for achieving greater accountability to the Governor rather than improving correctional services. The 1977 Council of State Governments study reported that there was some dissatisfaction from the state police as to the reorganization since corrections received discretionary funds at the expense of the state police. Previous policies, programs, and philosophies were not significantly altered by the reorganization since Maryland's adult corrections previously enjoyed progressive, professional administration. Maryland has indicated that there are no immediate plans for any major reorganization for corrections.

**Massachusetts.** Adult and juvenile corrections are under an Executive Office of Human Services as two separate agencies, the Department of Corrections and the Department of Youth Services. Parole is also under the Executive Office, but probation is a function of the judicial branch. Massachusetts also has an Executive Office of Public Safety under which state police functions are located. This organizational structure has been in place for more than ten years and the state is now contemplating a merger of the Human Services and Public Safety offices into a new Executive Office of Criminal Justice to increase efficiency of the criminal justice system.

**Oregon.** Oregon's correctional services are under the Department of Human Resources which was established in 1971 to consolidate corrections, children services (juvenile corrections and child welfare), mental health, public health, vocational rehabilitation, employment services, and special programs such as aging projects. Prior to this reorganization, both adult and juvenile corrections programs were under one administrator responsible directly to the Governor. With reorganization, juvenile and adult corrections were separated as divisions under the umbrella department with juvenile corrections combined with child welfare services under the Division of Children's Services. Oregon found that while juvenile corrections was able to

attract more federal dollars after reorganization, it was not integrated in the Division and has received low priority in the allocation of resources.

**Utah.** The adult correctional services in Utah are consolidated under the Division of Corrections which is under the Department of Social Services. Youth correctional services are split between the Division of Family Services of the Department of Social Services and the Juvenile Court.

Recently, the Division of Corrections reorganized to create a separate component for community correctional centers, thereby removing them from the jurisdiction of the Adult Probation and Parole Office. This was due to the growth in the use of community correctional centers and the need for specialized administrative attention.

The reorganization has improved the delivery of correctional services in Utah by coordinating the offender flow from the institution to the centers and to prepare offenders for parole status in the community.

Currently, Utah is deliberating the merger of adult and youth corrections under a single department of corrections. A 1978 Blue Ribbon Task Force on Criminal Justice recommended, among other things, that (1) juvenile institutional and aftercare programs be transferred from the Division of Family Services to the Division of Corrections, and (2) a separate Department of Corrections be created which would consolidate all correctional services now administered by the Corrections Division (any juvenile services transferred thereto would be included). The two major stumbling blocks for establishing the new department have been the expected increased cost and the lack of support from the Department of Social Services.

**Wisconsin.** The Division of Corrections under the Department of Health and Social Services is responsible for the administration of adult correctional facilities and probation and parole supervision, and for juvenile facilities and parole supervision. The counties provide probation supervision for juveniles and share in the parole supervision function. This organizational structure has been in place since 1977 as a result of a 1967 proposal to consolidate human service agencies. Since 1977, there have been several internal reorganizations to group like programs and avoid duplication of services. Treatment, educational, and vocational functions were transferred from the Bureau of Institutions to an expanded Bureau of Program Resources, a Bureau of Community Corrections was created to provide comprehensive, decentralized probation, and parole services, and a separate Juvenile Bureau was created to furnish more emphasis to this area. Currently, the present structure is being examined by a Legislative Study Committee as to the desirability of removing corrections from the umbrella department and establishing a separate cabinet level department.



## States with Independent Agencies

**New Hampshire.** Responsibility for correctional functions in New Hampshire is split among several agencies. Adult corrections is managed by the State Prison, juvenile corrections is under the Youth Development Center, and probation and parole are under separate boards. All four component agencies report through separate Boards to the Governor and Executive Council. The four agencies, although independent, have a cooperative relationship.

New Hampshire reported that during the last several legislative sessions the idea of creating a Department of Corrections which would consolidate parole, probation, and the prison, has been considered for the purpose of improving efficiency. The concept has not been adopted yet, primarily because of (1) a reluctance of county correctional facilities to be included in a central department, and (2) the start-up costs involved. New Hampshire administrators believe that the best organization is a central department which will allow an effective administrator to maximize the utility of each agency and to provide more cost-effective service delivery.

**North Dakota.** Correctional functions in North Dakota are fragmented. Adult and juvenile institutions are the responsibility of the Director of Institutions which is a small umbrella department. Adult probation and parole functions are under the Parole and Probation Department whose head is appointed by the Pardon Board composed of the Governor, Attorney General, Chief Justice, and two laypersons. Juvenile parole is under the Social Service Board and juvenile probation is handled at the county level.

This organization has been in effect for more than ten years and while there is need for better coordination between the prison and parole staffs, relationships with other agencies in the criminal justice system are good to excellent.

North Dakota reported that there is discussion and consideration for reorganizations to administratively place adult probation and parole in a cabinet level agency or to separate corrections from the Department of Institutions since the developmentally disabled advocates do not want corrections as part of the management of their institutions. The Director of Institutions Office believes that a structure with small agencies having good visibility and direct access to the Governor is more beneficial than to have corrections as a branch or division within a larger agency which may have priorities and concerns that might conflict with corrections.

**Pennsylvania.** The Pennsylvania correctional system is fragmented with the adult institutions governed by the Bureau of Correction which is an agency under the Governor's office and probation and parole functions under the Board of Probation and Parole which is an independent agency. Juvenile corrections functions are administered by the Bureau of Youth Services, an agency under the Department of Welfare. Historically, from 1953, the Bureau of Correction was under the Department of Justice which was later abolished

when the Attorney General became an elected rather than appointed official. The placement of the Bureau under the Governor's office is a temporary move which will eventually be changed by new legislation. Since there is no umbrella agency to coordinate efforts in Pennsylvania, the relationships among correctional and criminal justice agencies vary depending on the agency heads involved. There is, however, a cooperative relationship and information sharing as needed.

Pennsylvania reported that it is contemplating the creation of a Department of Corrections which would consolidate institutions and parole, reduce duplication of services and record keeping, and provide corrections with more power by elevating it to the cabinet level. But it also noted that various departmental proposals have been considered by the Legislature in the past but rejected for various fiscal and political reasons. The problems usually center on specific technical problems and questions of changes in power or authority. The Bureau of Correction is hopeful that because of the considerable interest in reorganization at this time, some change will occur after important crime bills have been considered, some of which impact on the nature of reorganization.

**Wyoming.** Adult and juvenile correctional facilities are administered by a constitutionally established Board of Charities and Reform. A separate Department of Probation and Parole is responsible for adult and juvenile probation supervision. While Wyoming has operated under this organizational structure for many years, the Appropriations Committee, during the last legislative session directed that a study be conducted on the present and future needs of corrections. This study, coupled with a move to establish a Department of Corrections or a Department of Institutions indicates a serious desire to change the organizational structure. At the time of this writing, there was no indication as to which direction the legislature might proceed.

**APPENDIX E**  
**RESOURCE PERSONS**

1. Clarence Andrade, Administrator  
Hawaii Community Correctional Center
2. Vernon Chang, Administrator  
Hawaii Youth Correctional Facility
3. Lester Cingcade  
Administrative Director of the Courts
4. Conroy Chow, Administrator  
Office of Correctional Information and Statistics  
Intake Service Center
5. Ben Fong, Departmental Personnel Officer  
Department of Social Services and Housing
6. Paul Gordon, Chief  
Research and Statistics Office
7. Sherwood Hara, Director  
Family and Adult Probation Services  
Fifth Circuit
8. Umeo Hashiro, Administrator  
Office of Administrative Services  
Intake Service Center
9. Thomas Hugo, Jr., Chairman  
Hawaii Paroling Authority
10. Michael Kakesako, Administrator  
Corrections Division
11. Harry Kanada, Administrator  
Adult Probation Division  
First Circuit
12. Donald Kobatake, Administrator  
Hawaii Intake Service Center
13. Mary Jane Lee, Administrator  
Family Court, First Circuit
14. Bob Nagao  
Program, Budget and Analysis Manager

15. Thomas Nakama, Director-Administrator  
Probation and Family Court  
Second Circuit
16. Jimmy Nakamura  
Program, Budget and Analysis Manager  
and Acting Division Chief  
Department of Budget and Finance
17. Ethel Okuda, Office Manager  
Corrections Division
18. Richard Paglinawan, Deputy Director  
Department of Social Services and Housing
19. Wilfred Pang, Executive Secretary  
Criminal Injuries Compensation Commission
20. Theodore Sakai, Administrator  
Program Planning Office  
Corrections Division
21. Raymond Sato, Administrative Services Officer  
Department of Social Services and Housing
22. Dan Schoenbacher  
(formerly Chairman of the Intake Service Center Board)
23. Robert Shimada, Program Evaluation Officer  
Department of Social Services and Housing
24. Edwin Shimoda, Administrator  
Oahu Community Correctional Center
25. Larry Shohet, Program Administrator  
Halawa High Security Facility
26. George Stepp, Management Services Branch Chief  
Department of Budget and Finance
27. Alfred Suga, Deputy Director  
Department of Social Services and Housing
28. Franklin Sunn, Director  
Department of Social Services and Housing
29. Carl Takamura, Administrative Assistant  
Office of the Governor
30. Irwin Tanaka, Director  
State Law Enforcement and Planning Agency

31. Steven Vidinha, Director  
Hawaii Criminal Justice Data Center
32. John von Gnecten, Administrator  
Kulani Correctional Facility
33. Edith Wilhelm  
(formerly Assistant Administrator,  
Department of Social Services and Housing)
34. Kendrick Wong, Executive Director  
Intake Service Center
35. Bert Yamaguchi, Chief  
Office of Information Systems  
Department of Social Services and Housing

APPENDIX F

(To be made one and seven copies)

THE SENATE

ELEVENTH..... LEGISLATURE, 19 82

STATE OF HAWAII

S.R. NO. 124

# SENATE RESOLUTION

REQUESTING A STUDY ON THE CONCEPT OF CREATING A DEPARTMENT OF  
CORRECTIONS.

WHEREAS, crime and public safety from criminal behavior have long been and continue to be major concerns of the Legislature; and

WHEREAS, in 1973, the Legislature took a bold stand against crime by adopting the Hawaii Correctional Master Plan (HCMP) as an innovative approach which would expand the scope of correctional practices beyond traditional limits and provide for a totally integrated community response to the crime problem; and

WHEREAS, the HCMP was intended to provide Hawaii with a unified criminal justice system that would respond to offender needs in a systematic and coordinated fashion; and

WHEREAS, after almost nine years since the HCMP was adopted, the Legislature finds that the functions relating to corrections are still dispersed among various governmental agencies that continue to operate independently, and, there is no one underlying philosophy or policy governing corrections in Hawaii; and

WHEREAS, it has been proposed that the establishment of a separate department for the consolidation of correctional services such as the adult and juvenile functions currently shared by the Department of Social Services and Housing and the Judiciary might facilitate better coordination among correctional agencies and reduce duplication of efforts and other inefficiencies of the present fragmented system; now, therefore,

BE IT RESOLVED by the Senate of the Eleventh Legislature of the State of Hawaii, Regular Session of 1982, that the Legislative Reference Bureau is requested to conduct a study on the concept of creating a Department of Corrections to determine the practicality of such an organizational change for Hawaii's correctional system; and

BE IT FURTHER RESOLVED that the Corrections Division of the Department of Social Services and Housing, the Intake Service

Centers, the Hawaii Paroling Authority, the Judiciary, and other criminal justice agencies cooperate with the Legislative Reference Bureau in the conduct of this study; and

BE IT FURTHER RESOLVED that a report of the findings and recommendations be submitted to the Legislature twenty days prior to the convening of the Regular Session of 1983; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Legislative Reference Bureau, the Director of Social Services, the Executive Director of the Intake Service Centers, the Chairperson of the Hawaii Paroling Authority, and the Chief Justice of the Supreme Court.

OFFERED BY:

*Frank D. Carpenter*

4/13/82

*Clifford C. Uehara*

*Doni Oka*

*Neil Abernethy*

*Joe Kuroki*

*Ben Capotano*

*W. Bushy Jones*