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Maui Community Correctional Center (MCCC)
June 2024 Site Visit Observations Report
Date of Report: July 18, 2024

On Thursday, June 20, 2024, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Maui Community Correctional Center (MCCC) collectively as a group. The tour included three of the five Commissioners—Mark Patterson (Chair), Martha Torney, and Ronald Ibarra—in addition to the Interim Oversight Coordinator/Reentry and Diversion Oversight Specialist and Special Assistant. The Commission was granted access to all areas of the facility and was able to communicate with all people in custody who wanted to speak with the Commission.

The Commission is very pleased to report a significant, 28%, decrease in the population over the past year. With a rated capacity of 301, in 2023, there were 299 people in custody housed at MCCC versus 215 people in custody during the most recent tour. This provided the facility with much-needed breathing room and even allowed for Dorms 4 and 5, with a total rated capacity of 32 beds, to be taken offline and staff assigned to those housing units to be utilized elsewhere.

The reduction in population has led to notable changes within the facility's population. In 2023, 15% of the population was female (45 of 299), yet today it stands at 20% (43 of 215), which is of concern. The share of the pretrial population has decreased, though, from 54.8% in 2023 (164 of 299) to 44.1% in 2024 (95 of 215).

General Observations

Warden Liane Endo and staff conducted the tour. The Commission was once again impressed with the cordial relationship that exists between staff (both uniform and civilian) and those who are incarcerated. The Commission was provided unfettered access to people in custody both in the housing units and at their work assignments.

The Commission is concerned with the amount of time people in custody are generally confined to cells and the overall idleness of the population. The people in custody generally reported that outside recreation is very limited.

There continue to be substantial staffing shortages on both the uniformed and civilian sides of staffing. This remains problematic for staff and people in custody.

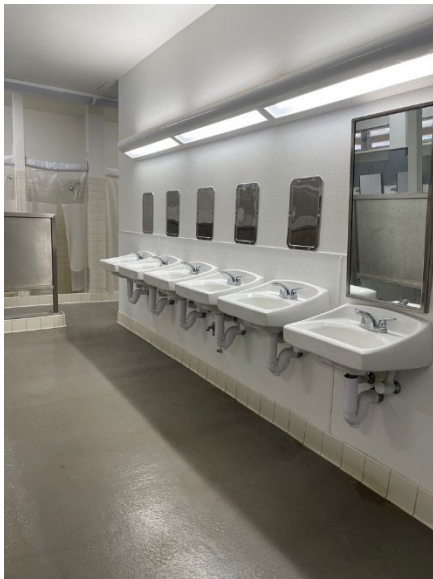
Physical Plant

The physical plant of the MCCC includes housing units and necessary operational areas. The utilized housing units consist of five dormitories—Dorm 1, Dorm 2, Dorm 3 (housing women), Dorm 6, and Dorm 7—and six modules—Module A, Module B, Module C, Module D, Module 3, and Dayrooms (Module 3 and Dayrooms house women). The facility also includes key areas such as the kitchen, medical unit, education, library, and holding area.

Overall, the facility was very clean and well-maintained, especially considering its age and, in comparison to other jails in Hawaii. However, the facility is still in need of updates and proper funding for those updates. There are several critical maintenance updates underway, and there are additional areas in need of maintenance or construction, including the staff dining room – part of the floor was missing and the space needs better lighting.

Dorms 6 and 7

This structure houses men and has a central dayroom, bathrooms, and an activity room that is also used for meals. Each dorm has a capacity of 50 people in custody. Dorm 6 had five people in custody assigned to work furlough; Dorm 7 had 20 sentenced people in custody who participated in various worklines throughout the day. During the Commission’s 2023 tour, the Commission noted the very poor condition of the bathroom and shower area. Over the past year, the entire area was renovated with all new equipment, walls, and floors. It was most impressive.



People in custody freely interacted with each other in their assigned dorms, yet they were not provided with playing cards and board games to alleviate idleness. Televisions are available in the units but not turned on during our visit. Outdoor recreation time was very limited, some mentioning they believe other living units had more outdoor time.

The people in custody also expressed concern that programs and classes were too limited to prepare them for life in the community. People in custody indicated that there were not enough programs (“we sit here and do nothing”), very little release preparation, and no connections to necessary services and programs for successful reintegration, leading to a lack of hope. They emphasized the

need for more programs and were especially interested in reentry preparation and learning trades, such as plumbing and carpentry.

It was very disappointing that only five people in custody were participating in work furlough. According to the June 17 population spreadsheet, there were 14 sentenced felon males assigned to MCCC, some of which *may be recently sentenced* awaiting transfer to Halawa Correctional Facility. The Commission does note that another two people in custody were on extended furlough, living and working away from the facility.

People in custody did share the amount of time once they return to Maui for reintegration to actually go on work furlough: 90 days of in-house programming followed by 90 days of visitation furloughs (i.e., a day or weekend home) prior to placement on work furlough. Some found this delayed their opportunities for parole.

On June 30, 2024, 1,856 male sentence felons were confined by the State of Hawaii; 872 in-state, 984 in Arizona. On that date, a mere 13 male sentenced felons were housed at MCCC—0.7% of the total sentenced felon population. This defies common sense and implies there are serious roadblocks to people in custody returning to their home island for integration. The Commission is mandated to 1) “work with the department of corrections and rehabilitation in monitoring and reviewing the comprehensive offender reentry program,” and 2) “ensure that the comprehensive reentry system...is working properly to provide programs and services that result in the timely release of inmates...” The Commission will work with the Department to conduct a thorough analysis of the incarcerated population and provide the basis for addressing any roadblocks in the system.

Dorms 1 and 2

Dorms one and two housed 13 men each, totaling 26 men. The dorms and bathroom areas were clean and functional. Large fans were provided to keep the area as cool as possible (there is no air conditioning in these dorms).

The common complaint of lack of outdoor recreation was brought up again, with people in custody claiming they only get out once or twice a week.

Dorm 3

Dorm 3 houses women and is a cinderblock building that was part of the old jail prior to the modules built in the 1970s. It appeared in good condition but was more crowded than the dorms for men.

Outside recreation is restricted to two one-hour sessions per week. The area is concrete so, again, no grassy areas available for people in custody to use. Programs are very limited, currently include NA/AA, parenting, and church. The women requested more education programs and were especially interested in culinary arts which some experienced at the Women’s Community Correctional Facility.

Mail was another issue of contention, with people in custody claiming that mail did not come daily and mail going out is not posted in a timely manner. The women also complained about not being

given adequate time to eat their meals, saying everything is rushed. Women also indicated there are no jobs for pre-trial women at the facility.

The women also asked for better hygiene products, such as soap, toothpaste, and toothbrushes. The Commission has heard complaints about hygiene products from people in custody throughout the State system.

The facility is scheduled to have a new 32 bed women's unit built but ran into construction problems which put the project on hold. Underground ducts were discovered when digging for the foundation began.

Module A and B

On the day of the Commission's tour, 51 men in custody were assigned to Module A, and 54 men were assigned to Module B. The men assigned cells in Modules A and B informed the Commission that they were allowed out of their cells for a total of four hours a day in two-hour periods twice a day. The modules have concrete enclosed recreation yards and do not have access to any grassy areas. Again, no playing cards or board games were available for people in custody to use. When the rated capacities were developed, it assumed that people in custody would spend no more than 10 hours a day confined to their cells. In fact, they now spend 20 hours a day in their cell.

A number of cells in Module A were unoccupied as outside contractors were actively working on the air conditioning and plumbing. People in custody were still allowed their limited time in the day room while the work was going on. It was gratifying that the work did not interfere with normal scheduling.

The air conditioning in Module B was broken at the time of the Commission's tour.

People in custody complained about late mail delivery. One person in custody showed the Commission a letter addressed to him from the US District Court dated May 10, mailed from the Court on May 13 and received by the person in custody on June 18, **36 days later**. The letter informed the person in custody that he must respond by June 17, a day before he physically got the letter. Another person in custody was concerned that books he ordered about the "prison legal process" had not arrived. The Commission received complaints about mail delivery from those in other housing units, especially delayed mail that their families informed them had been sent.

Another person in custody complained about not getting proper care for a "shattered wrist." He was required to rewrap his arm by himself daily. One of the Commissioners had experienced a broken wrist that required daily rewrapping, which they could not do by themselves and had to rely on family. The Commission brought this up to the medical staff who understood our concern but claimed they could not see him on a daily basis.

Module C and D

On the day of the Commission's tour, four men in custody were assigned to Module C and 11 men assigned to Module D. Module C houses people in custody in administrative segregation. The Commission did not tour Module C due to a COVID-19 positive case in the Module.

Module D houses people in disciplinary segregation. In Module D, people in custody are provided one hour of out-of-cell time per day, and meals are served in the cells. The Commission received several concerns from people in custody housed in Module D:

- Mail takes two to three weeks or longer to be delivered to people in this unit.
- Library requests are taking an exceptionally long time to be fulfilled, several weeks or more.
- People in custody were unable to make legal calls for an extended period of time in May.

Additionally, people in custody who are placed in these units do not have direct access to the grievance or medical request system. In these modules, people in custody must ask for a grievance or medical form and then ask an ACO to place the request in the appropriate box on their behalf. All grievance and medical requests should be handled confidentially. People in custody should be able to freely make such requests rather than ask a staff member to drop the request on their behalf.

Module 3 and Multipurpose/Dayroom Cells

On the day of the Commission's tour, 13 women were assigned to Module 3, and 13 women were assigned to the cells in the adjacent housing area, referred to as the dayrooms or multipurpose housing. The most concerning aspect of this area is the cell space. The cells are dark—devoid of natural light or outside views—and devoid of any visual or tactile features that could provide mental stimulation. Additionally, this area has minimal opportunities for physical activity, which can contribute to the mental and emotional strain on the individuals housed there.

Furthermore, the cell windows for staff observation of people in custody are small, and the area is dark, making it challenging to see inside the cells even when standing directly in front of them. This hampers observation and can hinder the ability of staff to monitor the well-being of the women inside. The limited visibility and confined space can pose challenges in ensuring the safety and health of the women housed there.

Holding/Intake

On the day of the Commission's tour, one man was housed in the holding unit. The cells in Holding are similar to the cells described in the *Module 3 and Multipurpose/Dayrooms Cells* section directly above. The holding cells in the intake area have the same small windows, lack of visibility, and other issues as the Module 3 cells. The cells are dark, devoid of natural light or outside views, and lack any visual or tactile features that could provide mental stimulation. Additionally, there are minimal opportunities for physical activity in this area.

When necessary, these cells are designated for suicide watch. The design of the cells makes observations difficult. The windows are small, cannot be seen from the ACO post, and are challenging to see into even when standing directly in front of the cell. Staff assigned to suicide watch would not be able to keep constant observation from the ACO post. Constant observation would only be possible by placing an ACO directly outside the cell, and even then, it is dark and difficult to see through the small window.

Education and Library

Given the hour of the Commission's visit, the education classes had ended, and the teacher was showing a movie to the workline for education and library. The education room is well equipped, but there is only one classroom. The library provides computer access to legal materials and has hundreds of fiction and non-fiction books available to the people in custody. Some people in custody go to the library, and others have books delivered to their housing units.

Through education, people in custody can take laptops back to their housing units to continue programming outside of the education area. Although there are a few programs and classes available, more support and funding are necessary to increase programming opportunities for people in custody and to better prepare them for release. Additionally, increasing partnerships with the community to offer classes would greatly enhance the range and quality of educational and rehabilitative programs available.

The MCCC librarian position is in continual recruitment but not filled at this time. The Department's head librarian does site visits to facilities without permanent librarians to assist and relies heavily on people in custody assigned to work in the libraries. With the workline, libraries are kept open when staff is not available.

Visitation

Currently, there is no in-person visitation, and this has been the case for almost four years (initially due to COVID-19, then due to construction). The facility allows for video visits (at a cost to people in custody) and non-contact visits, preventing any physical contact between people in custody and their loved ones. The non-contact visits are available on weekends from 8 am to 2 pm for a one-hour duration.

In-person contact visits are imperative for maintaining relationships with family, friends, and communities. The Commission recommends beginning in-person contact visits as soon as the construction is complete.

Medical Unit

Medical and dental services are provided in Module 2, formally one of the original residential modules opened in 1978. Exam rooms and the medical office are former cells. According to the staff, the space is adequate and is neatly kept.

Kitchen

The kitchen was being worked on during the Commission's tour. The dishwasher had broken down, was being thoroughly cleaned by two hard-working people in custody and was to be repaired the following Monday. Refrigerators and freezers were at the proper temperatures and had adequate space to accommodate airflow. The pantries were orderly. Other repairs that were underway included replacing a steamer, removing a kettle and replacing it with two skillets, and replacing one oven.

The kitchen was very active while the Commission was there, with everyone pitching in to get dinner out.

Housing Unit Occupancy Rates

Although the Commission is pleased with the population reduction at MCCC and their ability to close dorms 4 and 5, further analysis of the occupancy rates of the different housing units indicates the more restrictive housing units—modules with cells—tend to be at higher capacity, and the housing units designated for women also exhibit higher occupancy rates.

Module Occupancy Rates (cell, more restrictive housing):

- 1) Module 3 (housing women): Capacity 6, Population 12, 200% occupancy
- 2) Module A: Capacity 48, Population 51, 106% occupancy
- 3) Module B: Capacity 48, Population 54, 113% occupancy
- 4) Module C: Capacity 6, Population 4, 67% occupancy
- 5) Module D: Capacity 6 (assumed, no official rates capacity), Population 11, 183% occupancy

Dormitory Occupancy Rates (less restrictive housing):

- Dorm 1 & Dorm 2: Combined Capacity 40, Population 26, 65% occupancy
- Dorm 3 (housing women): Capacity 12, Population 18, 150% occupancy
- Dorm 4 & Dorm 5: Currently empty
- Dorm 6 (furlough): Capacity 50, Population 5, 10% occupancy
- Dorm 7: Capacity 50, Population 20, 40% occupancy

Additionally, there are 13 women housed in cells within a multipurpose room.

MCCC's more restrictive housing units, such as Modules A, B, and D, are operating over capacity. Additionally, Module 3 and Dorm 3, which house women, also exceed their capacities significantly, while the furlough occupancy is at only 10%. This indicates a strain on the resources allocated to specific areas and underutilization of less restrictive housing and furlough, highlighting the need for adjustments in housing strategies to better accommodate the population.

It should be noted that all of these occupancy rates are an improvement from the Commission's previous tour in May of 2023. At that time, Module A had an occupancy rate of 156%, and Module B was 163%. Dorms 1 and 2 had a capacity of 160%, and Dorm 3 had a capacity of approximately 167%.

Currently, Module A has improved to 106% occupancy (a decrease of 50 percentage points), and Module B to 113% occupancy (a decrease of 50 percentage points). Dorms 1 and 2 now have an occupancy rate of 65% (a reduction of 95 percentage points), and Dorm 3 has decreased to 150% occupancy (a decrease of about 17 percentage points).

Custody Status

The Commission also reviewed the Hawaii Department of Corrections and Rehabilitation's population report for the week of our visit from June 2024. The following provides an aggregate view of the custody status of individuals at MCCC, these were pulled directly from the population count.

Pretrial Felon: 89

Probation Violation: 45
Sentenced Felon Probationer: 30
Parole Violation: 16
Sentenced Felon: 15
Pretrial Misdemeanant: 8
Sentenced Misdemeanant: 6
Sentenced Intermittent Felon Probationer: 1

Additionally, among the 89 *Pretrial Felon* population, 42 have been in custody for more than six months. And no people in the *Pretrial Misdemeanant* population have been in custody for more than six months.

The breakdown of the security classifications, 129 are classified as Medium, 53 as Community, 22 as Minimum, 3 as Maximum, 2 as Close, and 1 as Unclassified.

Facility Highlights

The Commission wishes to highlight several significant improvements MCCC has made, and key issues addressed over the past year.

Occupancy Rates

The facility has shown remarkable improvement in occupancy rates since the Commission's previous tour in May 2023. The Commission is very pleased to report a significant decrease of 28% in the population over the past year. With a rated capacity of 301, there were 299 people in custody housed at MCCC in 2023 versus 215 people in custody during the most recent tour. This is a significant improvement, making it the only jail that is not severely overcrowded.

Dorm 6 & 7 Bathroom Renovation

Over the past year, the bathrooms in Dorms 6 and 7 have been completely renovated with all-new equipment, walls, and floors. This renovation has greatly improved the living conditions in these dorms, and the Commission was impressed during the tour.

Avoiding Modular Housing/Shipping Containers

Unlike many other correctional facilities in Hawaii, MCCC has avoided using modular housing/shipping containers for temporary or permanent housing. The Commission has noted many issues with using these containers in the past several years, and it is commendable that this facility has found alternative solutions, avoiding these issues altogether.

Follow-up on Previous Commission Recommendations

The Commission made the following recommendations following the HCSOC May 2023 tour, which have not yet been implemented. The Commission continues to recommend the following:

Grievance and medical forms and drop boxes should be inside the modules. In Modules C and D, grievance forms, grievance request boxes, medical request forms, and healthcare request boxes are located outside the modules. People in custody must ask staff for the forms and ask

staff to place the completed forms in their respective boxes. These should be placed inside the modules.

Fire Safety needs to be prioritized. Chains and padlocks remain on the doors of Dorms 1 and 2, posing a fire safety issue. These should be removed, and the doors should be equipped with alarms that sound every time they are opened.

Restrictive housing practices need updating. People in custody are housed in disciplinary segregation, Module D, for more than 60 days. Sometimes people in custody are placed in disciplinary segregation for 60 days and then provided with a two to three day break before returning to segregation for additional time. This violates the intent of the segregation policy, and research indicates that prolonged segregation negatively impacts a person’s health and well-being.

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

1) Increase Programming Opportunities

People in custody have too much idle time and limited access to programming—including cultural programming—education, and reentry preparation. The Commission witnessed this idle time while onsite, with people in custody spending extended periods in their cells, dorms, or units. Too much idle time can lead to dangerous conditions and decrease mental health and well-being.

Therefore, the Commission recommends the following:

- **Expand Programming:** MCCC should expand programming, education, vocational training, reentry preparation, and cultural-based opportunities. To determine where to begin, ask people in custody what would be most helpful.
- **Community Partnerships:** Establish and further community partnerships to offer some of the opportunities listed in the previous paragraph and set people up for a successful transition back to the community.

2) Update Recreation to Align with Department Policy and Federal Standards

The Commission received numerous complaints from people in custody indicating that outdoor recreation time is limited. The Commission recommends MCCC adopt practices and a recreation schedule that align with federal standards and the DCR *Recreation and Leisure* policy and procedures, offering all people in custody at least one hour of outdoor recreation per day and additional out of cell or unit time.¹ This will also assist in decreasing idle time.

¹ Hawaii Department of Public Safety, Corrections Administration, Policy and Procedure Manual, COR.14.14, *Recreation and Leisure Time*, dated May 12, 2016; and Federal Performance Based Detention Standards, Rev. 11, May 2022, G.6, Recreation, G.6.2, pg. 51, available at: [The Federal Performance Based Detention Standards](#)

3) Expand Furlough Utilization at MCCC

It was very disappointing that only five people in custody were participating in work furlough despite the capacity to accommodate at least 50 or more participants. Identifying and addressing the roadblocks to furlough is crucial to allow more individuals to benefit from these programs and move through the correctional system.

The Commission recommends that DCR assess, identify, and resolve systemic issues, resulting in increased furlough participation at MCCC and the other furlough sites. The Commission would like to see furlough occupancy rates close to 100% as it significantly increases the chances of success post-release.

4) Ensure Timely Mail Delivery

The Commission heard from numerous people in custody regarding delays in both outgoing and incoming mail delivery. This is particularly concerning for legal matters and maintaining contact and support necessary for reentry. The Commission recommends that MCCC investigate the causes of mail delays and take immediate action to ensure timely mail delivery of both outgoing and incoming mail.

5) Enhanced Oversight of Disciplinary Segregation

The Commission continues to hear significant concerns about Module D, the disciplinary segregation unit—delays in outgoing and incoming mail, slow library requests, inability to make legal calls for an extended period of time in May, and stays exceeding 60 days with a day or two policy workarounds.

The Commission urges MCCC to implement enhanced oversight of this unit to ensure compliance with DCR policy and federal standards. Additionally, timely action is necessary to address mail delays, library delays, legal call access, and preventing extended stays in disciplinary segregation.

6) Reinstate Contact Visits

Currently, there is no in-person contact visitation, and this has been the case for almost four years (initially due to COVID-19, then due to construction). In-person contact visits are imperative for maintaining relationships with family, friends, and communities. The Commission recommends beginning in-person contact visits as soon as the construction is complete.

Justice System-Wide Recommendation:

7) Reduce Pretrial Time for Felony Cases

As of May 2024, there were 42 pretrial detainees who had been in custody at MCCC for more than six months. Notably, one person has been in custody at MCCC since 2017, and several people have been there since 2019 and 2020. MCCC, and jails in general, are not

designed for long-term holds, resulting in little to no programming, too much idle time, and little out-of-cell time for extended periods.

The Commission asks the Judiciary, Prosecutor, Public Defender, and criminal defense attorneys to consider establishing a circuit-wide goal to reduce timelines for felony cases—expediting proceedings and minimizing the time people spend in MCCC pretrial to six months. Together, these same stakeholders have significantly decreased the population in the past year and at other times, and this presents another opportunity to make a substantial impact.

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