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Hawaii Community Correctional Center (HCCC)
April 2023 Site Visit Observations Report
Date of Report: May 2, 2023

On Thursday, April 20th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Hawaii Community Correctional Center (HCCC) collectively as a group. The tour included three of the five Commissioners – Martha Torney, Mike Town, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson and Special Assistant, George Choe.

After touring HCCC, 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 May 2nd, 2023, at 2pm via Zoom.

NOTE: HCCC was visited by Commissioner Ted Sakai and Oversight Coordinator Christin Johnson in September 2022 and the conditions at that time were well documented and found to be appalling. As a result, Ms. Johnson has regularly communicated with the Department of Public Safety and the facility staff to get the most egregious problems addressed, in addition to visiting on a regular basis to observe progress made. The Commission website contains numerous reports that address these conditions and what has been improved since that time. The discussion below reflects the Commissioner's specific observations from the April 20th, 2023, visit.

APRIL HCCC SITE TOUR OBSERVATIONS

General Observations

The total head count on April 20th was 295 (261 males, 34 females). Of those, 58% were pretrial and 18.6% were “violators” which included both probation and parole violators. At the main facility, there were 228 males and 7 females. The Commission did not have time to tour Hale Nani, the remote minimum/community living unit about six miles south of the main facility, where 33 males and 27 females were housed.

There is still the problem of overcrowding which would take all the stakeholders (police, prosecutors, defense counsel, judiciary, legislature, executive branch including the Governor and Department of Public Safety, County Mayors, and faith-based groups and other nonprofit entities) in the criminal justice system to come up with a plan that all could buy in. Much of this work is being actively planned by Going Home Hawaii and the Commission is involved in the process of getting stakeholders on board to find alternatives of incarceration, particularly for those experiencing homelessness and mental health issues.

During the site visit, people in custody were locked down in some units, while some had partial lock down with others in the dayroom areas. In Wainuenue, which is a dorm setting with sleeping bays, all individuals were available to the Commission, and staff accommodated access to individuals in locked cells who wanted to talk to the Commission. Many of the people in custody brought up specific legal issues relating to their case much of which are beyond the scope of the Commission.

The staff were kind and very cooperative.

Ongoing Construction Projects

A new living unit is currently under construction on the site of the old 1909 jail. The living unit will consist of cells and a new kitchen for the main facility, eliminating the need to transport food from one site to another. Currently, the facility kitchen is located at Hale Nani, with prepared food transported to the main facility.

Maintenance Needs

Although one Commissioner had noted that the conditions had improved since the last visit with various judges, there is still much work to be done that can improve the facility within its present limitations. Overall, the underlying problem is the age of the facility and the neglect of maintenance. For example, one of the cellblock's air conditioners was not working. In another area, the air conditioners were leaking water. Even though buckets were placed beneath them, the floor was still extremely slippery. The shower heads were broken, and plastic jars/bottles were used to place over the shower as a makeshift showerhead to prevent water from spraying outward. The cold and hot water controls had to be turned on and off by someone outside the shower stalls as the buttons in the shower stalls were not working.

What may have started as a few maintenance issues are now in urgent need of repair. Proper periodic maintenance could have prevented many of these must-fix items.

Access to Courts

One Commissioner noted that some of the people in custody had not been to court for over 6 months or year. When asked who their defense lawyers are, most could not remember their names and thus could not call them. The facility does not keep a list of the lawyers. One Commissioner noted that in their experience, when someone in custody leaves court, they are given a Notice to Appear date by the court, but there is no attorney named.

Additionally, individuals in Komohana stated that there used to be a black telephone in the unit that was specific for attorneys to call in, and for individuals to call their attorneys. The phone was removed but it was unclear if this was due to a security issue or if the phone was broken. Regardless, it is imperative the facility make every effort possible to ensure attorneys can get ahold of their clients and that individuals in custody be able to get ahold of their attorneys.

Lack of Basic Necessities for Jail Operations

HCCC lacks many necessities to make it a fully functional jail. The facility lacks a proper segregation unit, a proper protective custody unit, a proper mental health unit, an appropriate space for those on safety and suicide watch, a proper infirmary, a perimeter fence, and a proper female

housing unit. This makes managing the population an extremely difficult task for all staff who work at HCCC. Staff expressed to the Commission that HCCC often transfers individuals who are considered max-custody to Halawa Correctional Facility (HCF), only for HCF to reclassify the individuals to medium-custody and send them right back to HCCC.

Additionally, despite having the most 704 evaluations out of all the islands (as reported by staff), HCCC does not have a mental health unit and staff expressed concern that they often times cannot provide a safe environment for those individuals with mental health issues who are incarcerated or detained at HCCC. It was clear to the Commission that this is not from a lack of caring from staff, but a lack of proper resources they need to fulfill their duties.

Punahele

Administration and medical are located in the Punahele building, the oldest part of the facility (opened in 1978). The Administration area is very tight. The only place for staff to meet is a small room where the copying machine is also located. Through a secure door is the Watch Commander's office and the Punahele control station. Through another secure door is the intake and medical area.

The medical space is very inadequate for the population, with only one small examination room (a second exam room is now used for housing women or housing those on suicide watch) and a nurses' station, with little area for medical records. The 7 women assigned to Punahele were housed next to medical office in dry cells, some originally used for intake. The cells appeared dirty and completely covered in graffiti.

It was evident from a pile of mattresses at the end of the hall that people in custody sometimes sleep in the hallway. The medical staff is very dedicated to serving people in custody in this limited area but clearly with great difficulty. There was no one on suicide watch during the tour, but one of the dry cells would be used for that purpose. There were also no COVID-19 positive cases during the visit.

The Punahele housing unit has two distinct living units, with an official capacity of 22. On April 20th, 72 males were living in these two units. Twelve cells are located in a module setting, with four pods of three cells each (and a shower) surrounding a common multipurpose room. At 59 to 62 square feet, these are the smallest cells in the Hawaii correctional system. Another 10 cells, 59sq, are located along an L-shaped corridor, with one shower shared by all.

The corridor-assigned individuals use the common purpose area for indoor out-of-cell time. Individuals said they get about two hours a day of indoor recreation, but rarely get outdoor recreation. In one of the pod cells where four individuals were housed, the toilet was actively leaking, spreading water across the floor where two individuals slept on mattresses. The people in custody were using their towels and clothing to absorb the water, posing a clear health risk. Staff are aware of the situation and stated work orders were submitted to no avail. Additionally, many individuals complained that food portions were too small, and they were often hungry.

Komohana

The Komohana housing unit opened in 1998, with a rated capacity of 64 and 98 males living there at the time of the Commission's visit. It is a two-story unit with wet cells around the perimeter and a large open dayroom in the center. Of the eight showers (four on each floor), only two were working. Individuals complained there was only hot water available in their cells. Additionally, many individuals complained that food portions were too small, and they were often hungry. The unit was generally clean.

Waianuenue

The Waianuenue housing unit, opened in 1990, is made up of two units of sleeping bays with a rated capacity of 40 and 58 males assigned at the time of the tour. The people in custody had several complaints, ranging from infrequent commissary to no visitation. They asked for radios, musical instruments, board games, cards to cope with the idle time they face. One particular concern was the limited number of phones available to call family (only two in each unit). They reported that the lack of access to phones results in fights. There were also complaints about insufficient soap allowance (each got a 1"X1"X1/4" bar, very small), the size and quality of the toothbrushes, and inadequate bedding (one sheet, one blanket, often no pillow).

Recreation Yard

There is a serious lack of outside recreation areas and the areas that are available are uncovered, meaning that outdoor recreation is often cancelled due to rain. Many individuals expressed concern of having limited access to outdoor recreation.

Visitation

Currently, there is no in-person visitation whatsoever. The Department chose to implement non-contact visit booths and there has been a serious delay in receiving the telephones needed for non-contact visits. This means that there have been no in-person visits conducted in at least three years (initially due to covid, then due to construction of non-contact visit booths). Given that HCCC is not a high-security facility, the Commission fails to see the benefit of non-contact visit booths especially if the Department is genuine about transitioning to a therapeutic and rehabilitative corrections system. In-person contact visits are imperative for keeping relationships with family, friends, and communities.

Recommendations to be considered by the Department of Public Safety:

1) Create a maintenance plan that entails enlisting assistance from other facilities until maintenance needs are caught up.

During the tour, there were evident maintenance concerns that varied from leaking pipes, broken showers, broken sinks, broken toilets, broken phones, mass amounts of graffiti, etc. Security staff showed the Commission various work orders that are consistently submitted, but not taken care of in a timely manner. The Commission recognizes, especially with the various construction projects, that the HCCC Maintenance Supervisor is doing the best they can but has limited resources. Therefore, it is important to enlist help from other maintenance workers from various facilities until HCCC is caught up with fixing various broken structures listed in this report. Additionally, the money received from 2023

legislative session for facility-wide repairs, deferred maintenance, and statewide improvements should be prioritized for HCCC.

It should be noted that after the August 2022 tour of HCCC, the Department committed to, “work with other Wardens to request volunteer maintenance staff from other facilities to assist HCCC in immediate critical safety repairs, including, but not limited cell windows that are broken, cracked, etc., and other repairs as determined by Warden Mahoe and/or his facility maintenance supervisor. In order for this to occur, HCCC agrees to ensure the following:

- a) All work assignments, tools, and materials, etc., will be ready for the maintenance staff from other facilities upon their arrivals.
- b) HCCC agrees to allow the maintenance staff from other facilities to utilize facility maintenance vehicles as needed.
- c) HCCC agrees to pick up and drop off the maintenance staff at the airport and meal issues will be worked out with the staff.”

It is unclear to the Commission if assistance from other facilities was requested or followed through on.

2) Ensure that individuals have proper access to court.

One Commissioner noted that some of the people in custody had not been to court for over 6 months or year. When asked who their defense lawyers are, most could not remember their names and thus could not call them. The facility does not keep a list of the lawyers.

The Commission will make an official recommendation to the Judiciary to have the Notice to Appear include the defense attorney's name.

For the Department, it is recommended that facility staff write the attorneys name on the notice and that the facility keep the notice on file. It is also recommended, if not done already, that the facility maintain an updated list of people in custody with the charges, bail amount, attorney's name and the next court appearance or release dates. It is understood that the courts send the court calendar to the facilities, but this can give the facility notice if individuals have been "forgotten." The list should be shared with Chief Judges on a monthly basis so they can review it for speedy trial issues, etc. and provide it to the trial judges.

Lastly, the facility should make every effort possible to ensure attorneys can get ahold of their clients and that individuals in custody be able to get ahold of their attorneys. If the black phone in Komohana was meant for attorney-client calls, the phone should be immediately fixed and restored to Komohana.

The Commission may add additional recommendations during the May 2nd, 2023, meeting which will be added to this report, uploaded to the Commission’s website, and sent to the Department of Public Safety. The Commission extends special thanks to the HCCC staff for their time, professionalism, and expertise during the tour.