

## RECOMMENDED READING ON CORRECTIONAL REFORM

### 1. [Better Outcomes, Safer Communities, Final Report of the HCR 85 Task Force on Prison Reform to the 2019 Legislature](#) (December 2018).

This seminal 116-page report takes an in-depth look at Hawaii’s correctional system and makes a series of recommendations on how to make the system fairer and more effective. Among its many recommendations:

(1) Hawaii should join other states and countries in transitioning from a punitive to a rehabilitative correctional system; and

(2) The new jail that the State has been planning for the past six years is too big, too expensive, and conceptually obsolete. If built, it will produce bad outcomes for the next 30 or more years and become a multimillion-dollar (or more likely a billion dollar) warehouse for people who are too poor to make bail, homeless, mentally ill, and trying to cope with substance use disorders. It will make Oahu less safe and add to the already high cost of incarceration in Hawaii which, as of December 26, 2022, was approximately **\$728,000 per day** (3,060 Hawaii prisoners x \$238 per day = \$728,280/day) or more than \$265 million per year. It also emphasizes the need to address the longstanding issue of the overrepresentation of Native Hawaiians in the correctional system.

**Download the Report:** [https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85\\_task\\_force\\_final\\_report.pdf](https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf)

### 2. [“Getting it Right: Recommendations and Action Plan for a Better Jail,”](#) Correctional Reform Working Group (October 2022).

This report provides a data driven overview and analysis of Hawaii’s correctional system and recommendations for change, beginning with the planning and design of a new jail to replace OCCC based on a therapeutic and rehabilitative model that will reduce recidivism and have a positive impact on some of O’ahu’s most intractable problems –homelessness, addiction, and mental illness – thus improving public health as well as public safety.

The report describes the flawed planning of the proposed new jail and offers a positive new vision for the jail within the broader criminal justice system. The report stresses the need for “system planning” (see paragraph 6 below) which recognizes that the traditional way we use jails does nothing to reduce future offending. Accordingly, jail planning must move beyond the simplistic formula-based approach that builds beds based on past demands to a results-based paradigm that addresses the many factors that drive the demand for beds. System planning reasserts the primacy of treatment and manages the jail population long term by reserving jail for the highest risk defendants and making available a full continuum of alternatives to jail. The paper also highlights the many flaws in the proposed design of the new jail and makes recommendations for a design based on a therapeutic and rehabilitative model.

**Download the Report:** <https://hcsoc.hawaii.gov/wp-content/uploads/2022/10/Getting-It-Right-Recommendations-and-Action-Plan-for-a-Better-Jail-with-Appendix.pdf>

### 3. **Hawaii Correctional System Oversight Commission (HCSOC) 2022 Annual Report**

The Commission's 229-page annual report provides an analysis of the most critical issues facing Hawaii's correctional system. It documents the generally deplorable conditions at each of the State's correctional facilities and contains the Commission's legislative priorities as well as its strategic plan for its four areas of responsibility: Oversight, Rehabilitation, Population Limits, and Reentry. The appendix contains, among other things, all of the Oversight Coordinator's 2022 monthly reports, letters from the Commission, and the Correctional System Working Group's paper "Getting it Right: Recommendations and Action Plan for a New Jail."

Although all of the Oversight Coordinators monthly reports are important, the September 2, 2022 Special Report warrants special attention because it describes in detail the inhumane and clearly unconstitutional conditions at the Hawaii Community Correctional Center (HCCC) in Hilo on August 25, 2022. Among the findings were:

- (1) HCCC was operating at 170% of capacity. The Punahale building which has an operational capacity of 16 held 83 inmates, and the Komohana building was operating at almost double its capacity.
- (2) Five women were crammed into a small holding cell that had no toilet or water.
- (3) Men who had been exposed to Covid or who tested positive for Covid were crammed into a shipping container that had little air circulation, no food slot, a tiny window, and the lights were out in two of the cells leaving the men in total darkness.
- (4) Inmates were wearing torn and mismatched uniforms, laundry that has been sent out was returned soggy or wet, inmates did not have soap or hygiene products.
- (5) Some cells were locked with padlocks which posed a significant danger if there was a fire or need to evacuate the facility on short notice.
- (6) There were no in-person visits and no outdoor recreation.

I recommend that you read all of the Oversight Coordinator's reports which document conditions at other facilities and discuss the fact that the Department of Public Safety's electronic record system has not been working for the past six months, a condition that jeopardizes the health and safety of all inmates.

**Download the 2022 Annual Report:** <https://hcsoc.hawaii.gov/wp-content/uploads/2022/12/2022-HCSOC-Annual-Report-FINAL.pdf>

**Download the September 2, 2022 Special Report:** <https://hcsoc.hawaii.gov/wp-content/uploads/2022/09/HCSOC-August-2022-HCCC-Observations.pdf>

4. **“Incarceration’s Front Door: The Misuse of Jails in America,”** Vera Justice Institute (2015).

This is an excellent study on why communities need to reduce their reliance on jails. Among the many reasons, the report states:

Just a few days in jail can increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of those who enter—making jail a gateway to deeper and more lasting involvement in the criminal justice system at considerable costs to the people involved and to society at large. These costs are also borne by their families and communities, depressing economies, contributing to increased crime, and breaking familial and social bonds. For the disproportionately high number of those who enter jails from minority communities, or who suffer from mental illness, addiction, and homelessness, time spent in jail exacerbates already difficult conditions and puts many on a cycle of incarceration from which it is extremely difficult to break free.

**Download the Report:** <https://www.vera.org/publications/incarcerations-front-door-the-misuse-of-jails-in-america>

5. **“Broken Ground: Why America Keeps Building More Jails and What It Can Do Instead,”** Vera Justice Institute (November 2019).

Another excellent study by the Vera Institute of Justice. It shows that communities that build new jails without addressing the policies and practices that are driving their jail population end up in a vicious cycle in which the new jails rapidly fill to capacity and lead to overcrowding and the need for more jail beds.

**Download the Report:** <https://www.vera.org/downloads/publications/broken-ground-jail-construction.pdf><https://www.vera.org/downloads/publications/broken-ground-jail-construction.pdf>

6. **“Jail Capacity Planning Guide: A Systems Approach,”** David M. Bennett and Donna Lattin, National Institute of Corrections (November, 2009).

This important book, which can be downloaded as a pdf through the link below, sets out best practices in jail planning. The systems approach to jail planning is the only way to ensure that a new jail will actually meet the needs of the community and avoid jail overcrowding.

**Download the book:** <https://nicic.gov/jail-capacity-planning-guide-systems-approach>

7. **“Jail Design Guide, Third Edition,”** National Institute of Corrections, Washington, D.C. (March, 2011).

The Jail Design Guide discusses best practices in the design and building of jails, from the all-important predesign phase (needs assessment, project definition, program development, mission statement, bed capacity, and major building considerations) to construction and project costs. Highly recommended.

**Download the book:** <https://info.nicic.gov/nicrp/system/files/024806.pdf>

8. **“Reducing the Health Harms of Incarceration: A Report of the Aspen Health Strategy Group”** (2022).

This report argues show how and why incarceration leads to poor health, and offers five ideas for addressing this critical issue.

**Download the Report:** <https://www.aspeninstitute.org/wp-content/uploads/2022/04/Incarceration-and-Health-TXT-FINAL.pdf>

9. **Hawaii Criminal Pretrial Reform: Recommendations for the Criminal Pretrial Task Force to the Thirtieth Legislature of the State of Hawaii, December 2018**

This report by a blue-ribbon task force sets out many ways in which we can improve pre-trial procedures to reduce our jail population and make our criminal justice system more equitable. These recommendations have been ignored for too long.

**Download the Report:** [https://www.courts.state.hi.us/wp-content/uploads/2018/12/POST\\_12-14-18\\_HCR134TF\\_REPORT.pdf](https://www.courts.state.hi.us/wp-content/uploads/2018/12/POST_12-14-18_HCR134TF_REPORT.pdf)

10. **“The Disparate Treatment of Native Hawaiians in the Criminal Justice System,”** The Justice Policy Institute, Myron B. Thompson School of Social Work, Georgetown Law, and the University of Hawaii Department of Urban and Regional Planning (Office of Affairs: Honolulu, Hawaii 2010).

This landmark report documents that Native Hawaiians are overrepresented at every stage of Hawai'i's criminal justice system. The disproportionality begins with arrest and accumulates at each stage in the system. Native Hawaiians make up 24% of the State's population but account for 33% of pretrial detainees, 39% of the prison population, and 41% of parole revocations. Native Hawaiians receive longer prison sentences than most other racial or ethnic groups, they are more likely to go to prison if they are found guilty of a crime, and they are disproportionately represented in the out-of-state prison population. They serve more time on probation than any other ethnic group except Hispanics, and they make up the largest percentage of people who return to prison for parole violations.

**Download the Report:** [https://www.oha.org/wp-content/uploads/2014/11/es\\_final\\_web\\_0.pdf](https://www.oha.org/wp-content/uploads/2014/11/es_final_web_0.pdf)

**11. Report of the Native Hawaiian Justice Task Force (2011).**

In 2011 the Legislature created the Native Hawaiian Justice Task Force (NHJTF) to make recommendations on how to address the overrepresentation of Native Hawaiians in the criminal justice system. The NHJTF held hearings throughout the State, and in 2012 issued a report that contained 48 findings and 38 recommendations, ranging from state support for early intervention programs to assist Native Hawaiians to dozens of changes to the criminal justice and correctional systems. Few, if any, of the Task Force's recommendations have been implemented.

**Download the Report:**  
[https://static.prisonpolicy.org/scans/2012NHJTFREPORT\\_0.pdf](https://static.prisonpolicy.org/scans/2012NHJTFREPORT_0.pdf)

**12. Touchpoints of Homelessness: Institutional Discharge as a Window of Opportunity for Hawaii's Homeless**, by Gavin Thornton, James Koshiba, and Joyce Lee-Ibarra (September 2017).

This report discusses the relationship between discharge from foster care, hospitals, and incarceration as critical moments as affecting the likelihood that an individual will become or remain homeless. Although some of the data is out of date, the findings and recommendations are still relevant.

**Download the report:** <https://humanservices.hawaii.gov/wp-content/uploads/2018/02/Touchpoints-of-Homelessness-Report-Final.pdf>

**Some Relevant Op Eds and Essays**

**1. Reinvent the Role of a New Jail to Make it Smart and Effective**, by Robert Merce, Honolulu Star-Advertiser, February 3, 2020.

**Read the Op Ed:** <https://www.staradvertiser.com/2020/02/03/editorial/island-voices/column-reinvent-the-role-of-a-jail-to-make-it-smaller-more-effective/>

**2. OCCC is a 21<sup>st</sup> Century Poorhouse and Asylum: We Must Do Better**, by Robert Merce, Honolulu Civil Beat, September 20, 2020.

**Read the Essay:** <https://www.civilbeat.org/2020/09/occc-is-a-21st-century-poorhouse-and-asylum-we-must-do-better/>

**3. Restore Justice, End the Cash Bail System**, by Robert Merce, Honolulu Civil Beat, February 2, 2021

**Read the Essay:** <https://www.civilbeat.org/2021/02/restore-justice-end-the-bail-system/>

4. **The New Governor Must Reform Prison System**, by Babington, Dr. Lauri Tom, and Linda Rich, Honolulu Star Advertiser, November 27, 2022.

**Read the Op Ed:** <https://www.staradvertiser.com/2022/11/27/editorial/island-voices/island-voices-new-gov-must-reform-prisons-system/>

5. **Enact Enlightened Policies to Counter the Epidemic of Mass Incarceration**, by Kat Brady, Honolulu Star-Advertiser, May 22, 2022.

**Read the Op Ed:** <https://www.staradvertiser.com/2022/05/22/editorial/insight/enact-enlightened-policies-to-counter-the-mass-imprisonment-epidemic/>