



Future of the Oahu Community Correctional Center

Vol. 31 – PSD Director Addresses Legislative Issues

April 2021

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. Currently, offenders are housed within State of Hawaii jail and prison facilities located within Hawaii, at the Federal Detention Center in Honolulu, and in private contractor facilities on the mainland.

PSD operates Community Correctional Centers (CCCs), widely known as jails, 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/parole violators. CCCs 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. Although some offenders will remain in prison for life, the majority (over 95 percent) will serve their sentences and be released, eventually returning to the community.

PSD is committed to providing a safe, secure, healthy, humane, social, and physical environment for inmates and staff. However, aged and obsolete CCCs have limited PSD's ability to provide such environments. All jail facilities are antiquated with limited space for programs and treatment services. Improvement of the declining facilities (and replacing facilities when necessary) is a priority. Chief among such priorities is replacement of the existing Oahu CCC (OCCC) with a new facility at the Animal Quarantine Station (AQS) in Aiea/Halawa. Assisting with OCCC planning and development is the Department of Accounting and General Services (DAGS) and a team of consultants (the "OCCC Team").

PSD Director Testifies About Pending Legislation

PSD Director Max N. Otani testified before the Legislature on various bills relating to Hawaii's correctional facilities, including issues that directly address the future of the new Oahu Community Correctional Center. Among the pieces of legislation that Director Otani testified on was House Concurrent Resolution (HCR) 172, which requests the Departments of Accounting and General Services, Budget and Finance, and Public Safety to provide testimony on any legislation that would potentially increase overcrowded conditions in Hawaii prisons and jails. In his testimony, the director affirmed PSD's support for legislation that reduces the inmate population without compromising public safety. He also emphasized that criminal justice reform efforts should continue to be pursued by policymakers, but at the same time, a new OCCC will provide better living conditions and improved services that would be more conducive to the overall rehabilitative process. Director Otani's testimony is provided on the pages that follow.



Hawaii Legislature in session (2021)

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TESTIMONY ON HOUSE CONCURRENT RESOLUTION 172 -
REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL
SERVICES, DEPARTMENT OF BUDGET AND FINANCE, AND DEPARTMENT
OF PUBLIC SAFETY TO TESTIFY ON ANY LEGISLATION THAT WOULD
POTENTIALLY INCREASE OVERCROWDING CONDITIONS AT HAWAII'S
CORRECTIONAL FACILITIES.

by
Max N. Otani, Director

House Committee on Corrections, Military, and Veterans
Representative Takashi, Ohno, Chair
Representative Sonny Ganaden, Vice Chair

Wednesday, March 19, 2021; 9:00 a.m.
State Capitol, Via Video Conference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

House Concurrent Resolution (HCR) 172 requests the Department of Accounting and General Services (DAGS), Department of Budget and Finance (B&F), and Department of Public Safety (PSD) to provide testimony on any legislation that would potentially increase overcrowding conditions at Hawaii's correctional facilities.

Although the Department of Public Safety ("PSD") supports the intent of this measure, as it would provide the Legislature with critically important information regarding a variety of issues, PSD is not aware of any legislation that could potentially increase the jail population in our correctional facilities. To the contrary, the legislation requiring PSD to redevelop the Oahu Community Correctional Center (OCCC) and to build new medium security housing at jails on

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Maui, Kauai, and Hawaii Islands are necessary, not only because the facilities are extremely old and in need of significant repair and maintenance, but also because it is in the public's interest to build new facilities that emphasize and prioritize programs that would be more conducive to the overall rehabilitative process.

To be clear, PSD supports legislation that reduces inmate population without compromising public safety. PSD wants inmates to succeed and supports the long-term goal to right-size the justice system through criminal justice reform. PSD also supports providing the inmates in custody right now with better rehabilitative and transitional services, and humane living conditions that are modern, efficient, safe, and secure. PSD agrees that justice reforms that place an emphasis on inmate rehabilitation and early release should continue to be pursued by our policymakers. Justice reform is an important long-term goal that PSD supports. The building of new jails to replace antiquated jails does not undermine criminal justice reforms. To the contrary, a new jail will provide better living conditions and improved services through the development of a new, modern, efficient jail.

Below we address important issues raised in HCR 172:

Criminal Justice Reform – Reduce Incarceration, Bail Reform, Incarceration Alternatives, Diversion Programs

PSD agrees that justice reforms that place an emphasis on inmate rehabilitation and early release should continue to be pursued by our policymakers.

- The Hawaii Judiciary and State Legislature are the appropriate entities for addressing criminal justice reforms, sentencing/bail reform, pre-trial diversion programs, expansion/development of new special courts, and other alternatives to incarceration.

- Inmates housed at OCCC are under the jurisdiction of the courts and detainees in jail can only be released, placed in outside programs, or assigned to other alternatives to incarceration by the courts.
- Arrests, arraignments, pre-trial motions and preparations, trials, and the sentencing process 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.
- The primary function of OCCC and the three other jails in Hawaii is to provide a secure facility, as mandated by the courts and based on Hawaii laws, for individuals who are being held for trial, have been sentenced to short-term incarceration for misdemeanor crimes, or are transitional sentenced felons who have nearly completed their sentences and are preparing to return to the community.
- Justice reform is an important long-term goal that we support. Until those reforms are made, PSD must continue to work on goals to help those in custody right now. That includes building a new jail.

Inhumane Conditions – Overcrowding, Inadequate Services for Special Needs, Mental Health and Reentry –

PSD agrees that providing a safe, secure, healthy, humane, social, and physical environment for all inmates and staff is a top priority. However, because of OCCC's deteriorating conditions and outdated design, the facility is obsolete and no longer fit for this purpose, and there is limited ability to provide such an environment for Hawaii's inmates. This is why replacing OCCC with a modern facility is necessary. The problems at the jail are getting worse with each passing day.

- Currently, OCCC inmates with special needs, including those who are mentally ill and infirmed, as well as inmates in protective and maximum custody, cannot be properly separated from the general inmate population.
- OCCC cells were designed for two inmates, but they regularly house three to four offenders.
- The first OCCC structure was built in 1912. Even with periodic expansions, renovations and security upgrades over the decades, there is only so much that can be done to extend the lifespan, security, and usability of a facility, portions of which are more than 100 years old.
- The COVID-19 pandemic further highlighted the severe deficiencies and constraints of working with the existing aged facility, and further underscore the need for a new jail.

Replacing the antiquated OCCC with a modern, state-of-the-art facility will improve conditions for inmates and staff and broaden programming and treatment services and capabilities that will help prepare inmates to successfully return to the community.

- By building a new, modern jail from the ground up, the design team can incorporate the better layouts and the latest technology available to keep inmates, correctional officers, staff, and visitors safe, while also improving functionality.
- The new jail would have sufficient bed space and include areas for building administration and security, food preparation, medical services, counseling and treatment services, housing, and visitation, as well as state-of-the-art technology, building systems, and maintenance functions.
- A new jail would provide more space for community transitional beds, and for more transitional programs and services not currently offered to long-term jail detainees.

- All the spaces in the new facility would be sized and organized to meet American Correctional Association (ACA) standards.

Medical and mental health services will be provided at the new OCCC. Initial medical screenings will occur at the housing units and inmates will receive medical and mental health services at the on-site clinic. A separate acute mental health housing unit will be developed to provide services to those inmates requiring more intensive or specialized care. An additional step-down mental health housing unit is also being planned with these units to be physically located near the medical/mental health unit.

Further, PSD agrees with the need to provide a nurturing, healthy, and humane environment while inmates are detained, to prepare them for successful reintegration into society. However, because of OCCC's deteriorating conditions and outdated design, the facility is obsolete and no longer fit for purpose. Poor conditions and limited resources within OCCC prevent critical reforms to how services are delivered within the jail and may be exacerbating recidivism within the system.

- The original design and layout of OCCC is obsolete and no longer fit for today's purpose of providing the corrections approach and services that can prepare inmates to successfully reintegrate into our local communities and reduce recidivism, while still holding them accountable for their actions.
- The majority of all inmates (95%) are eventually released, so conditions within OCCC must support their successful re-entry into local communities.
- Replacing the existing OCCC facility with an entirely new and efficient facility using up-to-date technologies and design can reduce operating costs and increase the availability of rehabilitative programs, which leads to better outcomes for inmates.
- A new jail will allow for enough space to expand transitional services, such as the furlough program, to include jail detainees serving long-term misdemeanor sentences. Currently, only sentenced felons transitioning out of custody can qualify for the furlough program.

- A new jail could help PSD provide greater services to the jail population, more than ever before, and better equip the department to do its part to help reduce recidivism.

Disproportionate Native Hawaiian/Pacific Islander Inmate Population; Lack of Cultural Programming to Break Cycle of Intergenerational Incarceration

PSD agrees that keeping inmates connected to their individual cultural values, especially for Native Hawaiians and Pacific Islanders who are disproportionately represented in the inmate population, is critical to helping them successfully reintegrate into our local communities and breaking the cycle of recidivism.

- This type of programming was not even considered when the existing OCCC was built.
- Treating inmates with the dignity of honoring their cultural diversity is a cornerstone of successful reintegration and recidivism reduction models.
- Careful attention will be given to incorporating services to assist offenders with maintaining their cultural and religious traditions and practices.

It is worth noting that the 2016 Legislature found that replacement of the OCCC is necessary, and appropriated funds to be expended for the purpose of preliminary design, creation of a financing plan, and issuance of a request for proposals for the development of the facility. (See Act 122, SLH 2014 and Act 124, SLH 2016).

Thank you for the opportunity to provide this testimony.



Hawaii's iconic Monkeypod trees

Upcoming Activities

The following activities are anticipated in the months ahead.

May 2021	<p>Complete review of responses received to OCCC Request for Interest.</p> <p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information, and engagement including publication of Newsletter Vol. 32. Look to OCCC Future Plans website for announcements, upcoming events, and recent activities.</p>
June 2021	<p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information, and engagement including publication of Newsletter Vol. 33. Look to OCCC Future Plans website for announcements, upcoming events, and recent activities.</p>
July 2021	<p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information, and engagement including publication of Newsletter Vol. 34. Look to OCCC Future Plans website for announcements, upcoming events, and recent activities.</p>

Interested in Learning More?

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

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