



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
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Kauai Community Correctional Center (KCCC)
March 2023 Site Tour Observations
Date of Report: March 29th, 2023

On Thursday, March 16th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Kauai Community Correctional Center (KCCC) collectively as a group. The tour included four of the five Commissioners – Mark Patterson (Chair), Martha Torney, Mike Town, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson and Special Assistant, George Choe.

After touring KCCC, the Commissioners chose to have an additional public meeting outside of the normal monthly public meetings to address conditions of the facility. This report encompasses notes from the Commissioners and will be discussed at a public meeting held on April 4th, 2023, at 2:00 p.m. via Zoom.

General Observations

According to the weekly population spreadsheet, on March 13th, 2023, there were 93 males and 21 females and on March 20th, 2023, there were 95 males and 25 females. Throughout the site visit, people in custody were in their living units, most often in dayroom areas where the Commission had unfettered access to meet with them in groups or individually at their request. Only in Module B, a secure unit for males, were people in custody confined to their cells, but facility staff allowed access to the cells at the Commission's request.

There was open communication between the staff and people in custody which was clearly congenial. One Commissioner noted that this has been true for the many times they visited KCCC during their employment with the Department of Public Safety. People in custody were free to speak with the Commission and had few complaints. Another Commissioner had noted that in light of one of the Commission's duties of facilitating the transition of a corrective system to a rehabilitative and therapeutic model is the attitude of the staff. "They treat the inmates with respect and interacts well with them. The inmates seem to respond with respect. This is a positive reflection on the leadership and this what is needed in transitioning the present model."

One Commissioner noted that the most glaring condition, similar to the other correctional centers visited, is the age of the facility. The walls and floors of the facility were in terrible condition due to years of neglect. The walls need painting, and the floor tiles were cracked and stained. One of the staff who worked there for over ten years told a Commissioner that the only construction they have seen was the sally port and the dorms. Although the facility is need of repair due to its age and continued crowding, the staff and the people in custody keep it surprisingly clean.

Ongoing Construction Projects

There were two major construction projects underway during the Commission's visit. Module A had two of the three-cell units closed due to construction that has continued for more than two years, much to the dismay of the staff (the construction schedule has been moved back several times due to the vendor). Module C, however, had one of its two wings closed due to construction (different vendor), with substantial progress evident and moving along ahead of schedule.

Module A

Module A is the oldest part of the facility, opened in 1977, and is made up of four three-cell units. During the tour, two of the units were closed due to an on-going construction project. Many people in custody were in the day room area outside the units. When Commissioners had asked, none of the pretrial individuals had a bail amount of less than \$100. Additionally, no one had their trial dates set beyond six months. The people in custody informed Commissioners that they have various activities during the day which keeps them occupied and reduces idle time; TV viewing is available in the evening. Commissioners did enter one of the living units which was clearly overcrowded with some people in custody sleeping on the floor of the small area outside the cells. At least one cell is kept open each night to allow access to a toilet.

The law library is located in Module A, a male only unit which does cause some access restrictions for females. The law library, while physically small and does not have any Hawaii Digest or Reports, did have Law Lexis for legal research. The Commission did not hear of any complaints regarding the adequacy of the library. Staff reported that individuals who sign up for law library are always granted access and they can request additional assistance from the librarian if they need assistance.

Module B

Module B was added to the facility in 1986 and has six large cells of approximately 157 square feet each, allowing four people to be assigned to each cell. The dayroom is quite large, but everyone was locked in their cells during the visit.

Module C

Module C, an L-shaped building with two large dormitories joined by a multipurpose room with bathrooms for each wing, opened in 1997. Each dorm is divided into cubicles with half-walls. As mentioned above, one of the dormitories was under construction with new windows, new floors and new bathrooms. Once that dorm is completed, work will begin on the other dorm. Staff noted how fast construction was moving in Module C and they were very happy with the construction vendor.

Cabins A-C

Cabins A, B and C were originally built as temporary housing for Kauai residents after Hurricane Iniki. The cabins were moved to the facility between 1993 and 1995 as temporary housing but continue to be used today. These units were not included in the 2001 capacity report as they do not meet fire code—no fire suppression system and no second exit. Cabins A and B house men, while Cabin C houses women. Cabin C was very overcrowded with no dayroom space. Cabins A and B had an outside lanai which were basically the dayrooms for those units. Cabin C's lanai was enclosed to increase the number of beds, leaving the women no dayroom or outdoor space. The women informed the Commissioners that they have very few activities available to them and spend

most of their time in the crowded cabin. This was most concerning. Additionally, at one point a Commissioner and the Oversight Coordinator spoke to some women individually in the pavilion area. Some incarcerated men were also in the pavilion area and the women were notably uncomfortable with being in sight of the men. This adds to the importance of having a separate outdoor space for women separate from the men.

Covid-19 Observation Housing

COVID-19 segregation, where new intakes are placed for a five-day isolation period, was located in a shipping container in front of the administration area. There were no active COVID-19 cases during the tour. The cells were larger than similar cells at OCCC, allowing for one bunk bed (two beds total). Although each cell had a small window in the door, the windows were covered to prevent people in custody of the opposite sex to see inside the cells. Therefore, no natural lighting was available in the cells. The shower was located outside, across from the cells and movement to showers can be observed by people in custody in Module C, the recreation yard, and a small visiting area. Netting is placed over the fence surrounding the shower area, yet it is still obvious that others can see figures that pass the netting. There was no Adult Correctional Officer (ACO) assigned specifically to the container area, and it is unknown how often the cells are checked.

Suicide Watch Observation Cells

Three holding cells are located within the Administration area of Module A, with observation windows along a hallway. These are multipurpose cells for administrative segregation and suicide watch. There were no people in custody on suicide watch the day the Commission visited. The Commissioners were told that an ACO would be stationed outside the cell if a person in custody was on suicide watch. There was one person in custody in a cell who was sleeping on a mattress on the floor in addition to at least one other person who came around the corner from an attached cell. Although Commissioners were told that there is an ACO assigned to that area, there was no ACO in the vicinity nor was there any officer desk for an ACO to be posted at. It was unclear how often the cells are checked.

Kitchen

The facility kitchen and mess hall are in a separate building that was in desperate need of replacement. The floors of the mess hall were worn through to bare wood in some areas, with patchwork repairs evident. Commissioners were told that the kitchen replacement plans are currently underway, although at the time of the tour, there was not a specific timeline for the project.

Recreation Yard

There was a secure recreation yard available outside of Module C, which was in use when the Commission arrived. It appeared that many individuals are offered outdoor recreation consistently. The Commission did not receive any complaints specifically in relation to recreation.

Visitation

Visitation is conducted outside either under the main pavilion, or in a separate outdoor area secured by a fence. The Commission greatly appreciates KCCC's efforts towards not only allowing contact visits but having the visits in an outdoor space that is conducive to rehabilitative practices. Visitation did not appear to take place during the tour, but the Commission did not receive any complaints specific to visitation access.

However, the Commission was informed that visits are limited to one child per visitor, preventing parents who have multiple children to see their children all at once. This also limits the children on how often they get to see their incarcerated parent.

Recommendations to be considered by the Department of Public Safety:

1) The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.

The Commission found that the containers in front of the administration area did not have an ACO in the vicinity or assigned to the post. Instead, the front gate officer needed to assist with opening the cells when Commissioners requested to view inside. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that KCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.

2) The Suicide Watch Observation/Holding Cells should not be used unless there is staff in the immediate vicinity at all times.

The Commission found that the holding cells located within the Administration area of Module A did not have an ACO in the vicinity. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that KCCC not use these cells unless it can post an ACO in the immediate area whenever any cell is occupied.

3) Housing unit windows which are covered should be replaced with frosted windows to allow natural light or not covered at all.

The Commission found that the Covid-19 Isolation cells had a slab of material completely blocking the windows to ensure women in the cells were not seen by men in custody. In accordance with American Correctional Association (ACA) Standard 4-ALDF-1A-16: *All inmate rooms/cells provide the occupants with access to natural light by means of at least three-square feet of transparent glazing, plus two additional square feet of transparent glazing per inmate in rooms/cells with three or more inmates.* Therefore, the Commission recommends replacing the current windows with frosted windows to allow natural light to also consider privacy rights of women placed in those cells.

4) Build a covered area or pavilion outside of Cabin C to allow incarcerated women an outdoor space and dayroom area.

The Commission found that due to overcrowding, Cabin C's lanai was enclosed to increase the number of beds, leaving the women no dayroom or outdoor space. Cabins A and B had an outside lanai which were basically the dayrooms for those units. Additionally, women housed in Cabin C noted that they do not have opportunities to be outside of their cabin unlike Cabin A and Cabin B where individuals can sit out on the lanai. Therefore, the

Commission recommends that the facility build a covered area of pavilion outside of Cabin C to allow for an outdoor space and dayroom.

5) Consider hosting a monthly family-day specific for those who have two or more children.

The Commission found that visits are limited to one child per visitor, preventing parents who have multiple children to see their children all at once. Given the imperative transition from a punitive system to a rehabilitative and therapeutic system, the Commission recommends that KCCC host a monthly (or more frequent) family-day where family members and children can come to visit their loved ones. Not only would this strengthen the family and community ties for those in custody, but this is undoubtedly an area of interest of the State Legislature as example by [HB451 HD1](#) related to establishing a family resource center at Waiawa Correctional Facility.

The Commission extends special thanks to the KCCC staff for their time, professionalism, and expertise during the tour.