



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
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Hawaii Correctional System Oversight Commission
Oversight Coordinator Monthly Report
Date of Report: February 16, 2023
Revised: March 30, 2023 (see page 4)

In accordance with Chapter §353L-6, the Oversight Coordinator shall submit a monthly report to the Commission, the Governor, and the Legislature. The monthly report shall include actions taken by the Commission and expenses for the preceding month. In addition to the mandated parties this report must be shared with, the Oversight Coordinator will publicly post the monthly report to increase transparency and accountability. This report will also be shared with each individual who has the responsibility of appointing members of the Commission. This includes:

- 1) Governor of Hawaii
- 2) President of the Hawaii Senate
- 3) Speaker of the Hawaii House of Representatives
- 4) Hawaii Supreme Court Chief Justice
- 5) Chairperson of the Board of Trustees of the Office of Hawaiian Affairs

In-Custody Deaths

- 1) On Thursday, January 26, 2023, at 4:30pm, a person in custody, male, 70 years old, was found unresponsive on his bunk at Hale Nani, a work-release program in Hilo, Hawaii. Medical staff administered CPR and called 911 Emergency Medical Services (EMS). At approximately 5:17pm, the individual was pronounced deceased at the Hilo Medical Center. The Hilo Police Department and the Department of Public Safety Internal Affairs Unit are conducting investigations; however, no foul play is anticipated to be found.
- 2) On Sunday, February 5th, 2023, at 5:40pm, a person in custody, male, 33 years old, was found unresponsive in his cell by a Corrections Officer conducting evening meal. This individual was housed with the Florida Department of Corrections as a part of an, “inmate swap” program. Corrections staff opened the cell door and began CPR at 5:53pm and continued CPR until on-duty medical staff arrived. EMS was called and at approximately 6:47pm, the individual was pronounced deceased by a medical doctor.
- 3) On Wednesday, February 8, 2023, at 3:50am, a person in custody, male, 38 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 4:37am. This individual was

terminally ill, and his family had been visiting him daily since last week as his condition worsened. HCSOC thanks PSD and HCF for their compassion in allowing family to visit consistently during this individual's final days.

- 4) On Tuesday, February 14, 2023, at 2:28am, a person in custody, male, 74 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 3:28am.

Electronic Medical Record (EMR) Down since June 2022

On August 10th, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. The Coordinator explained that this is a crisis for those in custody because:

- 1) Patient safety and health is at risk without a functioning EMR.
- 2) EMRs are necessary to ensure consistency in care across multiple providers.
- 3) EMRs ensure medications are appropriately administered and documented to lessen risk to patient's health and tracking of medication used, especially when being transferred across facilities.
- 4) From a cost perspective, EMRs reduce time spent on documentation as there are often templates and order sets to improve efficiency.
- 5) Additionally, this is massive liability for the department.

The Department confirmed that they purchased new servers, but they were not successful in fixing the issues as the EMR system is old (purchased in 2008) and outdated. The Coordinator asked if there was any plan for a new EMR, and although the Department is looking into a new system, there is no timeframe of when a new system might be implemented. The Coordinator respects that the Department has been working diligently on this issue, however, **it is unacceptable to have a non-functioning EMR for eight+ months**. Medical staff are becoming increasingly burnt out by not having the tools they need to effectively treat patients and give the best care.

On December 30th, 2022, the Commission sent a letter to the Department of Public Safety requesting that, "If the EMR cannot be fixed, the Commission recommends immediate purchase and implementation of a new medical record system. Additionally, the Commission is requesting to be kept up to date and informed on all matters related to the EMR including specific plans and timelines for this issue to be resolved."

The Commission has added an agenda item to the monthly Commission meetings to continue to address the EMR and receive updates regarding progress in fixing this issue.

Actions Taken

Facility Tours

Facilities Toured:

- Hawaii Community Correctional Center (HCCC) – February 7, 2023
- Hawaii Community Correctional Center (HCCC) – February 13, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

[Going Home Hawai'i](#) has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in August 2023. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration leading up to the upcoming Reentry Housing Summit.

Legislative Priorities

On Thursday, January 26, 2023, at 2:00 pm, the Commission held a special virtual meeting to discuss the upcoming 2023 legislative bills related to public safety. The Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. The breakdown of the bill selection is attached to this report.

The [Senate Committee on Public Safety and Intergovernmental and Military Affairs \(PSM\)](#), have their public meetings on Monday, Wednesday, and Friday at 3pm. The [House Committee on Corrections, Military, and Veterans \(CMV\)](#) have their public meetings on Wednesday and Friday at 9am. Meetings can be attended in person or virtually. Additional information can be found at <https://www.capitol.hawaii.gov/>.

Statutory Framework of Pretrial Release Presentation

On February 6th, 2023, the Legislature hosted an informational briefing specific to pretrial information. Specifically, the National Conference on State Legislatures presented on:

- National overview of the state of pretrial statutory policy and the overrepresentation of individuals with mental illness in the justice system.
- National data, statutory frameworks and legislative trends.
- Pretrial topics will include best practices like court reminders and other policies including conditions of release, release/detention frameworks, use of citations, pretrial services and supervision and responses to failure to appear or violation of conditions of release.
- Behavioral health topics will include increased cooperation between law enforcement and mental health professionals, deflection and diversion programs, pretrial needs screening and state effort to build a continuum of crisis care.

The PowerPoint presentation can be found on the HCSOC's website at <https://hcsoc.hawaii.gov/meetings/>.

Prison and Jail Innovation Lab 2023 Conference

From February 3-4, the Oversight Coordinator attended a national conference put on by the Prison and Jail Innovation Lab at the University of Texas at Austin. There were four main sessions: the first is focused on “The Depths of Deliberate Indifference,” with case

studies of four different corrections agencies (Rikers, Alabama, Arizona, and Texas); the second examines “The Levers of Change,” and asks about the tools available to turn a prison or jail around, even after a win in the courts; the third presents some rare examples of innovations in prisons that seek to change institutional culture; and the fourth asks whether meaningful change is truly possible and whether there is hope for reforming America’s prisons and jails. The program for this event can be found here: <https://pjil.lbj.utexas.edu/cruel-and-not-unusual-conference-program>.

Meeting with PSD Regarding New Jail

On January 27, 2023, Commissioners Martha Torney and Ted Sakai and the Oversight Coordinator met with the Department of Public Safety, representatives from the Department of Accounting and General Services DAGS, consultants from ahl Design, and Senator Wakai. The intention of the meeting was to get an informed update of where the new OCCC stands. Currently, everything is on pause unless funding is released and it is the Oversight Coordinator’s understanding that any type of design and preliminary construction plans would not occur until the funding request is approved.

The presentation from the meeting can be found on the Commission’s website at: <https://hcsoc.hawaii.gov/meetings/>

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment was not followed during November due to holiday travel and illness, or in January due to the legislative session beginning, an additional Commission meeting being held, and an in-person conference being attended.

Overcrowding

On February 14, 2023, three buildings at HCCC (Punahale, Komohana and Waianuenue) in addition to covid-housing had a head count of 248 while the facility has a design capacity of 126. This puts the facility at a 197%¹ occupancy rate.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility recently finished its construction in Punahale to improve housing conditions by completely replacing each of the cell doors, preventing the use of padlocks on the cell

¹ This number reflects the correct operational capacity limit in accordance with the Corrections Population Management Commission 2001 report. Previous reports noted three buildings at Hawaii Community Correctional Center (Punahale, Komohana and Waianuenue) had a head count of 248 while the facility has a capacity of 152. Therefore, the previous report noted the facility occupancy rate being 163%. The correct design capacity is 126, putting the correct occupancy rate at 197%.

doors. All cells have been completed, and the Coordinator is pleased to report that the use of padlocks is no longer occurring in Punahale.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13, 2023, tour, the Oversight Coordinator witnessed staff remove the padlocks. This will continue to be reported on.

The Multipurpose Room 1 (also commonly referred to as the “fishbowl”) was closed for construction but has since been opened. The Coordinator was told that once the multipurpose room is opened back up, it will be used for indoor recreation which consists of card/board games, tv, and general time out of cell. However, during recent visits of HCCC, the Coordinator found that this is not the case. The Multipurpose Room 1 “fishbowl” is still being used as inappropriate housing to house individuals who has finished their initial quarantine time in the Shipping Container/Covid-Housing, but who have not been permanently housed in an appropriate housing area. During the most recent visit on February 13th, the Oversight Coordinator found at least twelve individuals housed in that space.

The Commission recognizes the Department’s hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Lack of Basic Services

During the last two visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite. The Oversight Coordinator has been told that sheets have been distributed and undergarments have been ordered for distribution. The Oversight Coordinator will continue to report on this issue until resolved.

Suicide/Safety Watch

During past visits, the “dayroom” space behind a door in Punahale in front of four cells was being utilized on and off for those on suicide or safety watch. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store

their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions. During the last two most recent visits (February 7th and 14th), individuals were not found in that space. This is great news, and the Oversight Coordinator will continue to report on this issue in case the space is utilized in the future.

Shipping Container/Covid-Housing

On February 14, the shipping container housed 14 individuals. These cells have a triple bunk bed in each cell and are used as isolation cells to ensure newly admitted individuals do not have covid. Once the 10-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 10 days during the most recent visit. Additionally, all light fixtures were in working order.

Recreation

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Updates

Currently, the Coordinator and two Commissioners are interviewing candidates for the Diversion and Reentry Oversight Specialist. The Commission is very fortunate to have fantastic candidates and are hopeful to onboard the new staff member sometime next month.

Below is the office of HCSOC's mailing address, website, email, and social media.

Mailing Address: Hawaii Correctional System Oversight Commission
235 S. Berentania Street, 16th floor
Honolulu, HI 96813

Website: hcsoc.hawaii.gov

Submit Testimony: <https://hcsoc.hawaii.gov/submit-testimony/>

Email: hcsoc@hawaii.gov

Social Media: [YouTube](#)
[LinkedIn](#)
[Facebook](#)
[Instagram](#)

Expenses for the Preceding Month

EXPENDITURE COSTS - January 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			\$92	
General Office Supplies			\$0	
Staff and Commission Badges			\$0	
Staff and Commission Badge Holders			\$0	
Cell Phone			\$0	
Cell Phone Monthly Plan	\$92	1.00	\$92	
Wifi Hotspot			\$0	
Inter-Island Correctional Facility Travel			\$614.69	
Airfare	\$501	1.00	\$501	Travel dates: 1/12, 1/19, 1/25, 2/7, 2/13, and 3/2
Car Rental	\$72	1.00	\$72	
Daily Per Diem	\$20	1.00	\$20	
Lodging+Tax			\$0	
Ground Transportation			\$0	
Airport Parking	\$22	1.00	\$22	
Mainland Correctional Facility Travel			\$0.00	
Airfare			\$0	
Car Rental			\$0	
Daily Per Diem			\$0	
Lodging+Tax			\$0	
Ground Transportation			\$0	
Airport Parking			\$0	
Memberships + Conferences			\$923.66	
Cruel & Not Unusual Symposium - Austin, TX				
Airfare	\$484	1.00	\$484	2/2-2/5
Car Rental			\$0	
Daily Per Diem	\$384	1.00	\$384	2/2-2/5
Lodging+Tax	\$744		\$0	
Ground Transportation	\$55	1.00	\$55	2/2-2/5
Airport Parking			\$0	
TOTAL			\$1,630	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on February 16, 2023. The next monthly meeting is scheduled to occur on March 16, 2023 at the Kaua'i Community College, 3-1901 Kaumuali'i

Highway, Līhu‘e, Hawai‘i 96766 (room to be determined) and online via Zoom. More information can be found on the Commission’s webpage here: <https://hcsoc.hawaii.gov/meetings/>.