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Oahu Community Correctional Center (OCCC)
July 2024 Site Tour Observations
Date of Report: August 22, 2024

On Thursday, July 18th, 2024, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Oahu Community Correctional Center (OCCC) collectively as a group. The tour included three of the five Commissioners – Martha Torney, Ronald Ibarra, and Mark Browning – in addition to the Interim Oversight Coordinator/Reentry & Diversion Oversight Specialist and Special Assistant.

Overall:

Conditions for Staff

The Commission recognizes the significant challenges faced by staff at OCCC. Operating with limited resources, understaffing and stressful overtime requirements, as well as dealing with facility design and occupancy issues, staff are forced to endure poor, often dangerous and inhumane, conditions at work. The Commission wishes to emphasize that staff are living and working in the same challenging conditions as the people in custody, which further underscores the need for meaningful change and support.

Staff expressed frustration with the administration, stating that they feel disconnected, receive only directives without meaningful support, and believe that the administration does not prioritize the wellbeing and safety of staff. They remarked that the only noticeable change in the transition from the Department of Public Safety to the Department of Corrections and Rehabilitation, “has been the letterhead.”

Additional staff expressed concern that current overcrowding paired with facility conditions could lead to extremely dangerous conditions including the potential for a riot at the facility.

Overcrowding and Occupancy Rates

The overall occupancy rate of the facility currently stands at **113.31%**, with 1,081 individuals housed in OCCC with a rated capacity of 954. However, occupancy rates vary significantly depending on the housing unit and type. There is significant overcrowding in several modules and dormitory-style units. Despite this, the work furlough beds in Module 20 and Laumaka remain underutilized at 57.50% and 62.50% occupancy respectively. Below is a detailed breakdown of the occupancy rates across different housing categories:

Modules:

- Module 1: Capacity 48, Population 37, Occupancy 77.08%

- Module 2: Capacity 48, Population 47, Occupancy 97.92%
- Module 3: Capacity 60, Population 56, Occupancy 93.33%
- Module 4: Capacity 24, Population 62, Occupancy 258.33%¹
- Module 7: Capacity 24, Population 17, Occupancy 70.83%
- Module 8: Capacity 24, Population 14, Occupancy 58.33%
- Module 11: Capacity 48, Population 45, Occupancy 93.75%
- Module 13: Capacity 48, Population 71, Occupancy 147.92%
- Module 17: Capacity 48, Population 71, Occupancy 147.92%
- Module 18: Capacity 72, Population 91, Occupancy 126.39%
- Module 19: Capacity 72, Population 85, Occupancy 118.06%

Dormitory Style:

- Annex I: Capacity 100, Population 116, Occupancy 116.00%
- Annex II: Capacity 114, Population 150, Occupancy 131.58%
- Pan Abode Mauka: Capacity 24, Population 41, Occupancy 170.83%
- Pan Abode Makai: Capacity 24, Population 27, Occupancy 112.50%

Work Furlough (Module 20 and Laumaka):

- Module 20: Capacity 80, Population 46, Occupancy 57.50%
- Laumaka Work Furlough Center: Capacity 96, Population 60, Occupancy 62.50%

Custody Status

The Commission also reviewed the Hawaii Department of Corrections and Rehabilitation's population report for the week of the visit from July 2024. The following provides an aggregate view of the custody status of individuals at OCCC pulled directly from the population count:

- Pretrial Felon: 563
- Probation Violation: 205
- Sentenced Felon: 112
- Sentenced Felon Probationer: 98
- Pretrial Misdemeanant: 65
- Presentence Felon: 22
- Sentenced Misdemeanant: 16
- Sentenced Misdemeanant Probationer: 5
- Other: 12

Additionally, among the 563 Pretrial Felon population, 220 people have been in custody for **more than six months**. No people in the Pretrial Misdemeanant population have been in custody for more than six months.

¹When the official total capacity for Module 4 was determined, this module housed severely and chronically mentally ill individuals, and only one person in custody could be appropriately housed per cell, making the capacity 24. Because that specific population was not being housed in this module during the HCSOC visit, the Commission agrees with double celling, making this calculation: Capacity 48, Population 62, Occupancy 129.17%.

Security Classifications

The breakdown of the security classifications, 658 are classified as Medium, 340 as Community, 77 as Minimum, 10 as Unclassified, and 2 as Maximum.

Meeting with Warden John Schell

The Commission had the opportunity to meet with the OCCC Warden at the beginning of the tour. Warden Schell has focused on professionalizing the staff by bringing outside resources to train staff and working towards American Correctional Association (ACA) accreditation. As the Commission has used ACA standards in the past to guide capacity decisions, this is a welcomed effort. Representatives from ACA were meeting with staff at the time of the Commission's visit.

Since his arrival, Warden Schell has reintroduced Field Training Officers to guide new recruits assigned to OCCC after completion of basic correctional training. This is an important step in acquiring new Adult Correctional Officers with daily operations and effective ways to interact with people in custody.

Warden Schell also discussed the impact of organized gangs on daily operations and assigned a gang intelligence Sergeant to lead the Commission's tour. The Sergeant provided additional information on gang activity during the tour. The Commission was also accompanied by two additional officers. All three staff members were very responsive to the Commission's questions and allowed the Commission to decide which areas and modules to visit.

The Commission was updated that there is currently a greater number of people in custody classified as Maximum security than previously, driven by the number of people in custody participating in gang-related activity within the facility. Module 8 (12 cells) houses the male maximum custody population with 14 people in custody assigned on the day of the tour.

Warden Schell has contracted with Emergent Learning Hawaii Center to provide a program entitled "Acceptance and Commitment," a cognitive behavioral approach to redirect thoughts and teach mindfulness skills. This will start as an eight-week program, and people in custody work one-on-one with staff from the Center each Thursday. As participants progress in the program, they are granted more freedom within the unit, eventually mainstreaming into the general population. During the Commission's visit, Emergent Learning professionals were conducting one-on-one programming with people in custody in Module 8. This is intentionally being offered to Module 8, the maximum custody unit, to provide some programming opportunities and out-of-cell time to this population. The Commission welcomes this effort.

Additionally, Warden Schell updated the Commission that the facility is also considering revamping the large recreation yard to allow for more use, including tournaments.

During a discussion about departmental policies, the Commission was most surprised that Warden Schell did not have access to the Department of Corrections and Rehabilitation (DCR) "confidential" policies and procedures. Wardens are responsible for managing the facilities and upholding policies and procedures. The Commission cannot produce a justifiable reason to restrict

any policy relating to corrections operations, especially given that the policies were available to Wardens in past years.

Facility Highlights:

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

Pursuit of ACA Accreditation

OCCC is actively working towards achieving American Correctional Association (ACA) accreditation, a significant step in aligning with recognized national correctional standards. ACA standards cover critical aspects of facility management and operations, promoting safety, security, and guiding operations in every area of the facility. Although there is still work to be done to reach this goal, the Commission fully supports this endeavor and commends the facility's leadership for their commitment. This effort not only enhances the quality of care and management at OCCC but also sets a precedent for other correctional facilities in Hawaii.

Cognitive Behavioral Therapy Program by Emergent Learning Hawaii Center

The Emergent Learning Hawaii Center is offering the "Acceptance and Commitment" cognitive behavioral therapy program in OCCC's maximum custody unit (Module 8). This program involves one-on-one sessions between people in custody and Emergent Learning Center staff, focusing on fostering individual awareness and mindset shifts. The ultimate aim is to help participants progress toward living in the general population. Given that the maximum custody population has very limited out-of-cell time and interaction with others, this program is particularly vital in providing both programming opportunities and essential out-of-cell time.

Implementation of Field Training Officers (FTOs)

OCCC has recently established Field Training Officers (FTOs) to mentor and guide new recruits after they complete their basic correctional training. The FTO program enhances the training provided at the academy by offering practical, on-the-job experience, which is essential for building a competent and professional workforce.

Relocation of Women to the Women's Community Correctional Center

Women in custody at OCCC will be relocated to the soon-to-be-open new living unit at the Women's Community Correctional Center (WCCC). This move will free up two OCCC modules and about 120 beds, providing the opportunity for expansion of medical and mental health programs for the male population at OCCC. Tentative plans are to use Module 3 (30 cells) as the Health Care Infirmary and Module 2 (24 cells) as the step-down unit from Module 1 suicide watch and critical care for mentally ill people in custody. Both these moves allow the facility to expand much needed services to vulnerable populations.

Module 5 (Intake)

Module 5 is used specifically for intake and includes one side for females, and one side for males where they are out of sight from one another. The female side was empty as women had been processed for the day and there were numerous men on the male side. The module was orderly and fairly clean. Staff said they were up to date with inputting data into the Correctional Information System (CIS), although the Commission did not have the time to pull and review records.

During the visit, the vehicle sally port gate outside Module 5 was not closed. The Commission was informed that the sallyport gates had been inoperable for about a month and a half. One of the gates was repaired before the Commission's visit, yet the second gate was wide open as replacement pieces had been ordered, but not arrived. Staff informed the Commission that ACOs from Module 5 physically guard the open side while people in custody in full-body shackles (belly chains, hand cuffs and leg shackles) enter or exit the vehicles.

Regardless, the lack of a secure vehicle sallyport is dangerous, allowing an opportunity for escape.

Covid-19 Medical Isolation Unit

The Covid-19 Medical Isolation Unit is located in the shipping containers/modular housing outside of Module 5. On the day of the Commission's visit, this area held people in protective custody and medical isolation. Each cell was equipped with a bunk, had a toilet/sink combo and was air-conditioned. There was one shower outside of the cells. People in custody would have to be escorted to the shower by staff. There was no readily accessible space in the immediate vicinity in which the people in custody could exercise.

Two people in custody were assigned to this space. One was a gang member who was in protective custody and awaiting an assignment to a living unit. He had been there a while and had no complaints about his living conditions. The other person in custody had refused to take the tuberculosis (TB) test and could not be mainstreamed into general population until the test was completed. Additionally, one of the people in this area did test positive for Covid-19.

It should be noted that the Commission was informed that there is an ACO assigned to this location to check on people in custody every 30 minutes. Although, serious deficiencies do still exist:

- 1) There is no communication system (e.g. intercom) within the cells. A person in custody can communicate with staff only by calling out through the metal doors.
- 2) Because each door is individually keyed, an officer would have to go to each door to unlock it during an emergency.

Module 8

Module 8 (12 cells) is the maximum unit for males and houses mostly people with gang affiliations. There were 14 people in custody assigned to the unit, with two cells double bunked. The staff is well informed as to gang affiliations and ensures those people in custody assigned to the unit are kept separate from others as necessary.

Emergent Learning Cognitive Behavior Therapy was occurring in this unit during the Commission's tour.

Medical Unit/Infirmary

The Medical Unit was orderly and well-staffed. The physical space lacks privacy for medical practitioners who interview and examine people in custody, preventing what should be confidential medical communications. A dentist is available Wednesday and Friday while a doctor is available Monday, Tuesday, and Wednesday.

Physicals for incoming people in custody are done the day they arrive by Registered Practical Nurses (RPNs). The intake physical may result in a clinical referral for those with presenting medical issues. The Nurse Supervisor said all but one of the authorized nurse positions were currently filled, but the position count was inadequate for the size of the facility, so agency nurses were contracted to augment existing staff.

Electronic medical records were functional and up to date, removing serious strain from an already over-burdened staff. Dental records were still paper based. The Commission wishes to highlight the functioning electronic medical records as the Commission has previously reported on the issues associated with this.

The infirmary is most inadequate for a facility the size of OCCC. With five beds, four were assigned at the time of the Commission's visit. The area completely lacks privacy. One of the three toilets was blocked off with what appeared to be laundry. As mentioned above in the *Meeting with Warden John Schell* section above, once the women move out of Module 3 the infirmary will be moved into greatly expanded space. This transition is much needed.

Medical staff indicated a desire to have a separate medical office in the module to see new patients and would like to see this in the plans for the new facility.

Holding Unit

The Holding Unit was built in 1936 and, while functional, was clearly archaic. It is three stories with 12 cells on each floor. The front of the cells is made up of metal bars, not walls. Given the openness, there was not excessive noise detected. Forty-two (42) people in custody were housed in the Holding Unit—which has a maximum rated capacity of 60—with some double bunked. The unit was cold with some people in custody wrapped in their blankets to keep warm.

The only reading material people in custody are provided within the Holding Unit are holy books, such as the bible. People in custody in the holding unit reported irregular access to legal calls and daily recreation, and inconsistent mail service, along with no books or reading material.

The outside recreation yard is made up of “cages” for a single individual. These cages, about double the size of a cell, do not have shaded areas to block the sun. Recreation is available in this area from 6 am to 2 pm daily. People in custody are not provided with any equipment to use during recreation, such as a small ball. Staff informed the Commission that most people in custody do large muscle exercises, such as squats and push-ups. People in custody from Module 8, the Maximum Custody unit, also spend their recreation hour in these cages.



Module 3 (female unit)

Module 3 (30 cells) is housing for women –half the module houses those with mental health problems, and the other half general population. Out of cell time is staggered between the two populations, with one hour of outdoor recreation each weekday. The women remain in their cells for the majority of the weekends due to staffing shortages (there are fewer female officers to staff gender-specific posts). Case Managers come to the module every weekday.

There are seven tablets available for the women to share for programming purposes, not enough to provide meaningful activity for 56 women, the number living in Module 3 the day the Commission was there.

The lights are constantly on in the cells designated as suicide watch. The light switches are located inside the cells and staff indicated women would turn them off making it difficult for staff to conduct frequent safety checks. Yet, constant light is not conducive to sleeping. OCCC should find a better way to balance observation with wellbeing, as 24-hour light in suicide cells would adverse effect people held in those cells.

Staff informed the Commission that the water pressure in Module 3 is very low, contributing to inoperable sinks and toilets and no running water. There is also a lack of camera coverage, and cameras are needed to cover dead space. Roaches are present in the cells, sometimes resulting in people in custody sleeping on mattresses on the floor near these roaches. Additionally, the Commission was updated that some individuals have experienced delays of several weeks in accessing bail calls, which has prevented those who could make bail from being released.

Library

The OCCC Librarian is responsible for the recreational and law library. People in custody are allowed access to the law library with about 150 individuals visiting per month. Ten people in custody is the maximum allowed at one time. Language translation services are also available.

There are tablets in the Modules with access to LexisNexis. Hawaii Revised Statutes, Federal Statutes, and regulations are available along with prison's rights references, DCR policies and procedures, and applicable forms. The cost of copies is \$.25 per page for legal documentation and \$.50 per page for policies and procedures. This cost seems excessive and prohibitive considering most people in custody with facility jobs are making \$.25 per hour. These costs are often absorbed by family members and loved ones.

No people in custody are allowed to visit the recreation library, rather carts are used to bring books to the modules. People in custody can request specific books from a catalogue available to them.

Module 13

Module 13 (24 cells) housed 71 people in custody, all pretrial, on the day of the Commission's visit, which meant most cells were triple bunked. The longest someone in this unit has been in custody while awaiting trial for a felony charge is three years and eight months, since December 2020. The staff staggers the people in custody for out-of-cell time and many were watching TV during the visit. We entered one of the cells and found, once again, that the windows were covered with something similar to contact paper resembling a wood color preventing any natural light from entering. We had noticed other modules that had similar coverings. Natural light is a requirement under ACA standards.

Outside recreation is provided five days a week from 8:30 to 9:45 AM.

Annex II

Annex II is a three-story concrete building divided into open bays on each floor, with dormitory-style housing that utilizes bunk beds. On the day of the Commission's visit, 150 men, all of whom were pretrial, were housed in this area, which was designed with a capacity of 114. People in custody progress through the unit, moving from the first to the second, and then to the third floor. During the visit, the Commission walked through the floors, visited the bathrooms, and spoke with the men in this unit.

Kitchen

The condition of the kitchen is concerning as it was unsanitary, unsafe, and unhealthy.

There is no operable dishwasher, so all washing was done by hand in a garbage can with a hose continually pumping cold water into it and spilling out on the floor (pictured below). A new institutional dishwasher is on order, but it is unclear when it will arrive.

Additionally, the general area was in extremely poor condition. Tiles in the kitchen ceiling were covered in what appears to be black mold, especially in the dishwashing area. Floor tiles were missing in many areas. Tables were missing legs, which were instead supported by broken food trays. Many of the tables and kitchen equipment were rusted and not safe. The mixer has not worked since March 2024.

The food storage area is quite large, and the refrigerators and freezers were at the appropriate temperatures with adequate room for storage. The pantry was roomy, but staff reported the area can get hot which can reduce the shelf life of some products, such as vegetables.

Three out of eight ovens were not working, and although work orders have been submitted to repair them, substantial time has passed without a response.



Used for dishwashing in place of broken dishwasher



Kitchen Ceiling Tiles



Table in Kitchen Supported by Food Trays



Out of Order Appliance



Rusted Kitchen Equipment



Mold on Meal Serving Trays

Visitation:

The visiting area allows for only non-contact visits, preventing any physical contact between people in custody and their loved ones.

Follow-up on Previous Commission Recommendations

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

1) Allows for Natural Light by Removing Wood Covering from all Cell Windows

Replace wood-covered windows in housing units with to allow natural light, in line with ACA standards. Although some wood coverings have been removed over the past year, wood coverings do still remain on some cell windows. According to ACA Standard 4-ALDF-1A-16, *all inmate rooms/cells must provide occupants with access to natural light through at least three square feet of transparent glazing, plus two additional square feet per inmate in rooms/cells housing three or more individuals*. Therefore, the Commission recommends OCCC continue replacing wood coverings to ensure all cell windows in all modules allow natural light. Compliance with the ACA standards is of particular importance with OCCC moving toward ACA accreditation.

2) Restoration of Contact Visits

OCCC has not offered in-person contact visits for four years, initially due to COVID-19. Extensive research underscores the importance and rehabilitative benefits of contact visits for those in custody, as these visits allow individuals to maintain closer connections with their loved ones and communities. The Commission therefore continues to recommend OCCC reinstate contact visits.

3) Continued Engagement with Criminal Justice System

The Commission continues to find that much of OCCC's severe overcrowding is linked to individuals with low bails, serious mental health issues, homelessness, and others who are particularly vulnerable to excessive trauma from incarceration. While the Commission

recognizes current engagement efforts by OCCC and DCR leadership and legislative tours, the Commission continues to recommend further stakeholder engagement.

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

1) Expand Programming Opportunities

People in custody at OCCC have too much idle time and limited access to programming, including cultural, education, and reentry preparation. The Commission recommends expanding programming opportunities and community partnerships to reduce idle time and increase programming opportunities. While the facility has made some progress in this area, it is essential to continue and be innovative (even within limited space) to support people in custody and also gain community support and trust.

2) Prioritize Timely Repair of the Sally Port Gates for Safety

The sally port gates had been inoperable for about one and a half months. Although one gate was repaired before the Commission's visit, the other remained open. For security reasons, it is crucial to prioritize the timely repair of the sally port so that both gates can close properly.

3) Prioritize Kitchen Upgrades, Including Dishwasher Repair and Mold-Free Trays

The kitchen at OCCC is in dire need of updates to ensure sanitary conditions for staff and the kitchen workline, and to provide safe food for the entire facility. Urgent repairs are needed for the dishwasher, along with replacement of ceiling and floor tiles, rusted appliances, and food service trays. Although there are plans for a new facility, these conditions cannot wait until then and must be addressed immediately.

4) Ensure Facility Wardens and Leadership Have Access to DCR Confidential Policies and Procedures

The Commission was surprised to learn that Warden Schell did not have access to the Department of Corrections and Rehabilitation's (DCR) "confidential" policies and procedures. The Commission recommends that facility wardens and leadership be granted access to these documents to effectively manage the facility and ensure compliance with departmental policies and procedures.

5) Expand Furlough Utilization at OCCC

Although OCCC has the highest furlough participation and occupancy rate, around 60%, there is still the opportunity to increase furlough participation at OCCC for people in DCR custody. 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 around furlough participation. The Commission would like to see furlough occupancy rates near 100% as it significantly increases the chances of success post-release.

6) Install Shade for Recreation Cages in the Holding Unit

The recreation area outside the Holding Unit consists of individual cages, which currently lack shaded areas to protect people in custody from the sun. The Commission recommends installing shade structures, even tarps, to provide protection from sun exposure.

7) Investigate and Address Concerns from People in Custody at OCCC

The Commission has received multiple complaints regarding the following issues at OCCC:

- **Roaches in Cells:** Roaches are present in the cells. This poses a health and sanitation concern. **The Commission recommends implementing a pest control plan that effectively and safely eliminates the roach population.**
- **Difficulties in Accessing Bail Calls:** The Commission learned that some individuals have experienced delays of several weeks in accessing bail calls, which has prevented those who could make bail from being released. This delay not only impacts individual rights but also contributes to overcrowding. The Commission urges the facility to establish and confirm a reliable system that allows timely access to bail calls for all eligible individuals and **ensure all people in custody have prompt access to bail calls.**

8) Ensure Regular Access to Books and Reading Material, Legal Calls, Mail, and Recreation for Those in Holding Unit, including those in Disciplinary Segregation

People in custody in the holding unit at OCCC reported irregular access to legal calls and daily recreation, and inconsistent mail service, along with no books or reading material. ACA standards require the following access for people in disciplinary segregation:

Mail: Inmates in Restrictive Housing can write and receive letters on the same basis as inmates in the general population.

Source: American Correctional Association (ACA) Performance-Based Standards for Adult Correctional Institutions, 5th ed., March 2021, 4B Restrictive Housing, 5-ACI-4B-20, p. 128.

Access to Legal and Reading Materials: Inmates in Restrictive Housing have access to reading materials.

Source: American Correctional Association (ACA) Performance-Based Standards for Adult Correctional Institutions, 5th ed., March 2021, 4B Restrictive Housing, 5-ACI-4B-23, p. 129.

Exercise Out of Cell: Inmates in Restrictive Housing receive a minimum of one hour of exercise outside their cells, five days per week, unless security or safety considerations dictate otherwise."

Source: American Correctional Association (ACA) Performance-Based Standards for Adult Correctional Institutions, 5th ed., March 2021, 4B Restrictive Housing, 5-ACI-4B-24, p. 129.

Telephone Privileges: Inmates in Restrictive Housing are allowed at minimum telephone privileges to access the judicial process and family emergencies as

determined by the facility administrator or designee unless security or safety considerations dictate otherwise.

Source: American Correctional Association (ACA) Performance-Based Standards for Adult Correctional Institutions, 5th ed., March 2021, 4B Restrictive Housing, 5-ACI-4B-25, p. 129.

Access to Programs: Inmates in Extended Restrictive Housing have access to programs and services that include but are not limited to the following: educational services, commissary services, library services, social services, behavioral health and treatment services, religious guidance, and recreational programs.

Source: American Correctional Association (ACA) Performance-Based Standards for Adult Correctional Institutions, 5th ed., March 2021, 4B Restrictive Housing, 5-ACI-4B-26, p. 130.

Justice System-Wide Recommendation:

Reduce Pretrial Time for Felony Cases

As of July 2024, there were 220 pretrial detainees who had been in custody at OCCC for more than six months. OCCC, similar to other jails in Hawaii and jail in general, are not meant 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 pretrial to six months.

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