



Hawaii Correctional System Oversight Commission

Monthly Oversight Coordinator Report – April 18 2024

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Introduction

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 publicly posts 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

The Oversight Coordinator monthly reports are released on the third Thursday of each month to align with monthly Commission meetings where this report is publicly discussed.

Death in Custody

On Friday, March 22, 2024, at the Kauai Community Correctional Center (KCCC), a person in custody, male, 33 years old, escaped from KCCC. The individual ran onto the Kuhio Highway where he was unfortunately struck by a vehicle. This was a hit and run incident. On March 28, this individual succumbed to his injuries and was pronounced deceased.

On Saturday, March 30, 2024, at the Halawa Correctional Facility (HCF), a person in custody, male, 84 years old, was found unresponsive. Medical staff notified Emergency Services and the individual was pronounced deceased at 4:21pm. This individual was unfortunately terminally ill.

Legislative Updates – Budget Hearings

The Commission submitted written testimony to the House Committee on Finance (FIN) and to the Senate Committee on Ways and Means (WAM) supporting House Bill 1800 Relating the State Budget as it encompasses an appropriation for the Attorney General's Office to include the Oversight Commission in the base budget.

On March 6, 2024, House Bill 1800 Relating to the State Budget was heard by FIN. FIN received 61 pages of testimonies in support of the HCSOC from 12 local and national organizations, and 25 concerned citizens totaling 37 testimonials. On March 20, 2024, House Bill 1800 Relating to the State Budget was heard by WAM. WAM received 40 pages of testimonies in support of the HCSOC from 10 local and national organizations, 8 concerned citizens totaling 18 testimonials. The Commission is incredibly grateful for the ongoing support while the office continues to grow and build on this important work.

The Commission is pleased to report that FIN and WAM **concurred** on the Commission's budget request of \$462,134. This means the Commission's request will not be a part of

Conference Committee discussions, and the Commission's line item should be embedded into the State's budget.

Breaking Cycles Virtual Roundtable: OCCC Programming & Design Case Studies

On April 12, 2024, the University of Hawaii Community Design Center (UHCDC) hosted a [Breaking Cycles virtual roundtable](#), focused on two unique systems relating to programming and facility design.

Lucy Easley, Facility Director of the Davidson County Sheriff's Office (DCSO), presented on the Behavioral Care Center (BCC). The Behavioral Care Center is a state licensed adult supportive treatment facility providing gender responsive trauma-informed care to residents in a short-term residential setting as an alternative to jail. Residents who successfully complete the program will not face criminal charges and will be provided resources for continuation of care. The BCC is a 60-bed facility that can house 30 males and 30 females. At maximum capacity, it is estimated that the facility will impact 1,500-2,000 individuals annually. DCSO's facility is designed to be a treatment setting rather than a correctional one.

James Krueger, Director of Design at the HMC Architects, presented his team's design of the Los Colinas Detention and Reentry Facility. In the design of the Los Colinas Detention and Reentry Facility, the HMC Architects created a campus community in a light color palette, soft and varied materials (including wood and glass), better acoustics, and ample natural light—all of which have been shown to reduce anger, stress, anxiety, sadness and depression. Unlike traditional prisons, where most services are housed centrally in enclosed environments with little natural light or outdoor space, this campus is divided into zones—administrative, communal, programmatic and housing—connected by a central quad or village green intended for recreation, akin to a typical university. Outdoor space encourages supervised interaction and the cafeteria exterior opens up to an outdoor pedestrian promenade and walking path. And just like in a higher education environment, the program activities and the spaces they occur in are designed to promote educational, vocational, personal and spiritual growth.

Previously, the Oversight Coordinator and Reentry and Diversion Oversight Specialist had the opportunity to tour the Los Colinas Detention and Reentry Facility which was presented in the October, 2023 Oversight Coordinator report found [here](#). The PowerPoint regarding the tour can be found [here](#).

After both presentations, there was a brief round table conversation with the following panelists:

- Hayley Cheng, First Deputy Public Defender, Office of the Public Defender
- Dennis Dunn, Board Member, Hawai'i State Coalition Against Domestic Violence
- Keoki Dudoit, Director of Operations, Makana O Ke Akua
- Christin Johnson, Oversight Coordinator, Hawai'i Correctional System Oversight Commission

- Lois Kim, Case Management Program Manager, Care Hawai‘i
- Bob Merce, Chair, Correctional Reform Working Group
- Eugenie Naone, Director of Programs, Ke Ola Mamo

Tour of Kauai Community Correctional Center (KCCC)

On Thursday, March 21, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Kauai Community Correctional Center (KCCC) collectively as a group. The tour included three of the five Commissioners – Mark Patterson (Chair), Martha Torney, and Mark Browning in addition to the Oversight Coordinator and staff.

Below are recommendations to be considered by the Department of Public Safety which stemmed from the KCCC tour. The full report can be read at:

<https://hcsoc.hawaii.gov/facility-specific-reports/>.

Recommendations to be considered by the Department of Corrections and Rehabilitation:

- 1) Immediately cease any usage of the Restraint Chair and WRAP Chair until, at minimum, a policy is developed and approved by the Attorney General to protect the state from liability.**

If the Department of Corrections and Rehabilitation intends to continue use of such restraints mechanisms, it is imperative that a policy be developed and approved by the Attorney General to protect the State from liability.

The policy must include, at a minimum:

- Under what conditions may the restraint be used (**never for punishment**);
- Who must approve the use of the restraint (should be Warden, Deputy Warden, Chief of Security);
- Health Care must be informed and determine any medical risk in the use of the restraint;
- Placing an individual in the chair must be filmed, as with cell extraction;
- The individual should be checked on a regular basis (every 10 minutes) to ensure there is no medical problem and blood is circulating;
- There is a time limit for use of the restraint, such as two hours;
- An individual placed in the chair due to mental health issues (such as harm to self or others) must have medical and mental health approval; and,
- There must be a log maintained for the duration of the restraint.

- 2) The shipping container units outside Module 5 must not be used until there is a specific post made for that area to ensure there is staff in the immediate vicinity at all times.**

The Commission found that the shipping containers in front of the administration area did not have an ACO in the vicinity due to there being a lack of post assignment. Instead, the front gate officer is assigned to watch the shipping

containers in addition to their normal duties. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The shipping containers must have a designated post and otherwise not be used as an ACO cannot be guaranteed to be in the immediate area whenever a cell is occupied.

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. It should be noted that the Commission posted a similar recommendation one year ago in March 2023, however, the issue has not been addressed.

3) Immediately prioritize the construction and replacement of the KCCC kitchen as it poses a dangerous threat to individuals or staff being hurt due to its desperate condition.

The floors in the kitchen and mess hall were worn through to bare wood in some areas and completely gone in other areas. Plywood had been temporarily laid down to cover missing floorboards, but they were flimsy and extremely dangerous to walk on. The dangerous condition of the floor in the kitchen and mess hall could easily result in serious injury to staff and people in custody. A new floor must be laid as soon as possible.

4) Remove the window covers of the shipping container windows to allow natural light.

The Commission found that the shipping container 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 removing the window covers to ensure access to natural light.

It should be noted that the Commission posted a similar recommendation one year ago in March 2023, however, the issue has not been addressed.

5) Ensure individuals in the facility are receiving the most out-of-cell time possible in alignment with a rehabilitative and therapeutic environment.

Individuals in Module B claimed to be locked in their cells for 22-hours per day. This, by definition, is considered restrictive housing, also sometimes referred to as solitary confinement. Additionally, it was unclear if women who are housed within the shipping containers get any type of recreational time outside of their cells.

If the Department of Corrections and Rehabilitation is serious about the transition to a therapeutic and rehabilitative system, it is imperative to ensure individuals are not locked down within their cells for such extended periods of time.

6) Ensure that incarcerated women in Cabin C have access to outdoor space, specifically, the Cabin C lanai that was built for that exact purpose.

Due to overcrowding, Cabin C's lanai was enclosed to increase the number of beds to house women, leaving the women no dayroom or outdoor space. Men housed in Cabin A and B, however, still have an open and functioning lanai that they can use at their leisure. Per the Commission's recommendation after the last visit in March 2023, a small lanai was added to Module C to ensure that women are afforded a dayroom/outdoor space comparable to the men. The Commission applauded this effort; however, the Commission was informed by the women housed, and by staff, that the women are given limited access (if any) to the lanai since male worklines sometimes pass by in the surrounding areas.

The facility must ensure incarcerated women have the same access to dayroom and recreation space as men.

7) Ensure that individuals who work on the facility worklines are being paid accordingly, by Department policy.

The Commission was informed that KCCC is not paying individuals to work on worklines. Although the Commission agrees that wages are extremely low per policy, it is not acceptable to deviate from policy, particularly when the deviation may affect an individual's opportunity to buy commissary, phone calls, or video visits. Additionally, this places an added burden on the community members as they will be the ones who send in money for people in custody to partake in commissary, phone calls, or video visits. Therefore, KCCC must pay individuals who work on the workline their appropriate wage per Department policy.

Corrections Staff Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC staff are focusing on an all-encompassing staff survey to better understand the corrections environment; enhance data collection capacities to promote transparency and accountability; and recommend evidence-based programs and policies to improve conditions for those working in our jails and prisons.

The survey being utilized was created under the Urban Institute's Prison Research and Innovation Initiative (PRII), supported by Arnold Ventures. The survey has been distributed in facilities throughout five states and was developed using participatory research methods, elevating the voices and perspectives of correctional staff. Vermont had a particularly successful survey launch with a response rate of 70% at the Southern State Correctional Facility. It is the Commission's goal to gather as much, if not more, participation.

The survey, available electronically or on paper, is anonymous and confidential. Now that all surveys have been completed and collected, the Commission scheduled and completed talk stories with each facility to create recommendations for improving health, safety, the work environment, and concerns most important to staff.

For the paper surveys, Commission staff successfully distributed and collected paper surveys on the following dates:

- Wednesday, January 3 – OCCC
- Thursday, January 4 – WCF
- Friday, January 5 – OCCC & WCF
- Monday, January 8 – KCF
- Tuesday, January 9 – WCCC
- Wednesday, January 10 – MCCC
- Friday, January 12 – KCCC
- Tuesday, January 16 – HCF
- Tuesday, January 23 – OCCC
- Thursday, January 25 – HCCC
- Thursday, January 25 – HCCC & KCF
- Friday, January 26 – HCCC
- Monday, January 29 – WCCC
- Tuesday, January 30 – KCCC
- Wednesday, January 31 – MCCC
- Thursday, February 1 – HCF
- Friday, February 1 – HCF

The staff talk-stories were conducted as follows:

- Tuesday, March 19 – HCF
- Friday, March 22 – KCF
- Monday, March 25 – KCCC
- Wednesday, March 27 – OCCC
- Wednesday, April 3 – HCCC
- Thursday, April 4 – MCCC
- Tuesday, April 9 – WCCC
- Wednesday, April 10 – WCF

The Commission is fortunate to have support for this project from the Department of Corrections and Rehabilitation, the United Public Workers (UPW) Hawaii, the Hawaii Government Employees Association (HGEA), and the cooperation of facility leadership. Although this will be an independent project to distribute and gain perspectives from staff, the HCSOC looks forward to working closely with UPW, HGEA, the Department of Public Safety, facility leadership, and staff on solutions.

Reentry Report

HCSOC staff are currently working on an all-encompassing reentry report in accordance with the reentry segment of the Commission’s mandate:

- Work with the Department of Corrections and Rehabilitation in monitoring and reviewing the Comprehensive Offender Reentry Program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii Paroling Authority’s oversight of parolees. HRS §353L-3(b)(3)

- Ensure that the Comprehensive Offender Reentry System under Chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the maximum terms have been served instead of delaying the release for lack of programs and services. HRS §353L-3(b)(4)

Commission staff submitted a data and information request to the Department of Corrections and Rehabilitation (DCR), specifically pertaining to HRS §353H and the Comprehensive Offender Reentry Program for this report. DCR leadership and the Reentry Office have been responding to this request, and Commission staff have been reviewing the responses as they are received. Once all the requested data and information is received, the Commission will compile the HCSOC's first reentry report, outlining findings, highlighting best practices, and offering recommendations.

House Concurrent Resolution 23 Task Force

Overview

House Concurrent Resolution No. 23 ([HCR23 HD1 SD1](#)) requests the Hawaii Correctional System Oversight Commission to convene a task force to examine and make recommendations regarding existing procedures of the Hawaii Paroling Authority setting the minimum terms of imprisonment. Mark Patterson, HCSOC Chair, is chairing this task force.

Upcoming Meetings 2024

- June 6, 9am-12pm
- September 12, 9am-12pm

The Commission has dedicated a page on its website to the HCR23 Task Force: <https://hcsoc.hawaii.gov/hcr23-task-force/>. This webpage has information on the expectations of the task force, members, expected outcomes, partnerships, and meeting information. Meetings will be live streamed and can be viewed on the Commission's [Facebook](#) page or [YouTube](#) channel.

Expenses for the Preceding Month – March

	Cost	Qty	Total	Notes
Office Equipment and Supplies			\$380	
Office Furniture			\$0.00	
General Office Supplies	\$124.06	1.00	\$124.06	
Staff and Commission Badges			\$0.00	
Staff and Commission Badge Holders			\$0.00	
Cell Phone			\$0.00	
Cell Phone Monthly Plan	\$172.93	1.00	\$172.93	
Wifi Hotspot			\$0.00	
Heroku Monthly Plan - Complaint Management	\$65.00	1.00	\$65.00	
Elastic Cloud Monthly Plan - Complaint Management	\$18.25	1.00	\$18.25	
Other Current Expenditures			\$0.00	
Inter-Island Correctional Facility Travel			\$2,636.86	
Airfare	\$1,339.86	1.00	\$1,339.86	
Car Rental	\$464.50	1.00	\$464.50	
Daily Per Diem	\$784.50	1.00	\$784.50	
Lodging+Tax		1.00	\$0.00	
Ground Transportation		1.00	\$0.00	
Airport Parking	\$24.00	2.00	\$48.00	
Mainland Correctional Facility Travel			\$0.00	
Airfare			\$0.00	
Car Rental			\$0.00	
Daily Per Diem			\$0.00	
Lodging+Tax			\$0.00	
Ground Transportation			\$0.00	
Airport Parking			\$0.00	
Memberships + Conferences			\$1,050.00	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement)			\$0.00	
National Association of Sentencing Commissions			\$0.00	
NACOLE Virtual Training			\$0.00	
Going Home Hawaii Reentry Summit			\$0.00	
Hawaii Friends of Restorative Justice	\$1,050.00	1.00	\$1,050.00	
Airfare			\$0.00	
Car Rental			\$0.00	
Daily Per Diem			\$0.00	
Lodging+Tax			\$0.00	
Ground Transportation			\$0.00	
Airport Parking			\$0.00	
Baggage Fee			\$0.00	
TOTAL			\$4,067.10	

* All expenses reflect posted transactions

General Office Information

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

Website: <https://hcsoc.hawaii.gov>

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

Email: hcsoc@hawaii.gov

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

Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on April 18, 2024. The next monthly meeting is scheduled to occur on May 16, 2024, at the University of Hawai'i Maui College, 310 W. Ka'ahumanu Avenue, Room Noi'i 211, Kahului, Hawai'i 96732 and online via Zoom. More information can be found on the Commission's webpage here: <https://hcsoc.hawaii.gov/information/>.