

Future of the Oahu Community Correctional Center

Vol. 43 - Legislature Considering Measures to Improve Justice System

April 2022



Hawaii Department of Public Safety

The Hawaii Department of Public Safety (PSD) carries out orders from the state courts to confine individuals for a set period of time utilizing jails and prisons located within Hawaii, at the Federal Detention Center in Honolulu, and in private contracted facilities on the mainland. Jails, known in Hawaii as Community Correctional Centers (CCCs), are located on the islands of Kauai, Maui, Hawaii and Oahu and house pre-trial detainees, misdemeanor offenders, and others with a sentence of one year or less. CCCs also provide a pre-release transition function for prison inmates who reach less than a year until their scheduled release. While some offenders will remain confined for life, over 95 percent will serve their sentences and be released to the community.

PSD envisions a future when all its facilities provide safe, secure, healthy, and humane environments for offenders and staff. A future based on better understanding the differing needs of offender populations, using therapeutic rather than punitive management techniques, ensuring racial equity, and by promoting positive change so that fewer individuals are incarcerated in Hawaii. However, aged and obsolete CCCs have undermined PSD's ability to deliver such a vision and improving some and replacing others is a PSD priority. Chief among its priorities is developing a new Oahu CCC (OCCC) at the Animal Quarantine Station (AQS) in Aiea. Assisting with OCCC planning and development is the Department of Accounting and General Services (DAGS) and a team of consultants (the "OCCC Team").

Legislature Considering Measures to Improve Justice System

The recent OCCC Population Forecast identified opportunities to reduce the population requiring detention. Using data involving offenses, case status, and classifications, the analysis found four main segments of the detention population that have the potential to be reduced by as many as 235 individuals based on recent data:

- Pretrial Felons: 40 individuals
- Probation Violators: 138 individuals
- Sentenced Felon Probationers: 39 individuals
- Misdemeanants: 18 individuals

With less than one month before the 2022 legislative session adjourns, various measures affecting Hawaii's justice system are still under consideration that have the potential to reduce the number of individuals housed at OCCC, improve the functioning of the correctional system, among other benefits.

For example, the Hawaii legislature is currently considering reforming the bail system by eliminating monetary bail. Proposed HB1567 HD1 would address the substantial and continued overcrowding of facilities used to house pretrial defendants by requiring defendants to be released on their own recognizance for certain nonviolent offenses including traffic offenses, violations, nonviolent petty misdemeanor offenses, or nonviolent misdemeanor offenses, subject to exceptions and requirements. The bill seeks to reduce unnecessary pretrial incarceration and its cost to taxpayers and the community while maintaining public safety.

Other bills currently under consideration are described on the following page. Each is intended to divert defendants from detention, assist inmates to acquire civil identification cards, support new and existing community-based furlough programs, among other proposals. Future public policy initiatives may also address certain low-level non-violent felonies and technical probation violations as well as additional measures to divert individuals from detention.



Legislative sessions held at State Capital Building

HB1567 HD1: A Bill for an Act Relating to Criminal Pretrial Reform

In an effort to address the substantial and continued overcrowding of facilities used to house pretrial defendants, consideration is being given to reforming the bail system. Proposed HB1567 HD1 would eliminate the use of monetary bail and require defendants to be released on their own recognizance for certain nonviolent offenses subject to exceptions and requirements. The bill would also allow defendants the option to participate in a bail report interview via videoconference.

Testimony concerning the proposed measure has been provided by the Office of the Public Defender, Judiciary, Hawaii Correctional Oversight Commission, Department of Public Safety, ACLU, Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Office of Hawaiian Affairs, Hawaii Disability Rights Center, as well as other public interest groups and individuals. To view a copy of the bill visit: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=1567&year=2022

HB2169 HD1 SD1: A Bill for an Act Relating to the Comprehensive Offender Reentry System

Proposed HB2169 HD1 SD1 supports successful offender reentry. The measure clarifies the role of the Department of Public Safety which is to work with the Department of Transportation and county examiners of drivers to assist inmates in procuring civil identification cards rather than issue civil identification cards. Civil identification cards are essential to eliminating many barriers for inmates exiting prison to successfully integrate back into the community including transiting into the workforce, accessing social services including health care, opening bank accounts, and secure housing among many others. The bill also requires PSD to initiate the process of assisting an inmate obtain a civil identification card, birth certificate, social security card, and any other relevant identification documents 90 days before the inmate is being released to work furlough, extended furlough, or community placement programs if the inmate requests assistance after being notified that assistance is available.

Testimony concerning the proposed measure has been provided by the Office of the Public Defender, Common Cause, Hawaii Health & Harm Reduction Center, Department of Public Safety, the Hawaii Correctional Oversight Commission and ACLU, as well as various public interest groups and individuals. To view a copy of the bill visit: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=HB&billnumber=2169&year=2022

SB2375 SD1 HD2: A Bill for an Act Relating to Social Work

Proposed SB2375 SD1 HD1 requires the Department of Public Safety, in collaboration with the Department of Human Services, to develop and establish a social work training program to assist nonviolent incarcerated individuals in the area of social work.

It also requires the Department of Public Safety and Department of Human Services to jointly submit a report on their progress in developing and establishing the social work training program to the Legislature. Hawaii is facing a shortage of social workers to help people in the State and this shortage is of concern, as demand for services will likely increase as a result of the coronavirus pandemic and its aftermath.

Some nonviolent incarcerated individuals may be uniquely qualified to enter the field of social work as assistants and this measure encourages incarcerated nonviolent individuals, who may have valuable life experience, to train and pursue employment in the area of social work, which may help with their successful reentry into the community.

Testimony concerning the proposed measure has been provided by the Department of Commerce and Consumer Affairs, Department of Budget and Finance, Department of Human Services, Hawaii Substance Abuse Coalition, Department of Public Safety, Hawaii Health and Harm Reduction Center, National Association of Social Workers - Hawaii, as well as various public interest groups and individuals. To view a copy of the bill visit: https://www.capitol.hawaii.gov/measure_indiv.aspx?billtype=SB&billnumber=2375&year=2022

While it's up to the Legislature to determine what, if any, changes in policies and practices will become permanent fixtures of Hawaii's criminal justice system going forward, unless significant population diversion or reduction measures are implemented, the new OCCC will continue to house large detention and re-entry populations.

Star Advertiser Conducts Poll

On March 31, 2022, the Star Advertiser conducted a poll which asked readers whether the Legislature should provide funds towards replacing the current OCCC. The results, shown below, overwhelmingly supported providing the funds necessary to moving the new OCCC forward.



Editorial: New jail should be part of reform

April 4, 2022

Updated 3:06 am

The problems of the Oahu Community Correctional Center (OCCC) are old, almost as old as the 47-year-old facility itself. Just nine years after OCCC opened in 1975, the American Civil Liberties Union filed suit challenging its overcrowding and inadequate safety and programs.

There have been improvements over the years, but the state has been unable to get ahead of the deterioration, despite subsequent federal interventions. The organization's most recent calls for review were made more broadly for the state corrections system as a whole.

These include a 2017 complaint with the U.S. Department of Justice seeking more investigations into persistent overcrowding and poor conditions. In 2021, the ACLU filed a court brief urging the Hawaii Supreme Court to continue oversight more specifically of the system's management of COVID-19, given the chronically over-capacity jails and prisons.

With such a history of substandard conditions at OCCC, this seems the wrong moment simply to slam the brakes on a project that aims, at long last, to replace the facility in a new location.

Meanwhile, the Kalihi community would gain from redevelopment of the jail site, and should not be forced to wait indefinitely for that to happen.

A middle path needs to be found between the course laid out toward a new, larger jail and the campaign for something that's also desirable: reforms that keep more people out of jail for lesser crimes.

This is a quandary that the Legislature should solve rather than simply hold funds hostage until reforms can have their effect.

Already the state House has stripped the budget proposal of the \$1.5 million Gov. David Ige had requested to develop a detailed request for proposals to replace OCCC. That removal was led by state Rep. Sylvia Luke, who wields enormous power as chair of

the House Finance Committee. Luke is also a candidate for lieutenant governor, and has campaigned on putting reforms ahead of a new facility.

What Luke and others want to see first is the adoption of new policies and programs to keep people out of jail, so that a larger facility isn't needed.

"Before moving ahead with plans for a costly new jail, Hawaii must dramatically change its approach to corrections," said Carrie Ann Shirota, ACLU of Hawai'i policy director, in testimony on the now-stalled House Bill 2516, which would bar planning, design or construction of a new jail unless the Hawaii Correctional Systems Oversight Commission participates.

The intent behind this hesitancy is understandable, especially with broader reform proposals still languishing. One of them would discourage cash bail. The argument is made, with good cause, that too many people who are poor are arrested on a relatively minor charge, are unable to post bail and then languish in jail.

This must change, and at a faster pace than the Legislature seems able to muster.

There's no good reason to build a jail that is larger than necessary, especially if reforms will reduce the inmate count. But what happens this year to those now incarcerated in a crumbling OCCC? If the answer is "nothing," that is unjust — to the low-income defendants suffering through poor conditions now, and to those who must wait even longer for long-promised reforms.

The state Department of Public Safety has said the plan for a new jail can be adjusted to accommodate a smaller census. Senators will hear the budget bill on Tuesday, and they should hold them to that pledge, insisting on a scaled-down plan for OCCC but providing funds to enable further revisions.

What they should not do is kick this can down the road until, at some indefinite point, reforms can pass and take hold. A new jail is already so long overdue.

Who is Held at OCCC?

We all want individuals in custody to have humane and safe living conditions and rehabilitative and transitional services to help them successfully return to the community. We also want our neighborhoods to be safe for us, our children, our seniors, and our friends and neighbors. Important to achieving these results is understanding who is held at OCCC.

- They are mostly local people, with a disproportionate share from Native Hawaiian and Pacific Island communities.
- They are our moms, dads, sons, daughters, sisters, brothers, and neighbors from all corners of Oahu.
- The purpose of the courts, jails, and prisons is to hold people accountable for their actions and to prepare them to return to the community as productive citizens. The revolving jailhouse door doesn't keep communities safe, and it doesn't reform and rehabilitate those who need it most.
- Law enforcement and the courts determine who is held at OCCC and for how long, not PSD. PSD's responsibility is to care for them during their confinement and to provide them with the tools and services they need to successfully return to the community.
- OCCC is the only jail on Oahu and the State's largest. It is NOT a prison, but is often the first – and then last – stop for those accused of criminal activity. It's the place where people are taken upon arrest while waiting for the justice system to hear their case, determine their guilt or innocence, and then carry out their sentence or outcome. Those nearing the end of their sentence in prison are also returned to OCCC to prepare for release.
- Fully 95% of the people currently incarcerated in Hawaii will eventually be released and return to their community. To do so successfully, it's necessary to treat their physical and mental health needs, address their behavioral issues, and provide the skills needed to avoid reoffending and reentering the justice system.



Detainees held at OCCC

Offenders exiting the correctional system need to be prepared to be law-abiding, productive members of society. A new OCCC represents an unprecedented opportunity to provide the type of physical environment, services, and tools needed for offenders to improve their lives. It's our collective kuleana to give them a chance to succeed and OCCC, as it exists today, does not meet that kuleana.

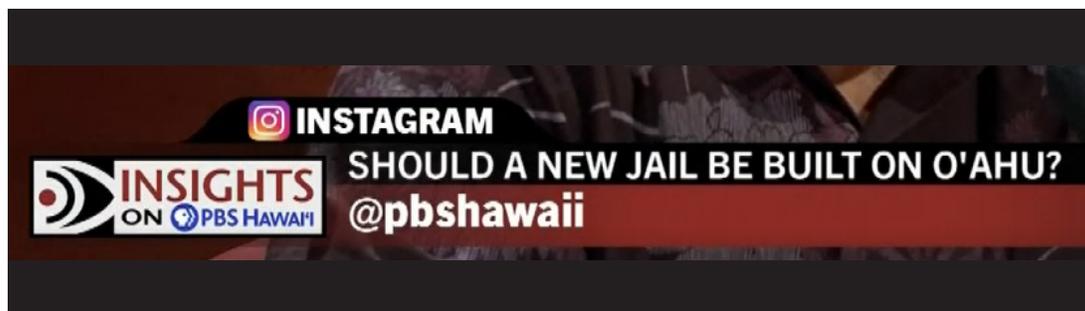
Conditions at the current OCCC fall far short of today's needs, standards, and expectations for such facilities. Hawaii taxpayers are currently funding a facility that doesn't serve its population, continues to deteriorate, and leads to more hardened offenders ending up back on the street and repeating the cycle. That's just not a smart use of limited funds but putting that funding towards a facility that does serve its population does make good sense. With a new OCCC, offenders would be treated humanely and given a chance to rehabilitate, the criminal justice system can function more effectively, and the people of Hawaii would benefit from safer communities with former inmates becoming productive citizens. Individuals who end up in jail, regardless of their offense – deserve better and likewise, our communities deserve a system that protects their safety when these offenders are released.

PSD Director Participates at Panel Discussion

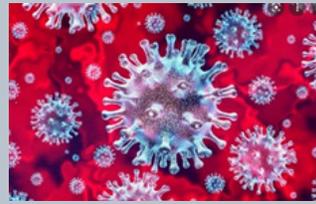
PSD Director Max N. Otani was a member of a panel brought together to discuss PSD's efforts to improve Hawaii's prisons and jails and construct new institutions. The panel discussion focused on the State's plans to replace the existing OCCC in Kalihi, portions of which are more than 100 years old, with a new facility that reflects current corrections standards and best practices.

Insights on PBS Hawaii, a live, weekly one-hour public affairs show on PBS Hawaii, hosted the panel discussion on April 7, 2022. Those who viewed the live discussion heard from Director Otani and others concerned about the state of Hawaii's correctional system and were able to ask questions about the current OCCC and plans for its replacement through email, social media, or telephone.

A video of the panel discussion is available for viewing at PBSHawaii.org.



New OCCC to Address Contagions



COVID-19 Virus

In 2020, the COVID-19 pandemic struck, not only the United States, but the world. Two years later, this devastating pandemic continues. While there is still much to learn about the disease including its cause,

transmission, treatment, and prevention, plans for the new OCCC aim to reflect the current science in responding to this and future pandemics. For example, the new OCCC will:

- Accommodate virtual events and activities such as court proceedings, personal and professional visits, tele-medicine, etc., thereby reducing the risk to inmates, staff, and visitors.
- Be better able to prevent transmission of airborne pathogens by incorporating respiratory isolation rooms in its design.
- Be equipped with modern ventilation systems including ultraviolet lights that eradicate pathogens on surfaces and in air and water so that inmates and staff can safely live and work.



In the event of future pandemics, portions of the new OCCC can also be repurposed to house non-chronic inmates who may be infected.

Steady Progress at Women's Community Correctional Center

Since groundbreaking in July 2021, there has been steady progress in constructing improvements at the Women's Community Correctional Center (WCCC) in Kailua. As shown in the renderings, a new Housing Unit, Administration Building, and Visitation/Intake Building, along with other ancillary improvements are under construction. The new structures are the first major improvements at WCCC which was adapted in 1992 to house female offenders. Construction during March 2022 focused on preparing forms and pouring concrete to establish the footings and foundations for the new structures (see photos below).



New Administration Building



New Housing Unit and Visitation/Intake Building under Construction



Renderings by: CGL Companies



Construction Progress Photos, March 2022

Ho o'kapa Cottage Renovations Continuing on Schedule

In addition to the new construction, the formerly vacant Ho o'kapa Cottage is also being renovated to be a useful addition to the WCCC campus. Renovation of the cottage structure and the addition of a multi-purpose support building will provide a new living environment for female offenders that will emphasize rehabilitation and normalization while providing life skills for a successful transition out of custody. The photos below capture the considerable progress in renovating the cottage which, when completed in late 2022, will provide space for various gatherings and other purposes.



Construction Progress Photos, March 2022

Credit: DLR Group



Traveling to Hawaii in the 1960s.

Upcoming Activities

The following activities are anticipated in the months ahead.

<p>May 2022</p>	<p>Architectural and Space Program for new OCCC under review. Preparation of OCCC Request for Qualifications continues. New construction and renovations continue at WCCC. Public outreach, information, and engagement continues with attendance at meetings of Aiea Neighborhood Board #20, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission, publication of Newsletter Vol. 44, etc. 2022 legislative session concludes.</p>
<p>June 2022</p>	<p>Architectural and Space Program for new OCCC completed. Target date for issuance of new OCCC Request for Qualifications. New construction and renovations continue at WCCC. Public outreach, information, and engagement continues with attendance at meetings of Aiea Neighborhood Board #20, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission, publication of Newsletter Vol. 45, etc.</p>
<p>July 2022</p>	<p>Preparation of responses to OCCC Request for Qualifications by interested entities underway. New construction and renovations continue at WCCC. Public outreach, information, and engagement continues with attendance at meetings of Aiea Neighborhood Board #20, Aiea Community Association, and Hawaii Correctional Systems Oversight Commission, publication of Newsletter Vol. 46, etc.</p>

Join OCCC Email List

Add your name to the OCCC email list to receive announcements, newsletters, and other project-related materials by sending your name, affiliation (if any), and email address to: robert.nardi@wsp.com.

Interested in Learning More?

For additional information visit <http://dps.hawaii.gov/occc-future-plans> or contact:

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