



Future of the Oahu Community Correctional Center

Volume 18 - Draft EIS Elicits Comments about New OCCC

February 2018

Hawaii Department of Public Safety

The Hawaii Department of Public Safety (PSD) is responsible for carrying out judgments of the state courts whenever a period of confinement is ordered. Its mission is to uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity and fairness.

PSD operates Community Correctional Centers (CCC) on the islands of Kauai, Maui, Hawaii and Oahu. Each CCC houses short-term sentenced (felons, probation, and misdemeanor), pretrial (felon and misdemeanor), other jurisdiction, and probation violators. CCC's provide the customary county jail function of managing both pre-trial detainees and locally-sentenced misdemeanor offenders and others with a sentence of one year or less. CCCs also provide an important pre-release preparation/transition function for prison system inmates who are transferred back to their county of origin when they reach less than a year until their scheduled release.

PSD is committed to providing a safe, secure, healthy, humane, social, and physical environment for inmates and staff. However, overcrowded, aged, and obsolete CCCs have limited PSD's ability to provide such environments. In particular, the persistent and severe overcrowding exacerbates basic physical plant operations, contributes to tension among inmates, and diminishes program opportunities. Overall, all jail facilities are operating well above their operational capacities and combined with declining physical plants, undertaking improvements and upgrades are important PSD priorities. Chief among such priorities is the replacement of the existing Oahu CCC (OCCC) with a new facility at the Animal Quarantine Station site in Halawa.

Frequently Asked Draft EIS Comments and Questions

Diverse groups of elected officials, stakeholders, and the public-at-large have been following the planning process for a new OCCC since 2016 evidenced by the comments and questions received during the 60-day public comment period for the Draft Environmental Impact Statement (EIS). By the end of the public comment period, approximately 250 individuals, 12 organizations, 15 federal, state and city/county agencies, and 7 elected officials had submitted 1,600+ written comments and questions to PBR Hawaii and the Hawaii Department of Accounting and General Services (DAGS) concerning the proposed OCCC project and the Draft EIS in addition to comments received during the Town Hall meeting.

Since the Draft EIS public comment period ended on January 8, 2018, PSD, DAGS and the Consultant Team have been preparing the Final EIS which will include responses to comments received on the Draft EIS along with any necessary updates or revisions to technical information contained within the document. Publication of the Final EIS is expected to occur in late Spring/early Summer of 2018. Newsletter Volume 18 provides a cross-section of the most common questions and comments provided by individuals, organizations and agencies and offers answers that represent State of Hawaii and PSD positions and currently available project information.

Q1 What is the current cost estimate for developing the new OCCC and how can the State ensure the cost does not continue to increase drastically?

Estimates to construct the proposed facility at each of the four alternative sites range from \$525 million at the Animal Quarantine Station site to \$596 million at the existing OCCC site (see Draft EIS Appendix H: Construction Cost Estimates). Developing the new OCCC according to the proposed schedule is one way to avoid the escalation in material and labor costs.

Q2 Why is less money spent on education and more money spent on incarcerating people?

The State of Hawaii spends more on education than it does on corrections. However, when comparing, on a per person basis, the costs of incarceration are higher than education due in large part to the need to house, feed, and clothe inmates, provide medical care and mental health treatment services, education and vocational training opportunities, among many other services and functions within a highly secure environment. Such costs are not typically borne by the State's educational system which is among the reasons for the disparity in costs between the corrections and education systems.

Q3 Why are we considering public-private partnerships for incarceration facilities?

As the proposed project advances through the planning process, consideration will be given to how to finance construction including the use of government financing (bonds, etc.) as well as alternative financing which may include public-private partnerships, private equity participation, and other such methods. No decisions have been reached concerning the method to finance OCCC construction.

Q4 Will a private corrections corporation manage or be involved with the new jail?

There is no plan to involve private corrections contractors in operation of the proposed OCCC which will continue to be operated by PSD staff and management.

Q5 Who benefits from developing a new OCCC?

Groups that will directly benefit from a new OCCC facility include: detainees and inmates, visitors including family members and friends, individuals and groups that volunteer their time to counsel and support detainees, and OCCC staff. Indirect benefits will accrue to the citizens of Hawaii with a more secure, safe, and cost-efficient OCCC operation.

Q6 What businesses are profiting from building the prison? Will this raise our taxes?

The proposed jail project is currently in the planning and environmental impact study phase. No consideration has been given or efforts devoted to soliciting private companies to design, construct, and/or finance the proposed facility. The design, construction, and financing phases will follow successful completion of the planning and environmental study phase and acceptance and approval to proceed from the Governor and Legislature. The method of financing development of the new OCCC has not been finalized so it is unknown at this time whether or not OCCC development will influence state-imposed taxes.

Q7 Why aren't you waiting for the results of the Task Force on prison reform before continuing development plans on the new jail?

Given the urgent need to replace OCCC and the many years required to plan, program, site, conduct environmental and other studies, acquire permits and approvals, and design and construct the facility, PSD would be derelict by not proceeding until the Task Force completes its work. During the years leading up to ground-breaking, there will be multiple opportunities to adjust the plan for the new OCCC to reflect policy and other reforms which may be adopted by the Legislature and/or Judiciary that could reduce the need for jail bedspace on Oahu.

Q8 Why has this plan moved forward to this point when there is a plan, but not yet an implementation, for a Community Partnering Task Force or its mandated Community Hearing?"

Prior to developing new or expanding existing in-state correctional facilities, PSD is required by statute (HRS 353-16.37) to conduct community partnering. According to the Hawaii Department of the Attorney General, the community partnering statute is to begin following the issuance of a Request for Proposals for construction of correctional facilities and not before.

Q9 How can we reduce bail so the pretrial population is reduced? How do we change the bail system?

The Hawaii Judiciary and State Legislature are the appropriate entities for addressing criminal justice reforms. It is hoped that the work of the HCR 134 Task Force and HCR 85 Task Force will result in reforms that will allow greater numbers of detainees to be released, placed in outside programs, or assigned to other alternatives to incarceration than are available today. PSD supports such initiatives and encourages others to do so as well.

Q10 What are the ways the State Judiciary and/or Legislature could address the problem of overcrowding and/or provide alternatives to building expanded facilities?

Initiatives such as bail reforms, sentencing reforms, alternatives to incarceration, increased support for mental health and substance abuse treatment programs, among many others are the purview of the Judiciary and Legislature. If enacted, these programs have the potential to impact the number of incarcerated individuals significantly. PSD supports such initiatives and encourages others to do so as well.

Q11 What kind of programs do volunteers provide in PSD facilities?

Volunteers assisting inmates in OCCC are affiliated with Narcotics Anonymous, Alcoholics Anonymous, and Celebrate Recovery and assist inmates with recovery from alcohol and drugs. Volunteers also assist inmates in learning skills such as anger/stress management, computer usage, creative writing, cognitive and life skills, GED preparation, communications, cultural awareness, parenting, mentoring, domestic violence, business management among others.

Q12 Are the same facilities and resources accessible to pre-trial inhabitants as to convicted inhabitants? Are there differences in how these two groups are treated?

Although most offenders assigned to OCCC are housed for relatively short periods during the pre-trial and trial processes (days or weeks compared to the multi-year sentences served at Hawaii's prisons), both pretrial and inmates serving less than a one-year sentence are provided with resources and services to address health care, mental health, substance abuse and other issues while detained. Sentenced inmates are housed separately from the pretrial detainee population.

Q13 Do people incarcerated in OCCC receive educational services?

As a jail, OCCC largely houses individuals (detainees) during the pre-trial and trial process and for relatively short periods (days or weeks) compared to the multi-year sentences served at Hawaii's prisons. Those housed in OCCC are provided with resources to address health care, mental health, substance abuse and other issues which could include on-the-job training and education classes.

Q14 How many people in PSD's custody at OCCC who need substance abuse treatment are receiving substance abuse treatment?

All individuals held by PSD who require substance abuse treatment and assistance are provided with such resources.

Q15 What responsibilities does PSD have to provide for the reentry needs for people it incarcerates?

PSD is responsible for and devotes considerable resources to assisting offenders leaving its facilities to successfully re-enter society. See PSD's "Inventory of Reentry Services to Offenders" available on its website for a detailed description of such support services and assistance.

Q16 Why is PSD considering eliminating contact visits for incarcerated people and their families and loved ones?

Problems involving illegal contraband entering OCCC have forced PSD to institute video visitation at the current OCCC. However, PSD is reconsidering its position and is contemplating allowing contact visitation, non-contact visitation, and/or video visitation options at the new OCCC. As the proposed project moves to the design phase, visitation options will be fully explored and decided.

Q17 Why is building more humane jails a bad idea?

Replacing the current OCCC with a modern, more efficient, more effective and more humane institution is a good idea and has been advocated by PSD for over a decade. Replacing OCCC is also important to the proper functioning of the criminal justice system in Hawaii.

Q18 In what ways will renovating the Women's Community Correctional Center (WCCC) provide a "more humane environment" for female detainees?

Relocating female detainees from OCCC to WCCC and investing in upgrades to WCCC will provide a more humane environment by improving conditions of confinement, improve female detainees and inmates' access to medical and mental health services, counseling and treatment programs, reduce stress and improve living conditions for those awaiting trial or sentencing, serving sentences, or preparing for reentry.

Q19 Why is the current OCCC no longer acceptable?

The existing OCCC facility is severely overcrowded and incapable of properly housing and servicing current and projected populations. Conditions created by overcrowding also place Hawaii at risk of liability that could threaten continued autonomous control and supervision of OCCC. The aged and obsolete facility severely hampers PSD's ability to provide a safe, secure, healthy, humane, social and physical environment for inmates and staff.

Q20 Why is the HART rail system an issue for whether or not to move the OCCC site?

The HART rail system, under construction, has not been an issue as to whether or not to relocate the OCCC facility from Kalihi. However, the availability of public transit service (bus and rail) to transport OCCC staff, visitors, and others to and from the facility were considerations in identifying and evaluating alternative locations for the new OCCC.

Q21 What are the plans for the land the OCCC is currently built on? How will the use of these lands benefit the community?

The Kalihi 21st Century Committee was established to consider alternatives for developing the current OCCC property for the benefit of the Kalihi community and the State of Hawaii once the current OCCC ceases operations and moves to its new location.

Q22 What is the process for making a final OCCC location decision? By committee? By public vote?

The final decision to develop the new OCCC at the Animal Quarantine Station site will be made by Governor Ige.

Q23 The Mililani Technology Park is not a viable option for the next OCCC. Mililani Tech Park is not a suitable site and should be removed from further consideration.

The rationale for including the Mililani Technology Park among the four OCCC site alternatives is provided in the Draft EIS which also identified the Animal Quarantine Station site as the preferred location for OCCC development. Although the proposed Mililani Technology Park site will not be removed as an alternative location, it is the lowest ranked site among the four alternative locations for OCCC development.

Q24 I think it's best to have OCCC moved to the Animal Quarantine Station site and therefore I am opposed to any of the other three sites as possible locations for the new OCCC.

The Animal Quarantine Station site is considered the preferred location for OCCC development with the existing OCCC site, the Halawa Correctional Facility site, and the Mililani Technology Park site all ranked lower than the Animal Quarantine Station site.

Q25 What's the rationale for moving the new facility to locations where staff live?

Staff currently employed at the existing OCCC facility will be expected to relocate to the new facility. If the new facility is not easily accessible by the current OCCC workforce, the likelihood of retaining that highly trained, experienced workforce will be jeopardized. Since recruiting, training and replacing experienced staff is very costly and time-consuming, giving value and weight to where the current OCCC workforce resides was an important consideration.

Q26 How will the construction of this new replacement OCCC affect the environment?

The Draft EIS was prepared to address the nature, extent, duration and significance of potential impacts to the natural and man-made environments resulting from construction and operation of the proposed OCCC at each of four alternative locations. See Draft EIS and Appendices A - Z for detailed information and analyses of potential environmental impacts of the proposed project.

Q27 In quantitative terms, how will construction of the facility affect the State's effort to reduce carbon emissions?

Among the benefits of developing a new modern OCCC facility is the ability to cease operating the existing aged, inefficient and costly to operate OCCC. While the project has not yet reached the design stage where the volume of greenhouse gases could be quantified, the production of greenhouse gases resulting from the new OCCC will be offset by the closure of the current OCCC to the benefit of Hawaii's environment.

Q28 How will locally-sourced materials be utilized in construction of the new facility?

The use of locally-sourced materials to construct the proposed facility will be determined during the future design phase when the availability of locally-sourced materials will be identified and the costs and benefits will be determined.

Q29 Will the U.S. military have access to any potential jail site for operations and/or training?

There is no plan to provide access to the U.S. military to the selected OCCC site for operations and/or training. Furthermore, there has been no request by the U.S. military for such access.

Q30 I understand that there are approximately 1,400 male inmates in a private prison in Arizona. Explain why the proposed OCCC facility will not affect the inmates in Arizona.

A portion of Hawaii's prison population is serving their sentences in facilities in Arizona; inmates serving terms in prison represent a very different population from offenders housed in Hawaii's community correctional centers which serve as jails and not prisons. Development of the proposed OCCC (a jail facility), therefore, will not affect Hawaii's prison inmates currently held in public or private prisons.

Q31 Why is it that a bigger OCCC is being proposed instead of expanding other facilities?

The proposed project is to develop a new OCCC which is the only jail facility located on Oahu and as the only jail on Oahu, there are no other facilities that can be expanded to provide the necessary jail functions.

Q32 How will the facility being proposed improve/reduce recidivism?

The proposed OCCC will provide facilities, programs and services unavailable at the current OCCC which, when implemented, are expected to improve outcomes and help reduce the recidivism rate among Oahu's offender population.

Q33 Has the cost of building a new Animal Quarantine Station been considered in the OCCC cost estimates?

Yes, a preliminary estimate for the cost of replacing the Animal Quarantine Station with a new facility on the west side of the existing site has been developed. This was included as part of the cost estimate for developing the new OCCC at the Animal Quarantine Station site (estimated at \$17.5 million).

Q34 Why build more jails instead of schools?

It's unfortunate that individuals commit offenses against other individuals, institutions, or society in general and upon conviction must serve a sentence in a jail or prison. Until such time that crime is reduced to virtually zero, having jails and prisons available will continue to be necessary.

Q35 What process is in place for determining developers on what will be the former OCCC site?

Until a new OCCC is in design or under construction it is premature to consider what entities/developers may be involved in redevelopment of the current OCCC property. The Kalihi 21st Century Committee was established to consider alternatives for developing the property once the current OCCC has ceased operations and moved to its new location.

Q36 What resources will be available for traditional Hawaiian practices?

Through an extensive network of volunteers and volunteer organizations, services are provided to assist offenders with their cultural and religious traditions and practices. While decisions about the design and operation of the proposed OCCC are still months away, careful attention will be given to maintaining traditions and practices. See also PSD's "Annual Report - 2016" available on its website for a description of current Volunteer/Religious Services.

Q37 How many volunteers provide services in PSD facilities?

Approximately 70 individual volunteers and those affiliated with faith-based institutions are assisting individuals in OCCC.

Q38 What responsibilities does PSD have to provide for the reentry needs for people incarcerated?

PSD is responsible for and devotes considerable resources to assisting offenders leaving its facilities to successfully re-enter society. See the Department of Public Safety's "Inventory of Reentry Services to Offenders" available on its website for a description of such support, resources, and services.

Q39 Are there any rules or restrictions on who outside of OCCC is allowed to engage in visitation?

All correctional facilities, including OCCC, have policies and procedures governing who is allowed to visit an offender and the number and frequency of visits in order to maintain order and allow for the proper functioning of the institution.

Q40 How will we pay for the cost of operation of the new jail?

The cost of OCCC operation (following development) will continue to be funded by an appropriation from the State Legislature. A new, modern, more efficient OCCC is expected to use taxpayer funds more effectively than continuing to maintain and operate the current aged OCCC.

Q41 How will a new OCCC facility reduce the amount of time people are waiting for sentencing?

Arrests, arraignments, pre-trial motions and preparations, trials, and the sentencing process (if convicted) involves police, prosecutors, defense attorneys, defendants, judges and others. PSD has no ability to influence the time devoted to preparation for trials, the duration of trials themselves, or the sentencing process.

Q42 What materials can be salvaged for re-use from the existing OCCC?

The age and poor condition of mechanical and electrical systems, furniture and fixtures, and other OCCC equipment severely limits its salvage potential. However, metals and concrete can be recycled.

Q43 The ACLU has filed a Federal complaint against the State of Hawaii asserting that its prisons and jails violate the 8th and 14th Amendments to the U.S. Constitution. In what ways is OCCC unconstitutional and how would an expanded facility address this problem?

The ACLU complaint relates to the overcrowded conditions affecting Hawaii's prisons and jails and the conditions of confinement within those facilities resulting from overcrowding. Replacing the current OCCC with a new, modern, more efficient, and more effective jail institution would provide the appropriate number of beds to accommodate the island's jail population, improve inmates' access to medical and mental health services, counseling and treatment programs, reduce stress, and improve living conditions.

Q44 How many kilowatts of electricity will the proposed OCCC use per year? Will the facility generate electricity using renewable technologies?

Electrical provisions for the proposed OCCC will be determined during the future design phase when decisions concerning the type and capacity of electrical and mechanical equipment will be made. At this time the use of renewable technologies has not been determined however, electricity use at the new OCCC will be offset by the closure of the existing OCCC.

Q45 What was the methodology for determining the future need for capacity at the proposed new OCCC? Why is there not a 30-year projection for inmate population?

The methodology used to project the future inmate population required to be housed at the proposed OCCC is described in detail in the Draft EIS (Appendix G, 10-Year Inmate Forecast). Projections of inmate populations 30 years in the future are considered unreliable.

Q46 What is the current cost per inmate or detainee per day in OCCC? What is the projected cost per inmate or detainee per day in the new OCCC facility?

Based on the FY2016 OCCC operating budget of \$67,255,489 and an average daily population of 1,199 inmates, the daily per inmate cost was approximately \$154. Without a new OCCC facility design it is difficult to establish a daily operating cost, however, initial projections for the proposed OCCC are approximately \$110 per inmate per day.

Q47 How did detainees or former detainees participate in developing this plan? If there was no formal participation of detainees, why not?

No detainees or former detainees participated in developing the plans for OCCC or WCCC. Most detainees lack the technical skills and experience as architects, engineers, planners, economists, and scientists to contribute meaningfully to development of the plan. However, former detainees did provide comments at the town hall meetings and neighborhood board meetings.

Q48 How might a new jail at the Animal Quarantine Station site be repurposed if the number of detainees drops by 75% within 10 years?

There is no likelihood that the number of detainees to be housed on Oahu will decline by 75% within 10 years. Nonetheless, there are very few options for repurposing a mid-rise jail as proposed for development at the Animal Quarantine Station site.

Q49 How does placing a jail out of town provide “better access to programs and services for detainees”?

The preferred location for the new OCCC (Animal Quarantine Station site) is only several miles from the current OCCC location in Kalihi which should have little or no adverse impact upon those traveling to work at or visit the facility. “Better access to programs and services for detainees” refers to the planned availability of programs and services to detainees to be housed within the new institution itself.

Q50 How was “expansion potential” included in the criteria for site selection?

Prospective sites with more available land (allowing for future expansion or additional development) are favored over sites with less available land and were scored and ranked higher on that criteria alone.

Q51 Why is the pre-release population projected to increase?

Over time, greater numbers of inmates are projected to be eligible for pre-release; it is among the reasons to develop a new OCCC that can accommodate this expanding component of the inmate population on Oahu. This is based on the desire of PSD to expand programs meant to help re-introduce inmates to life after incarceration, and is in keeping with national trends.

Q52 Were the needs of the individuals in OCCC to easy access to public transportation, including the rail, taken into account when choosing a site for rebuilding OCCC and how were their needs addressed?

PSD is responsible for and devotes considerable resources to assisting offenders leaving its facilities to successfully re-enter society. See the Department of Public Safety’s “Inventory of Reentry Services to Offenders” available on its website for a description of such support, resources, and services.

Q53 What percentage of those incarcerated are in need of substance and mental illness treatment?

An estimate based on the average daily census of those diagnosed as Severe and Persistent Mental Illness (SPMI) is approximately 55%.

Q54 Native Hawaiians make up approximately 27% of the general population but 40% of the prison population. Despite numerous studies highlighting these disparities at every stage of the criminal justice system, recommendations to decrease Native Hawaiian over-representation have never been implemented.

The Hawaii Judiciary and State Legislature are the appropriate entities for addressing criminal justice reforms including bail reform, sentencing reform, alternatives to incarceration, increased support for mental health and substance abuse treatment programs, among others. All are under the purview of the Judiciary and Legislature. As of December 2017, Native Hawaiians comprise approximately 34% of the male population and 35% of the female population housed at OCCC.

Q55 What are the Consultant Team’s qualifications?

The AHLed consultant team is comprised of individuals with decades of local and national experience successfully planning, siting, programming, and designing new public institutions including prisons and jails in Hawaii and on the mainland. Projects have been carried out on behalf of the Federal Bureau of Prisons, Immigration and Customs Enforcement, U.S. Marshals Service, Federal Detention Trustee, Hawaii Department of Public Safety as well numerous state and local corrections agencies.

Q56 Also in the Halawa area, the Halawa Correctional Facility as the next preferred site identified in the Draft EIS, would seem to be a better location for the new OCCC as it is tucked away further in Halawa Valley and would be adjacent to an existing correctional facility. We ask that further consideration be given to the Halawa Correctional Facility as the preferred site for the new OCCC.

The rationale for ranking the four alternative OCCC development sites is provided in the Draft EIS which placed the Halawa Correctional Facility (HCF) site second after the Animal Quarantine Station site. Not only would OCCC development at the HCF site be the most expensive of the four alternatives, using the last remaining undeveloped parcel at the HCF for OCCC would preclude development of additional prison beds, thereby relegating Hawaii prison inmates currently serving sentences in Arizona to remain there indefinitely.

Q57 With diversion programs showing positive results in reducing incarceration and at less cost in Hawaii and on the mainland, why aren’t these programs being considered and studied prior to spending money on a new jail plan?

Sentencing/bail reform, pre-trial diversion programs, community-based mental health programs, substance abuse treatment programs, expansion/ development of new special courts, education programs, work furlough programs, and transition programs are the responsibility of a wide variety of state and local social service and justice agencies and organizations and are outside the scope of PSD’s responsibilities. Inmates housed at OCCC are under the jurisdiction of the Courts and not PSD and detainees in jail can only be released, placed in outside programs, or assigned to other alternatives to incarceration by the Courts.

Q58 Do people who commit crimes on different levels, such as robbery vs. murder, receive different treatments?

Yes, individuals who commit crimes of varying seriousness and sentenced to prison are assessed and based on that assessment, individualized treatment and rehabilitation programs are developed and implemented.

Q59 How much space will be allocated per inmate for cells and common areas?

Each cell, occupied by two male medium/minimum-security inmates, is to be 80 square feet in area. The dayroom (common area) located within each housing module is projected to be 2,520 square feet or approximately 35 square feet per inmate. Look to the EIS Appendix F, Interim Architectural Space Program, for additional information.



Upcoming Activities

The OCCC planning process is moving forward with these activities in the months ahead:

February 2018	<p>Preparation of Final EIS for OCCC replacement facility continues.</p> <p>Continue public outreach, information and engagement program for OCCC; look to PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 18.</p>
March 2018	<p>Preparation of Final EIS for OCCC replacement facility continues.</p> <p>Continue public outreach, information and engagement program for OCCC; look to PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 19.</p>
April 2018	<p>Preparation of Final EIS for OCCC replacement facility continues.</p> <p>Continue public outreach, information, and engagement program for OCCC; look to PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 20.</p>

Interested in Learning More?

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

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