

ANNUAL REPORT 2023

Hawaii Correctional System Oversight Commission

Email: hcsoc@hawaii.gov
Website: hcsoc.hawaii.gov
Tel: 808-587-4160

HCSOC
235 S Beretania St. 16th Floor
Honolulu, HI 96813

TABLE OF CONTENTS

To Our Readers 1

2023 Highlights 1

Looking Ahead 1

Introduction 2

Meet the Commission 3

Former Commissioners 4

Meet the Staff 5

Oversight and Public Accountability 6

Public Meetings 6

Public Reports 6

Reporting on Deaths in Custody 7

Press Releases and Letters 10

In the Media 10

Tours and Impressions of Facilities 11

General Facility Tours 11

Special Facility Tours 12

Facility-Specific Issues & Recommendations 15

OCCC Facility Conditions & Recommendations 15

KCCC Facility Conditions & Recommendations 18

HCCC Facility Conditions & Recommendations 19

MCCC Facility Conditions & Recommendations 20

WCCC Facility Conditions & Recommendations 21

HCF Facility Conditions & Recommendations 23

KCF Facility Conditions & Recommendations 25

WCF Facility Conditions & Recommendations 27

A New Focus Towards Reentry 28

Reentry and Diversion Strategic Plan 28

Review of Women's Court Proceedings 28

First Circuit Jail Diversion Program Meetings 29

Housing Consortium Meetings 29

Review of Parole Hearing Process 30

Conferences 32
Prison and Jail Innovation Lab 2023 Conference 32
Sequential Intercept Model Mapping Workshop 32
National Association on Sentencing Commissions 2023 Conference 32
Going Home Hawai'i Reentry and Restoration Summit 33
Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum 34
National Association of Civilian Oversight of Law Enforcement (NACOLE) 2023 Conference 36
Strategic Priorities 38
Oversight 38
Rehabilitation 39
Population Limits 41
Reentry 42
Legislative Priorities 44
Funding 44
House Concurrent Resolution 23 Task Force 46
Proposed Legislation 48
Revisions to Chapter 353L: Hawaii Correctional System Oversight Commission 48
Project Updates 50
Case Management System 50
Staff-Focused Survey and Report 50
Summary 51
Appendix
2023-2024 Strategic Plan 1
2024-2025 Reentry and Diversion Strategic Plan 19
2023 Monthly Oversight Coordinator Reports 32
2023 Facility Reports 145
2023 Year in Review Report 205
2023 Letters from the Commission 226

TO OUR READERS

2023 Highlights

The Commission is so proud to have dedicated staff who have ensured the Commission's work has begun in earnest. In this past year, the Commission has:

- ✓ Hosted 16 public meetings including monthly meetings, facility-specific follow up meetings, and community talk stories,
- ✓ Posted 23 public reports including monthly reports, facility-specific reports, a year-in-review since gaining staff, and strategic planning reports,
- ✓ Became the first entity in the state to report on deaths in custody and the only entity in the state to report on the date, time, location, demographics of the individual, and initial cause of death,
- ✓ Sent five public correspondence and posted one media release,
- ✓ Been cited in at least 33 media articles,
- ✓ Completed 35 facility visits and 7 specialty site visits with judges, legislators, prosecutors, or other stakeholders,
- ✓ Submitted over 50 recommendations to the Department of Public Safety for their consideration,
- ✓ Established a new focus and strategy towards reentry,
- ✓ Attended 6 state or national conferences,
- ✓ Developed and released two strategic plans,
- ✓ Set and followed through with over 35 legislative priorities, and
- ✓ Convened and led a statewide task force on sentencing reform.

And this is only the beginning…

Looking Ahead

In 2024, the HCSOC will continue to work with the Department of Corrections and Rehabilitation in transforming from a punitive model to a more effective therapeutic model. This journey will not happen overnight as there are multiple state systems involved to create cohesiveness in the holistic treatment of our most marginalized populations. We see the change that is needed and are determined to make it happen for the people of Hawai'i.

Mark Patterson
Chairman
Hawaii Correctional System Oversight Commission

INTRODUCTION

The Hawaii Correctional System Oversight Commission (the Commission, or HCSOC) was created by Act 179, Session Laws of Hawaii 2019, to "ensure transparency, support safe conditions for employees, inmates, and detainees, and provide positive reform towards a rehabilitative and therapeutic correctional system." The establishment of the Commission was a result of recommendations provided by the Task Force on Prison Reform to the Hawaii State Legislature. Part I of Act 179, 2019 (codified in Chapter 353L, Hawaii Revised Statute), not only established the HCSOC, but also consolidated two existing commissions into HCSOC: the Reentry Commission and the Corrections Population Management Commission.

Although the Commission was created in 2019, the Commission's funding was not released until 2022. In July 2022, the Oversight Coordinator was hired which is when the office of the Oversight Commission officially opened.



Hawaii Correctional System Oversight Commission, 2023
Judge Ronald Ibarra (ret.), Martha Torney, Mark Patterson, Judge Mike Town (ret.)

The Commission's mandate includes four core functions:

1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;

2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;

3) Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and

4) 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.

Meet the Commission

The Oversight Commission consists of five members who are appointed as follows:

1) One member shall be appointed by the Governor;

2) One member shall be appointed by the President of the Senate;

3) One member shall be appointed by the Speaker of the House of Representatives;

4) One member shall be appointed by the Chief Justice; and

5) One member shall be appointed by the chairperson of the Board of Trustees of the Office of Hawaiian Affairs.

OHA Designee – Mark Patterson, Chair
Appointed by the Office of Hawaiian Affairs Chair Colette Machado, Chair Patterson is the current Administrator of the Hawaii Youth Correctional Facility and former Warden of the Women's Community Correctional Center. He is known for his work in Trauma Informed Care within a Correctional Environment.

Chief Justice Designee – Honorable Ronald Ibarra (retired), Commissioner
Appointed by Chief Justice Mark Recktenwald, Judge Ibarra was appointed as a Circuit Court Judge in 1989. He has been the Third Circuit's Administrative Judge since 1993 and served as its first Chief Judge before retiring in 2017. In addition to presiding over civil and criminal cases, Judge Ibarra served on a number judicial and State Bar committees and started two important courts: Veterans Treatment Court (2015) and Big Island Drug Court (2016). Judge Ibarra continues to serve on various judiciary, county, and state commissions and is involved with the Bar Association.

Speaker of the House Designee – Martha Torney, Commissioner

Appointed by Speaker of the House of Representatives Scott Saiki, Commissioner Torney is the former Executive Director of the Office of Youth Services and the former Deputy Director of Administration of the Department of Public Safety. Commissioner Torney's extensive professional career was focused in the field of juvenile and adult corrections.

Senate President Designee – Honorable Michael A. Town (retired), Commissioner

Appointed by Senate President Ronald Kouchi, Judge Michael A. Town retired in 2010 after over 30 years as a trial judge—14 in Family Court and 16 in Circuit Court, with 3 as Senior Judge. He tried a wide variety of both criminal and civil cases. As an adjunct law professor for about 20 years, he taught Criminal Law, Restorative Justice, Family Law, and more at the University of Hawaii. Judge Town has published articles on the unified family court and judge as a coach among others. He has conducted workshops nationally and internationally. He holds degrees from Stanford, Hastings College of the Law, and Yale School of Law. Active in his community, he served on various committees, boards, and received awards for community service. Judge Town was a 2008 Sports Ethics Fellow and served in the U.S. Peace Corps in Colombia, South America. Notably, Judge Town served as a commissioner on the Parole Board from 2011-2019.

Governor's Designee – Vacant

Former Commissioners

Theodore (Ted) Sakai – Founding Commissioner

Commissioner Sakai dedicated five decades of unwavering service to the community of the State of Hawaii as a distinguished public servant. Initiating his career in the 1970s with the John Howard Association of Hawai'i, Commissioner Sakai provided assistance and counsel to individuals in the Halawa jail, and eventually became Executive Director of the John Howard Association of Hawai'i. Since 1979, Commissioner Sakai held various executive positions within the State Department of Public Safety's (PSD) corrections system. Notably, he served as the director from 1998 until his retirement in 2002. In June 2012, Governor Neil Abercrombie persuaded Commissioner Sakai to return for a second term as the Department of Public Safety Director, where he garnered recognition from the Association of State Correctional Administrators (ASCA) with the 2014 Outstanding Director of Corrections Award. The ASCA commended Sakai for expanding programs for incarcerated individuals, enhancing security measures, improving staff recruitment, and advocating for staff well-being. Commissioner Sakai concluded his second tenure with the Department of Public Safety in 2014.

Commissioner Sakai dedicated his life to fostering a more humane corrections system, and his compassion for those in need is immeasurable. In the decade following his initial retirement, Commissioner Sakai continued his dedication by tirelessly working to facilitate programs and services for the children of incarcerated individuals. Additionally, Commissioner Sakai served on many volunteer boards and organizations including serving as volunteer Executive Director for Pu'ulu Lapa'au, assisting healthcare professionals with potential substance use disorders, mental or physical illness, or behavioral concerns. His commitment to addressing the unique

challenges faced by incarcerated individuals and people affected by incarceration or substance abuse exemplified his ongoing passion for making a positive impact on the community.

In October 2019, Commissioner Sakai was appointed to the newly established Hawaii Correctional System Oversight Commission, further contributing his expertise and leadership to the field. During his tenure as Commissioner, Commissioner Sakai actively participated in the Commission's public meetings, conducted thorough facility tours in collaboration with the new Oversight Coordinator, and consistently emphasized the imperative for enhancements within the state's reentry system.

Commissioner Sakai's December 4th, 2023 resignation marks the conclusion of a distinguished career characterized by unwavering dedication and substantial contributions to the correctional system. The Commission expresses gratitude for Commissioner Sakai's invaluable service.

Meet the Staff

Christin M. Johnson, Oversight Coordinator

Christin M. Johnson, appointed by Governor Ige in July 2022, serves as the State's first Oversight Coordinator. With a background in corrections reform, she previously worked in oversight roles in Michigan and New York City, including serving as a Standards Specialist for the New York City Board of Correction, where she focused on improving conditions for individuals in custody and facility staff on Rikers Island. Christin began her career as an Analyst with the Michigan Legislative Corrections Ombudsman, overseeing and investigating complaints in the state prison system.

Christin is a nationally recognized Certified Practitioner of Oversight and co-chairs the Jail and Prison Oversight Committee at the National Association of Civilian Oversight of Law Enforcement (NACOLE). Christin holds a Masters in Criminal Justice from the University of Cincinnati and a Bachelor of Science in Sociology from Central Michigan University.

George Choe, Special Assistant to the Oversight Coordinator

George has immense clerical and leadership experience from his previous roles working in the Attorney General's office as the Assistant to the Special Assistant to the Attorney General and as a District Manager for many years at Hertz. George has a newfound passion for law and will be furthering his education in the legal system while working with the Commission.

Cara Compani, Reentry and Diversion Oversight Specialist

Cara brings over a decade of experience in correctional oversight and reform on the local, national, and system-wide levels. Cara led the work of the D.C. Corrections Information Council in their inspection and monitoring of local and federal correctional facilities. Cara was also part of the Reimagining Prison Project work at the Vera Institute of Justice, which put forward a new, reimagined vision for the future of corrections. Cara has now turned her attention to the Aloha State and is fiercely passionate about furthering the work of the Commission. Cara is a native New Yorker with a J.D. from the Elisabeth Haub School of Law at Pace University and an LL.M. from The George Washington University Law School.

OVERSIGHT AND PUBLIC ACCOUNTABILITY

Public Meetings

In accordance with §353L-3, the Hawaii Correctional System Oversight Commission shall meet with the Oversight Coordinator not less than once each quarter to make recommendations and set policy, receive reports from the oversight coordinator, and transact other business properly brought before the commission. The Commission surpasses the legislative requirement and instead meets on the third Thursday of every month at 9am. The monthly meeting is offered as a hybrid meeting where Commissioners and members of the public can participate in person, or via teleconference. The meetings cover various applicable topics including what Commission-specific events or activities occurred in the previous month, what issues the Commission is most concerned over, various recommendations offered, legislative priorities, and the Commission also invites subject-matter experts to present to the Commission and to the public on matters important to corrections.

In the past year, the Commission has hosted 16 public meetings including monthly meetings, facility-specific follow up meetings, and community talk stories. All agendas, meeting meetings, and meeting recordings are available on the Commission's website.

Public Reports

In accordance with §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. Additionally, in alignment with transparency being a core value of oversight, the Commission continues to report on facility conditions after touring each facility, and reports on progress the office has made since its opening in July 2022. All reports are available on the Commission's website.

In the past year, the Commission has posted 23 public reports including monthly reports, facility-specific reports, a year-in-review since gaining staff, and strategic planning reports.

2023 Monthly Reports

- December 2023 Oversight Coordinator Report
- November 2023 Oversight Coordinator Report
- October 2023 Oversight Coordinator Report
- September 2023 Oversight Coordinator Report
- August 2023 Oversight Coordinator Report
- July 2023 Oversight Coordinator Report
- June 2023 Oversight Coordinator Report
- May 2023 Oversight Coordinator Report
- April 2023 Oversight Coordinator Report
- March 2023 Oversight Coordinator Report
- February 2023 Oversight Coordinator Report
- January 2023 Oversight Coordinator Report

2023 Strategic Plans

- HCSOC 2023 Strategic Plan
- HCSOC Reentry and Diversion Strategic Plan

2023 Facility-Specific Reports

- KCF November 2023 Site Visit Observations
- HCF October 2023 Site Visit Observations
- WCCC September 2023 Site Visit Observations
- MCCC May/June 2023 Site Visit Observations
- HCCC May 2023 Follow Up from August 2022
- HCCC April 2023 Site Visit Observations
- KCCC March 2023 Site Visit Observations
- OCCC February 2023 Site Visit Observations

2023 Special Report

- Year Review

Reporting on Deaths in Custody

Since October 2022, the Commission has reported within its monthly reports deaths that occur while individuals are in custody. The Commission was the first entity in the state to publicly report on deaths in custody and is the only entity in the state to report on the date, time, location, demographics of the individual, and initial cause of death.

In 2023, there were 17 deaths in custody. The details of those deaths are below:

1) On Thursday, January 26, 2023, at 4:30pm, a person in custody, male, 70 years old, was found unresponsive on his bunk at Hale Nani, a work-release program in Hilo, Hawaii. Medical staff administered CPR and called 911 Emergency Medical Services (EMS). At approximately 5:17pm, the individual was pronounced deceased at the Hilo Medical Center. The Hilo Police Department and the Department of Public Safety Internal Affairs Unit are conducting investigations; however, no foul play is anticipated to be found.

2) On Sunday, February 5th, 2023, at 5:40pm, a person in custody, male, 33 years old, was found unresponsive in his cell by a Corrections Officer conducting evening meal. This individual was housed with the Florida Department of Corrections as a part of an, “inmate swap” program. Corrections staff opened the cell door and began CPR at 5:53pm and continued CPR until on-duty medical staff arrived. EMS was called and at approximately 6:47pm, the individual was pronounced deceased by a medical doctor.

3) On Wednesday, February 8, 2023, at 3:50am, a person in custody, male, 38 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 4:37am. This individual was terminally ill, and his family had been visiting him daily since last week as his condition worsened. HCSOC thanks PSD and HCF for their compassion in allowing family to visit consistently during this individual's final days.

4) On Tuesday, February 14, 2023, at 2:28am, a person in custody, male, 74 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 3:28am.

5) On Friday, January 27, 2023, at the Saguaro Correctional Center, a person in custody, male, 72 years old, was found to be suffering, "stroke like symptoms." 911 Emergency Medical Services (EMS) were called and the person in custody was transported and admitted to a nearby hospital. After spending approximately, a month and a half in the hospital, the individual was pronounced deceased at 2:21am at the Boswell Banner Hospital.

6) On Tuesday, March 21, 2023, a person in custody, male, 80 years old, was transferred from the Saguaro Correctional Facility (SCF) to a nearby hospital due to severe abdominal pains. This individual was admitted to the hospital. On Saturday, March 25th, 2023, SCF was notified that the individual was pronounced deceased at 10:07pm (HST).

7) On Tuesday, March 28, 2023, at the Oahu Community Correctional Center, a person in custody, male, 49 years old, had attempted suicide by hanging in his cell. 911 Emergency Medical Services (EMS) were called and the person in custody was transported and admitted to Queens Medical Center. On Tuesday, April 4, 2023, OCCC was notified that the individual was pronounced deceased at 10:45pm.

8) On Thursday, April 20, 2023, a person in custody, male, 58 years old, was transferred from the Oahu Community Correctional Center (OCCC) to a nearby hospital. This individual was admitted to the hospital for hospice care. On Tuesday, May 9, 2023, OCCC was notified that the individual was pronounced deceased at 6:12pm.

9) On Saturday, May 30, 2023, a person in custody, male, 77 years old was transferred from the Halawa Correctional Facility (HCF) to a nearby hospital where he was admitted. On Thursday, June 1, 2023, HCF was notified that the individual was pronounced deceased at 2:15pm.

10) On Monday, June 5, 2023, a person in custody, male, 61 years old, was found unresponsive in the infirmary of the Halawa Correctional Facility. This individual was on hospice and pronounced deceased by a medical doctor at 2:18am.

11) On June 3, 2023, a person in custody, male, 62 years old was transferred from the Oahu Community Correctional Center (OCCC) to a nearby hospital where he was admitted due to terminal illness. On Sunday, June 18, 2023, OCCC was notified that the individual was pronounced deceased at 1:45am.

12) On Friday, July 7, 2023, a person in custody, male, 36 years old, was found unresponsive in his cell with facial injuries. Healthcare was immediately notified and conducted CPR and called 911 Emergency Services. Honolulu Police Department (HPD), State Attorney General (AG) Investigators, State Sheriffs, PSD's Internal Affairs Unit, and the Coroner came to the scene and pronounced the individual deceased at approximately 9:26pm. The case has been classified been classified as a Murder and State Sheriff's, PSD's Internal Affairs, and Attorney General investigators are all conducting their respective investigations with the AG's office taking the lead investigative role.

13) On Sunday, July 9, 2023, a person in custody, male, 68 years old, was transported to a nearby hospital from the Halawa Correctional Facility (HCF) infirmary. This individual was on hospice care. On July 9, 2023, HCF was notified that the individual was pronounced deceased at 11:57pm.

14) On July 27, 2023, a person in custody at Halawa Correctional Facility (HCF), male, 84 years old, was pronounced deceased at a nearby hospital due to terminal illness. Although his death is considered to be from natural causes, both the Honolulu Police Department and the Department of Public Safety's Internal Affairs unit have been notified and will conduct their respective investigations.

15) On August 18, 2023, at the Hawaii Community Correctional Center (HCCC), a person in custody, male, 56 years old, was found unresponsive in his cell at approximately 4:20am. 911 Emergency Medical Services (EMS) were called and the person in custody was transported to the Hilo Medical Center. At approximately 5:19am, HCCC was notified that the individual was pronounced deceased. This appears to be a death by suicide. The Hilo Police Department and the Department of Public Safety's Internal Affairs Unit are conducting their respective investigations.

16) On September 5, 2023, a person in custody, male, 31 years old, was found badly assaulted in his cell at the Halawa Correctional Facility (HCF). Facility staff immediately called 911 Emergency Services and secured the cell as a crime scene. The individual was transported to a nearby hospital where he was admitted and placed on life support. Unfortunately, on September 6, 2023, the person in custody was pronounced deceased. The Honolulu Police Department (HPD), State Attorney General (AG) Investigators, State Sheriffs, and PSD's Internal Affairs Unit are all conducting their respective investigations with the AG's office taking the lead investigative role. This is the second murder to occur in custody this year; the first occurring on July 7, 2023.

17) On Sunday, October 22, 2023, a person in custody, male, 51 years old, was found unresponsive in his cell at the Saguaro Correctional Facility (SCF) at 3:57pm. Staff immediately called a medical emergency over the radio, secured uninvolved individuals to their cells, called 911 Emergency Services, and began CPR. A medical doctor declared the individual deceased at 4:19pm. The Eloy Police Department (EPD) and PSD's Internal Affairs Unit are all conducting their respective investigations.

Press Releases and Letters

The Commission has sent various letters and reports to the Department of Public Safety and other stakeholders pertaining to specific issues the Commission would like to see addressed. The full letters are posted in the appendix of this report.

In 2023, the Commission sent five public correspondence and posted one media release.

2023 Media Releases

- 2023.12.11 Media Release – Commissioner Ted Sakai Resigns from HCSOC

2023 Correspondences

- 2023.12.05 – Letter to PSD Director Johnson re Proposed Action Item for the Department of Public Safety Inspections and Investigations Office
- 2023.12.08 – Letter to PSD Director Johnson re Support for Waiawa Correctional Facility Plan Review Use and Special Use Permits
- 2023.05.01 – Letter to Correctional Reform Working Group
- 2023.05.04 – Letter to Chief Justice Recktenwald re Appear to Notice Documents
- 2023.02.07 – Memo to Senator Wakai on Periodic Review of Detainees

In the Media

The Commission has created a new tab on its website for any media coverage involving the Commission. In the last year, the Commission has been cited in at least 33 media articles. All media coverage can be found on the Commission's website.

Additionally, on June 19, 2023, Commission Ron Ibarra and Oversight Coordinator Christin Johnson participated in the Big Island Press Club Newsmaker televised panel on the Hawaii Correctional System Oversight Commission, featuring problem in Hawaii's prisons and jails. The full interview can be watched here: https://vimeo.com/840246176. The taping aired on Hawaii public access television channels.

TOURS AND IMPRESSIONS OF FACILITIES

General Facility Tours

An important part of the Commission's work is consistently touring all correctional facilities to monitor conditions of confinement, and to receive complaints. Below are tours completed by Commission staff which allow staff to write thorough reports and recommendations based on what they see, hear, and experience during the tour. The Commission would like to thank all corrections staff who are an imperative part of understanding the innerworkings of the corrections system.

During 2023, the Oversight Coordinator completed 35 facility visits.

2023 Facility Tours

- Hawaii Community Correctional Center (HCCC) – January 12, 2023
- Hawaii Community Correctional Center (HCCC) – February 7, 2023
- Hawaii Community Correctional Center (HCCC) – February 13, 2023
- Oahu Community Correctional Center (OCCC) – February 16, 2023
- Oahu Community Correctional Center (OCCC) – February 27, 2023
- Hawaii Community Correctional Center (HCCC) – March 2, 2023
- Kauai Community Correctional Center (KCCC) – March 16, 2023
- Hawaii Community Correctional Center (HCCC) – March 22, 2023
- Halawa Correctional Facility (HCF) – April 14, 2023
- Oahu Community Correctional Center (OCCC) – April 14, 2023
- Hawaii Community Correctional Center (HCCC) – April 20, 2023
- Hawaii Community Correctional Center (HCCC) – May 11, 2023
- Oahu Community Correctional Center (OCCC) – May 16, 2023
- Halawa Correctional Facility (HCF) – May 17, 2023
- Hawaii Community Correctional Center (HCCC) – May 11, 2023
- Maui Community Correctional Center (MCCC) – May 18, 2023
- Oahu Community Correctional Center (OCCC) – May 25, 2023
- Kauai Community Correctional Center (KCCC) – May 31, 2023
- Maui Community Correctional Center (MCCC) – June 6, 2023
- Hawaii Community Correctional Center (HCCC) – June 8, 2023
- Halawa Correctional Facility (HCF) – June 14, 2023
- Women's Community Correctional Center (WCCC) – June 15-16, 2023
- Kulani Correctional Facility (KCF) – June 22, 2023
- Waiawa Correctional Facility (WCF) – June 23, 2023
- Saguaro Correctional Facility (SCF) – June 27-29
- Halawa Correctional Facility (HCF)– July 26, 2023
- Hawaii Community Correctional Facility (HCCC) – August 22, 2023
- Saguaro Correctional Facility (SCF) – September 8, 2023
- Women's Community Correctional Center (WCCC) – September 21, 2023
- Las Colinas Reentry and Detention Facility – September 28, 2023

- Oahu Community Correctional Center (OCCC) – October 9, 2023
- Halawa Correctional Facility (HCF) – October 19, 2023
- Kulani Correctional Facility (KCF) – November 16, 2023
- Federal Detention Center (FDC) – December 18, 2023
- Waiawa Correctional Facility (WCF) – December 21, 2023

Special Facility Tours

By request, the Commission has facilitated or participated in facility tours with various stakeholders. The Commission would like to thank Director Tommy Johnson for his support and leadership in having the Oversight Coordinator lead or join numerous facility tours to allow for an independent experience of the correctional facilities and opportunities to communicate with staff and people in custody. Notable facility tours include:

OCCC Tour with Supreme Court Justices

The Oversight Coordinator facilitated a tour of OCCC on Monday, February 27th, 2023, to highlight changes that need to be made outside of the Department of Public Safety to curb overcrowding. Attendees included members from the Supreme Court: Justice Sabrina McKenna, Justice Michael Wilson, Justice Todd Eddins, and their law clerks. Additionally, Senator Michelle Kidani, a member of her staff, and Tommy Johnson, Director of Public Safety attended the tour. Unfortunately, the tour went over the scheduled allotted time so there was not an opportunity to talk afterwards as a group. However, the Oversight Coordinator and Director of Public Safety intend to have ongoing conversations with these stakeholders on needed changes throughout the system.

HCCC Tour with Hawaii County Prosecutor's Office

On June 8, 2023, Prosecuting Attorney Kelden Waltjen, First Deputy Prosecuting Attorney Stephen Frye, and Supervising Deputy Prosecuting Attorneys Kevin Hashizaki and Andrew Son from the Hawaii Count Prosecutor's Office toured the facilities at the Hawai`i Community Correctional Center ("HCCC") in Hilo with Oversight Coordinator, Christin Johnson. The Commission appreciates the opportunity to work with the Prosecutors office to address our community's needs, reduce recidivism, and prioritize public safety on Hawai`i Island.

Halawa and OCCC Tour with Senate

On July 11, 2023, the Senate Ways and Means Committee and the Senate Public Safety and Intergovernmental and Military Affairs Committee hosted site visits to the Halawa Correctional Facility, O'ahu Community Correctional Center (OCCC), and the Laumaka Work Furlough Center. The purpose was to bring awareness to initiatives to modernize our public safety facilities, disrupt pathways to prison, and reduce recidivism. Chair Patterson joined the Senate on the tours.

HCCC Tour with House Members

On August 22, 2023, the Oversight Coordinator toured the Hawaii Community Correctional Center (HCCC) with Representative Mark Hashem, Corrections, Military &

Veterans (CMV) Chair, Representative Linda Ichiyama, Water & Land (WAL) Committee Chair, Representative Nadine Nakamura, House Majority Leader, Representative Sonny Ganaden, Representative Mahina Poepoe, and Representative Luke Evslin. The intention of the tour was to bring awareness to the conditions of confinement at HCCC, and to illustrate areas where HCCC has improved in the past year. The tour was very successful, and the Commission wishes to thank Warden Mahoe and Chief of Security Kahapea for their time, and expertise.

Saguaro Tour with Senate

On September 8, 2023, the Oversight Coordinator toured the Saguaro Correctional Center with Senator Glenn Wakai, Public Safety and Intergovernmental and Military Affairs (PSM) Chair, Senator Brandon Elefante Public Safety and Intergovernmental and Military Affairs (PSM) Vice Chair, Michael Greenough, Senator Elefante's staff, Dr. Michael Champion, Senior Advisor to the Governor for Mental Health and the Justice System, and PSD leadership including Tommy Johnson, Director, Sanna Munoz, Deputy Director of Corrections and Rehabilitation, Melanie Martin, Deputy Director of Administration,. This was an introductory tour for the Senators and the Commission extends gratitude to Warden Wead for conducting the tour.



Saguaro Tour with Senate

OCCC Tour with Amend

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, on Monday, October 9, 2023, the Oversight Coordinator toured the Oahu Community Correctional Center (OCCC) to familiarize the Amend UCSF team with the facility conditions. Amend at UCSF is a public health and human rights program that works in prisons to reduce their debilitating health effects on residents and staff, while also joining policy makers and community leaders to advance

decarceration strategies and a better, new system of accountability and healing in the US. Amend focuses on health-focused culture-change initiatives, staff training, public education, advocacy, and policy-oriented research. The tour also included Cara Compani, HCSOC, and Dr. Michael Champion and Annie Valentin who focus on mental health and justice system initiatives in the Governor's office.

The Amend team, including Kelsey Engstrom, *Amend Program Manager*, Sergeant Jeff Herrmann, *Washington State Department of Corrections and Amend Ambassador*, and Tom Eberhardt, *Senior Adviser for the Norwegian Correctional Service (KDI) and Amend Norwegian Program Manager,* came to Hawaii to work directly with the Department of Public Safety to host various workshops specific to corrections culture and health-focused culture-change initiative. The Commission is incredibly grateful for the Amend team, and would like to acknowledge Tommy Johnson, Director of Public Safety, Warden Schell of OCCC, and the entire corrections staff for giving them such a warm welcome and aloha.

Las Colinas Detention and Reentry Facility

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, the Oversight Coordinator invited State Representative Mark Hashem, Corrections, Military & Veterans (CMV) Chair and the Department of Public Safety to tour a progressive facility in San Diego, California. The tour of Las Colinas Women's Detention and Reentry facility took place on Thursday, September 28, and attendees included State Representative Mark Hashem, Christin Johnson, HCSOC, Cara Compani, HCSOC, Bob Merce, Correctional Reform Working Group, and Warden Ione Guillonta from the Women's Community Correctional Center.





The tour was highly informative and successful. Las Colinas is known for its therapeutic and rehabilitative nature. The facility itself is more like a campus and less institutionalized. On behalf of the Hawaii group that toured, we sent a warm mahalo to the Las Colinas Detention and Reentry Facility staff for welcoming us and allowing us to learn from them.

FACILITY-SPECIFIC ISSUES & RECOMMENDATIONS

In accordance with the Commission's mandate to oversee the State's correctional system, the Commission collectively toured every Hawaii prison and jail throughout 2023. Below are brief descriptions of the seven (7) facility-specific reports that encompass observations and recommendations made by Commissioners after touring the applicable facility. In addition, the full reports are in the appendix of this report.

In 2023, the Commission submitted over 50 recommendations to the Department of Public Safety for their consideration.

OCCC Facility Conditions & Recommendations

Report released on March 7, 2023

On Thursday, February 16th, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured OCCC. After the tour, the Commission compiled their notes encompassing their impressions and offered ten recommendations to the Department of Public Safety:

1) **OCCC should ensure that vehicles are not parked in the sally port unless in active use, and that the sally port gates are secured unless a vehicle is entering or leaving.**
   The Commission found that the sally port gates were unsecured, even while inmates were being transported in and out of the facility. Sally ports are spaces that are most at-risk of having a security breach due to the direct access outside of the facility's perimeter fences. It is important to note that escapes have occurred when sally port gates were not properly secured – one was from OCCC and one was from the First Circuit Court. Sallyports should always be locked securely unless a vehicle if entering or leaving the applicable gate.

2) **The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.**
   The Commission found that the containers outside of Module 5 did not have an ACO in the vicinity. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that OCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.

3) **The medical infirmary needs immediate attention by PSD leadership for various issues directly related to inhumane conditions.**
   The Commission found that the infirmary is seriously overcrowded, with inmate-patients sleeping in beds in the common space which also contributes to a serious lack of privacy

when discussing federally protected medical issues. The Commission also found that the lack of electronic health records is a source of serious strain from an already over-burdened staff. Lastly, the Commission found that the bathroom located in the infirmary is not ADA compliant. It is therefore recommended the infirmary receive immediate attention from PSD leadership to find solutions to the:

a. lack of privacy;
b. lack of ADA compliance;
c. lack of appropriate bed space;
d. lack of basic humane conditions experienced by the most vulnerable and medically disabled individuals in the facility; and
e. lack of efficiency caused by a non-functioning medical record system and complete reliance on paper-based system.

4) **Cells that hold individuals on suicide watch should be painted and reconfigured for a more therapeutic environment for those who are in crisis.**
The Commission found that suicide-watch cells were covered in graffiti in addition to having a large metal slab to be used as a bed. Inmates would place their mattresses on either side of the slab. The Commission recommends the slab be removed and the cells receive a fresh coat of paint.

5) **Those housed in Protective Custody status should be allowed all items usually authorized for general population inmates.**
The Commission found that the PC inmates were subject to the same conditions as the inmates on disciplinary segregation. That is, the PC inmates are held in lockdown with hardly any activity. Individuals who are in PC are vulnerable populations that should not be punished for requested additional safety precautions. Individuals on PC should be housed in the least restrictive environment practicable, in segregated housing only if necessary, and in no case in a setting that is used for disciplinary housing. Additionally, PS inmates should be allowed all of the items usually authorized for general population prisoners and provided opportunities to participate in programming and work. PC inmates, similar to general population inmates, should be provided the greatest practicable opportunities for out-of-cell time.

6) **Housing unit windows which are covered by wood should be replaced with frosted windows to allow natural light.**
The Commission found at least two housing units where every cell that had a window facing outside had their windows blocked by a slab of wood. 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 to replace the wood with frosted windows to allow natural light.

7) **Food must be served at appropriate temperatures to prevent food-borne illness.**
The Commission found that the food was placed on plates directly from trays that were not on appropriate warmers. No one was observed taking the temperatures of the hot food in the trays, or of the food on the plates at appropriate intervals. This leaves OCCC at risk for a food-borne illness caused by food served at inappropriate temperatures.

8) **Contact visits should be restored.**
The Commission found that OCCC has not offered contact visits in at least three years due to Covid-19. Now that visitors can be tested for Covid-19 and required to wear masks, it is important to allow contact visits. There is extensive research that highlights the importance and rehabilitative factors of contact visits for those in custody. Contact visits allow inmates to feel closer to their loved ones and their community. Noncontact visits are inherently punitive and against therapeutic and rehabilitative practices.

9) **Maintenance should have a prioritized list of items or matters that require repairs and share that list with downtown leadership with specific timeframes of anticipated repair.**
The Commission found various areas where maintenance was needed. This is particularly meaningful for cells that were out of commission due to needed repairs. Given the immense overcrowding OCCC is experiencing, it is imperative that cell repairs happen quickly and efficiently. Staff had noted some areas of repair that had been out of commission for months or years. The Department of Public Safety leadership should be monitoring required repairs closely and ensure timely repairs.

10) **PSD should invite participants in the criminal justice system (police chief, prosecutor, defense bar, judges, and the politicians) to visit the correctional facilities.**
The Commission found that much of OCCC's seriously overcrowding is linked to those with low bails, serious mental health issues, those experiencing homelessness, and others who will experience excessive trauma by being incarcerated. The Commission recognizes PSD does not get to choose who they receive, or who can be released. However, a greater effort can be made to work collectively with partners in the criminal justice system to find diversion options.

If PSD finds appropriate, HCSOC will assist in inviting, planning, and facilitating the tours with the support from facility staff for appropriate background checks, scheduling, and guiding the tours.

HCSOC will examine the efforts made by the Department to actively work with the Courts, other justice agencies, and the health and housing agencies to find alternative placements for inmates charged with non-violent crimes. It is noted that on February 13, 2023, 16 male inmates at OCCC were Sentenced Misdemeanants, 60 were Pre-Trial Misdemeanants, and 160 were Probation Violators. It is also noted that 58 of 127 women at OCCC were in these categories.

KCCC Facility Conditions & Recommendations

Report released on April 4, 2023

On Thursday, March 16th, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Kauai Community Correctional Center (KCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered ten recommendations to the Department of Public Safety:

1) **The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.**
   The Commission found that the containers in front of the administration area did not have an ACO in the vicinity or assigned to the post. Instead, the front gate officer needed to assist with opening the cells when Commissioners requested to view inside. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that KCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.

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

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

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

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

HCCC Facility Conditions & Recommendations

Report released on May 2, 2023

On Thursday, April 20, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Hawaii Community Correctional Center (HCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered two recommendations to 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.

Additionally, the Oversight Coordinator submitted a Follow Up on HCCC August 2022 Site Visit Observations report which encompasses an update of the conditions at HCCC and the collective changes that have occurred since the August 22, 2022, tour. The full report is attached to the appendix of this report.

MCCC Facility Conditions & Recommendations

Report released on July 20, 2023

On Thursday, May 18, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Maui Community Correctional Center (MCCC). Unfortunately, due to the Commission meeting running long, the tour was shorter than hoped and it was difficult to gain the meaningful information needed to produce an impactful report.

Therefore, the Oversight Coordinator, Reentry and Diversion Oversight Specialist, Commissioner Sakai, and Commissioner Ibarra toured MCCC on June 6, 2023.

After both tours, the Commission compiled their notes encompassing their impressions and offered the below recommendations to the Department of Public Safety:

1) **Officers need immediate policy refresher training on unit management.**
   Officers should be reminded how to properly manage their logbooks in accordance to policy. This should include accurate timestamps of every individual who enters the unit. Further, officers should be reminded about 30-minute checks within restrictive housing as it was apparent that hourly checks were being conducted.

2) **Grievance and medical forms and drop boxes should be inside the modules.**
   In Modules C and D, grievance forms, the grievance request box, medical request forms, and the healthcare request box should be places and available in the module where people in custody have easy and daily access without asking staff. Officers should also be reminded of confidentiality of grievances and healthcare requests.

3) **Restrictive Housing policies need to be updated to align with federal standards.**
   There is significant research regarding the impact of segregation on a person's health, particularly since 2014 when PSD's policy on restrictive housing was implemented. The policy needs to be updated to reflect federal and ACA standards.

4) **Fire Safety needs to be prioritized.**
   The chains and padlocks off of Dorms 1 and 2 need to be removed immediately, and the doors should be equipped with alarms that sound every time they are opened. Additionally, if staff are not doing it now, the facility would be well-advised to conduct regular fire drills and briefings so that the people in custody are familiar with procedures in case of fire.

WCCC Facility Conditions & Recommendations

Report released on October 19, 2023

On Thursday, September 21, 2023, directly following the HCSOC public meeting, the Commissioners, Oversight Coordinator, and Reentry and Diversion Oversight Specialist toured the Women's Community Correctional Center (WCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered the following recommendations to the Department of Public Safety:

1) **Review new construction plans for Building A (secure housing) and implement as many therapeutic and rehabilitative spaces as possible.**
   a) Consider adding doors, curtains, or some partition that allows for privacy while women in custody shower or use the restroom in the dorm areas.
   b) Prioritize re-painting the interior brown color with different colors that support rehabilitative and therapeutic spaces. The facility workline could be utilized for

this painting project if it is too difficult to change the work order with the current vendors. Additionally, the facility should consider asking the women in custody about their color preference for the living space.

c) Become creative and identify or create opportunities for programming space and an outdoor recreation area beyond the current closed-in cement recreation yard already in place. The women will need space for programming and to be outside, as is available in the other housing modules.

2) **Secure desperately needed funding for facility updates.**
As outlined throughout this report, current conditions are unhealthy, dangerous, insufficient for the influx of new residents from OCCC, and could, in some cases, amount to violations of regulations and legal standards. They are not fit for living or working conditions.
   a) Funds must be allocated, and timely construction must be prioritized for facility updates to the kitchen, medical/infirmary, and bathrooms.
   b) Funds must be allocated for cameras to support the safety of staff and people in custody.
   c) Facility should consider adding turf to recreation area to create a more rehabilitative space, and consider creating a larger dayroom space for Ka'ala Cottage.
   d) Ensure the Commission is updated on the process of funding the above requests.

3) **Ensure appropriate access to the Law Library and ease of access to defense attorney information.**
   a) Review the Law Library callout process and ensure proper operation is in place for people in custody to have timely access to the law library. Additionally, ensure that dormitory Sergeants and staff are reminded of the policy to inform people in custody of their Law Library appointment.
   b) Request the Bar Directory from the Hawaii State Bar Association to ensure women in custody have access to defense attorney contact information, as needed. The Bar Directory lists all of the lawyers in the state including a list of Criminal Defense attorneys. This is of particular importance with the incoming jail population.

4) **As the Department of Public Safety plans new facilities or housing units, the design should be consistent with the rebuilt and reimagined Ho'okipa Cottage.**
The design, materials, and sentiment support healing and success and exemplify the transition to a rehabilitative and therapeutic model.

5) **Continue and further the current trajectory of leaders at WCCC.**
Ms. Candace Beale, WCCC Offender Services Administrator, and several of the correctional staff the Commission toured with, and other dedicated staff members are in the early stages of truly transitioning to a rehabilitative model of corrections. This is clear through their humanizing and innovative practices, programs, and mindset. Additionally, Warden Guillonta recently traveled to Las Colinas, a model jail in San Diego County,

with Commission staff to gain insight and ideas. Overall, the Commission recognizes WCCC's accomplishments and simultaneously knows there is more work to do.

a) The Commission hopes and recommends that Warden Guillonta and leadership continue to move the facility forward and implement additional ideas and framework for change.
b) The Commission recommends Warden Guillonta, WCCC facility leadership, and WCCC staff connect and communicate with other wardens and their facility leadership on how to continue to implement innovative practices, programs, and move the Department forward in the transitions to a therapeutic model of corrections. This transition must start through innovation and change at facilities and even units and include extensive training which WCCC has prioritized.

HCF Facility Conditions & Recommendations

Report released on November 16, 2023

On Thursday, October 19, 2023, directly following the HCSOC public meeting, the Commissioners, Oversight Coordinator, and Reentry and Diversion Oversight Specialist toured the Halawa Correctional Facility (HCF). After the tour, the Commission compiled their notes encompassing their impressions and offered the following recommendations to the Department of Public Safety:

1) **Increasing non-security staffing must be a priority for transitioning to a rehabilitative and therapeutic system.**

The two main staffing shortages that the Commission learned about were in the Learning Center and social work. Education has one full-time staff member who runs education for the entire facility with assistance from one individual from the workline. Education is down three full-time teachers, one secretary, and two workline positions. Additionally, the facility has eight (8) social work vacancies which results in high caseloads (80+ people per social worker) for the existing social workers.

According to the Department of Human Resources Development (DHRD) website,

> *Social Workers and Human Services Professionals seek to improve the overall quality of life of people within the context of their environment through the remediation and prevention of their problems, and by improving accessibility, accountability and coordination of service delivery among a variety of professionals and/or agencies tasked with providing appropriate services to clients. These professionals come from a variety of interdisciplinary bases, establish working relationships of mutual respect and trust with the clientele served, and utilize a variety of helping interventions to enable these clients to function as effectively as possible.*

The facility cannot fulfill the essential mission and purpose of the Department of Public Safety and forthcoming Department of Corrections and Rehabilitation without staff in these crucial roles. The Learning Center and social work positions are imperative for rehabilitative and therapeutic services.

The Department should not only prioritize filling these vacancies but work directly with DHRD to lessen the amount of time it takes to go through the interview and hiring processes.

2) **Permanently close the Special Needs Facility.**
Since the temporary closing of the Special Needs Facility, staffing shortages have eased, resulting in less mandatory overtime. The Special Needs Facility is extremely restrictive, does not have a functioning outdoor recreation space, and is not a conducive or healthy environment for staff to work in. Additionally, it appears that Halawa does not need the additional space that the Special Needs Facility provided. Repairs will be extremely expensive as the Special Needs Facility, and at this point, could be considered unnecessary.

3) **Prioritize and expedite Capital Improvement Projects to repair electricity and the perimeter fence.**
The lack of updated perimeter fencing poses a danger to the safety of the community. Similarly, the absence of electricity in at least 20% of cells poses a danger to the safety and well-being of those in custody and puts the Department at considerable risk of litigation. Both are out of step with correctional and safety standards. These updates should be prioritized, funded, and expedited.

4) **Expand the Correctional Industries worklines to include specific training in skilled trades that would lead to gainful employment after incarceration.**
At some point, there used to be an electrical and plumbing workline that helped keep the facility maintained. The electrician union previously came to the facility and trained people in custody, and then people leaving prison would have an income-generating trade and connections to the unions and jobs in high demand. However, that program has not existed for some time. It would benefit the Department to work with skilled trade unions to train individuals in plumbing, electrical, welding, HVAC, etc. This would not only create opportunities for individuals to earn gainful employment upon release, but also help the facility with desperately needed maintenance concerns. Correctional Industry worklines can assist in upkeeping the facilities while learning skills that are at the core of the Hawaii Correctional Industry work.

5) **Increase training and support for uniformed staff.**
To expedite and stay current on uniformed staff training, consider placing or training certified instructors to be onsite full-time at Halawa. This would allow the facility to train staff more efficiently in a way that corresponds to the facility's schedule and specific needs. Also, consider updating the training academy curriculum to better prepare staff for their actual roles onsite at facilities.

6) **Increase training and support for case/unit managers to better meet the population's needs upon release.**
   Related to recommendation one above, the role of social workers and unit managers is vital to successful rehabilitation and reentry for people in custody. The Commission is aware that many people in custody are released to the community from Halawa. Here, it would be helpful to identify and offer additional training to support the critical role these staff members assume. Staff should stay current on local and national best practices in their field. The crucial role of these staff members and the importance of a mindset dedicated to supporting people in custody and their success should be included in the training.

7) **The Department should support legislative efforts toward Compassionate Release or**
   People housed in the infirmary need intensive medical and/or psychiatric services and would be better served in a different setting other than a prison. Most individuals on the medical side are not in a physical state to potentially cause harm to another and do not appear to cause a risk to public safety. Additionally, the care for these individuals is particularly expensive for the Department, staff-intensive, and causes strain on the facility overall.

KCF Facility Conditions & Recommendations

Report released on December 21, 2023

On Thursday, November 16, 2023, directly following the HCSOC public meeting, the Commissioners, Reentry and Diversion Oversight Specialist, and Special Assistant toured the Kulani Correctional Facility (KCF). After the tour, the Commissioners compiled their notes encompassing their impressions and offered the following recommendations to the Department of Public Safety:

1) **Begin Offering In-Person Contact Visitation**
   People housed at Kulani are approaching their release dates and a time of transition back to the community. This timeframe is critical for success, and contact visits and connections support a rehabilitative humanizing approach and successful transition. According to a 2021 report from the Prison Policy Initiative, *In-person visitation is incredibly beneficial, reducing recidivism and improving health and behavior*.

   The Commission recommends that Kulani reinstate in-person visitation with secure and humane security guidelines that can simultaneously aid rehabilitation and decrease contraband. The Commission also recommends Kulani offer additional opportunities for people in custody to access phone calls. Both can significantly support people in custody, their family members, friends, children, and facility staff.

2) **Increase the Population at Kulani: This is one of the most rehabilitative facilities in Hawaii**
   Kulani is one of the most rehabilitative facilities in Hawaii and sits around 50% capacity. As of November 2023, there are 240 people in custody at Halawa Correctional Facility (HCF) and Saguaro Correctional Facility in Arizona (AZSC) with a custody status of

minimum or below. Minimum or below is the custody status necessary for Kulani and Waiawa (see the green highlighted sections in the chart below).

	Hawaii Male Prison Security Classifications						
Male Prison	*Community*	*Minimum*	*Medium*	*Close*	*Maximum*	*Unclassified*	**Total Population**
AZSC	--	53	455	369	--	--	877
HCF	4	183	435	187	2	11	822
WCF	27	154	--	--	--	--	181
KCF	24	61	--	--	--	--	85

Source: Hawaii Department of Public Safety Roster, Dated Nov. 13, 2023

Although some of the 240 people may not be suitable for Kulani due to reasons beyond custody classification, it is reasonable to believe that most would be transfer eligible. The Commission recommends that the Department transfer eligible individuals at Halawa and Saguaro, with minimum custody or below, to Kulani and Waiawa Correctional Facilities. Due to the rehabilitative and therapeutic nature of the Kulani, this facility could be better utilized at a consistent capacity close to 100% and certainly over 90%.

In addition to this recommendation supporting better rehabilitative outcomes, this is also a cost savings mechanism as higher security level facilities are more costly. Currently, the state is paying for beds in Arizona and utilizing beds in Halawa–both facilities designed for medium and higher security-level individuals–who could be housed at a lower or no cost at Kulani and Waiawa. Additionally, the Hawaii Paroling Authority prefers to see people step down through minimum facilities and then furlough because it increases the likelihood of success upon release.

3) **Remove the Monetary Eligibility Requirement for Furlough Participation at all Furlough Sites**

The monetary furlough eligibility prerequisite, requiring up to $300 in a person's inmate account–in addition to other furlough requirements–limits the ability of people in custody to participate in furlough programs. The Commission finds this requirement thwarts progress towards reentry and therefore recommends that this financial eligibility requirement be removed.

4) **Improve System-wide Movement Through Correctional System**

All of the Hawaii male furlough sites are well below capacity–see the *Furlough* chart below. Relatedly, 24 people in custody at Kulani are in community custody status, the status required for furlough–highlighted in blue in the *Security Classification* chart above.

The Commission understands that the furlough sites currently have different eligibility requirements regarding funds and length of time until the parole eligibility date. To improve system movement and opportunity for successful reentry, the Commission recommends that the Department increase furlough participation. This will mean a corresponding policy shift including eliminating any type of financial requirement to participate in furlough.

Facility	*Furlough Location*	*Population*	*Rated Capacity*	***Occupancy Rate***
HCCC	Onsite	32	100	32.00%
MCCC	Onsite	14	32	43.75%
OCCC	Onsite	120	176	68.18%
	Extended Furlough	15	--	--
	Total	135	176	76.70%
KCCC	Onsite	8	0*	--
	Extended Furlough	9	--	--
	Total	14	0*	--

Source: Hawaii Department of Public Safety Roster, Dated Nov. 13, 2023

Note: KCCC furlough housing does not have an official capacity, therefore, the occupancy rate cannot be calculated.

5) **Reinstate Transportation Shuttle for Staff**

Before Covid, a transportation shuttle for staff sponsored by the Department eased the cost and lengthy travel to Kulani. The Commission recommends that Kulani and the Department connect with staff to determine if this shuttle would still be beneficial; if so, the Commission recommends it be reinstated to better support staff, their retention, and hiring.

WCF Facility Conditions & Recommendations

Report to be released on January 18, 2023

On Thursday, December 21, 2023, directly following the HCSOC public meeting, the Commissioners, Reentry and Diversion Oversight Specialist, and Special Assistant toured the Waiawa Correctional Facility (WCF). A report of findings and recommendations will be compiled and posted on January 18, 2023.

A NEW FOCUS TOWARDS REENTRY

The HCSOC is arguably the most unique and robust corrections oversight body in the nation as the Commission does not only have the responsibility to oversee all the prisons and jails but is also required to set population limits/policy and oversee the entire reentry system.

In May 2023, the Commission welcomed its third staff member, Cara Compani, who serves as the Commission's Reentry and Diversion Oversight Specialist. Since May, the Commission has vastly expanded its efforts towards a better understanding of the reentry system. This work includes:

Reentry and Diversion Strategic Plan

Consistent with the Commission's mandate to oversee the reentry system and help the Department transition to a therapeutic and rehabilitative system, a Reentry and Diversion Strategic Plan was developed to guide the Commission's work. This document aims to demonstrate how the HCSOC will approach the reentry and diversion work directed by the Commission's mandate, outline the components used to create the plan, and highlight the intention and focus of the HCSOC work in both reentry and diversion.

The Commission's first agency-wide Strategic Plan was released on January 1, 2023, and set the four priority areas for the office: oversight, rehabilitation, population limits, and reentry. This Reentry and Diversion Strategic Plan is integrated into the larger HCSOC agency-wide Strategic Plan and broken down into specific priority areas, with reentry and diversion at the forefront. This plan is a living document and will likely change as the Commission learns more and moves forward with its work.

The HCSOC team looks forward to collaborating with different stakeholders and partners to actualize this plan and the mandated work of the Commission. The plan is available on the Commission's website and is attached to the appendix.

Review of Women's Court Proceedings

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and establish maximum inmate population limits and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility, HCSOC staff observed Women's Court on Wednesday November 1, 2023. Women's Court was established in 2022 through Act 243 of 2022, which outlined a three-year pilot program in the First Circuit for the specialty court.

According to the legislation, this bill was enacted, and the specialty court established due to the:

> *Significant increase in the number of women in Hawai'i jails and prisons over the past forty years, resulting in a higher proportion of women who are incarcerated. Research reflects that for women, histories of abuse, trauma, poverty, mental illness, substance*

use disorders, and unhealthy relationships intersect with their entry into criminal behavior. Women offenders also face unique barriers to success after incarceration. They are more likely to be primary caregivers for young children, have lower educational attainment, lack stable work history, and experience economic or social marginalization, which prevents them from having more positive outcomes.

Judge Trish Morikawa presides over the Women's Court every Wednesday, understands the needs of women in the justice system, is familiar with each woman individually, and has a great demeanor to preside over this Court. The experience is pleasant and humanizing as all stakeholders and partners are aligned to support the women and their success. There is an understanding built into this process and intention that criminal activity, for these women, is associated with their histories of poverty, trauma, substance use, domestic violence, and more.

The Women's Court implemented trauma-informed practices and connects the women with services and service providers, including housing and clean and sober living, substance abuse treatment, therapy, education, medical services, and mentoring. At the end of each appearance, Judge Morikawa shares a Hawaiian proverb or teaching she draws from the Umeke Bowl. The humanizing aspect of the Women's Court is vital to the Court's success.

Currently, about 13 women are participating. The Commission hopes the three-year pilot will become a permanent court and expand to serve many more women.

First Circuit Jail Diversion Program Meetings

HCSOC staff began attending First Circuit Jail Diversion Program meetings with First Circuit stakeholders to further post-booking jail diversion efforts in District and Circuit Court. The HCSOC is grateful for the opportunity to participate in these meetings and work with partners in this space.

Housing Consortium Meetings

Consistent with the Commission's mandate to work with the Department of Public Safety in monitoring and reviewing the comprehensive offender reentry program, on Tuesday, October 24, Commission staff attended the Community Housing Consortium at Kalihi Union Church put on by Transforming Lives founder and Oahu Community Correctional Center (OCCC) Chaplain Barbara Gatewood.

The intention of the Consortium is *to bring together community housing providers with Hawaii Paroling Authority and Public Safety Department Heads*.

This October Consortium meeting focused on *discovering ways in which the programs and services of our community housing organizations can interact with, and become a part of, the support network for incarcerated men and women in our state facilities; and together, discover ways to help in the transitioning process from facilities to communities*.

Corey Reincke, Acting Administrator of Hawaii Paroling Authority, was the keynote speaker, and Cristy Yokoyama of the Department of Public Safety Reentry Coordination Office and members of the Intake Service Team were also guest speakers. Community services and housing providers—including Fernhurst, First LAP, Salvation Army, Habilitat, Rent to Work, and many more—attended, asked questions, and engaged with the presenters and other participants. This was a helpful venue to connect service providers with Department of Public Safety leadership and offer the opportunity for discussion on problems and solutions.

Through this Consortium, Chaplain Barbara Gatewood is collecting available bed space information from different housing providers to link people in custody with open beds before release. The HCSOC staff would like to thank Chaplain Gatewood for the invitation to this Consortium and also for all her reentry efforts at OCCC, Halawa, Waiawa, and PSD system-wide.

Review of Parole Hearing Process

On June 28 and 29, 2023, the Oversight Coordinator and Reentry and Diversion Oversight Specialist observed Hawaii Paroling Authority parole and parole reconsideration hearings at Saguaro Correctional Center. The in-person hearings were conducted by Hawaii Paroling Authority Board members Milton Kotsubo, Carol Matayoshi, and Gene DeMello, Jr.

General Impressions:

1) The Board members were prepared for the hearings and made fair assessments based on recommended program completion, treatment options, housing and employment arrangements, and furlough placement. Many of the parole denials were due to incomplete recommended programs.

2) Some recommended programs were unavailable to people in custody due to waitlists, waiting period requirements, and programs not being offered. The programs related to the delays are Residential Drug Abuse Program (RDAP) Two and RDAP Three, Special Housing Incentive Program (SHIP), and KASHBOX.

   Denials due to incomplete programming are of importance to the Commission because the Commission is mandated to, "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 minimum terms have been served instead of delaying the release for lack of programs and services." *HRS § 353L-3(b)(4).*

   RDAP is a common program recommendation by the Parole Board. RDAP has a waitlist. SHIP placement precludes RDAP participation for more than 18 months. This is because SHIP is 12 months long, people in custody must wait at least six months post-SHIP before being eligible for RDAP, and there is an additional pre-SHIP investigative waiting period. These two issues, separately and combined, affect timely access to RDAP and

lengthen the time for program admittance and completion. RDAP is a common parole programming recommendation.

RDAP program eligibility is determined by the Mainland Branch, and one factor used in this determination is the minimum term for sentencing. For people with longer minimums or life terms, RDAP program eligibility is far off, and a reduction of minimum will likely only be granted if recommended programs are complete (usually including RDAP).

KASHBOX is an intensive residential substance abuse treatment program for inmates with serious substance abuse problems. KASHBOX is not offered at Saguaro, and no accepted equivalent is offered at the facility. Incomplete programming can affect parole granting.

3) Generally, people in custody were not well prepared for parole hearings. There didn't appear to be training in communicating during hearings, representing and advocating for themselves, or taking responsibility.

4) The language interpreter connected to the hearings through the phone. It was difficult for the interpreter to hear and interpret all parties during the hearings. All parties couldn't actively hear and participate due to this setup. An interpreter via Teams or another Video Conferencing platform would be more effective for those who do not speak English as their primary language.

5) People in custody from the November Unit–including administrative segregation, disciplinary segregation, and SHIP–participated in the hearing in wheelchairs because their arms and legs were shackled for transport. There was no indication that these people posed a specific danger that required restraints during the actual hearing.

The Commission looks forward to continuing to expand its work, findings in, and recommendations for effective reentry in 2024.

CONFERENCES

Prison and Jail Innovation Lab 2023 Conference

From February 3-4, the Oversight Coordinator attended a national conference put on by the Prison and Jail Innovation Lab at the University of Texas at Austin. There were four main sessions: the first is focused on "The Depths of Deliberate Indifference," with case studies of four different corrections agencies (Rikers, Alabama, Arizona, and Texas); the second examines "The Levers of Change," and asks about the tools available to turn a prison or jail around, even after a win in the courts; the third presents some rare examples of innovations in prisons that seek to change institutional culture; and the fourth asks whether meaningful change is truly possible and whether there is hope for reforming America's prisons and jails. The program for this event can be found here: https://pjil.lbj.utexas.edu/cruel-and-not-unusual-conference-program.

Sequential Intercept Model Mapping Workshop

On August 2-3, HCSOC staff attend the Sequential Intercept Model Mapping Workshop offered by the Substance Abuse and Mental Health Services Administration (SAMHSA) in partnership with Pūʻā Foundation, Department of Public Safety, Department of Human Services, Judiciary/Women's Court, Hawaii Paroling Authority, and the Partners in Development Foundation. The focus of the workshop was responding to the needs of Hawaii Justice-Involved Women from the Women's Community Correctional Center and the Women's Court on Oahu. Through the two-day workshop, **the HCSOC** learned Sequential Intercept Model (SIM) basics and mapped its application in Hawaii, established state-wide priorities, and created an action plan to move forward. **The Commission is** grateful for the opportunity to attend and work together with different partners to create better outcomes for justice-involved women.

National Association on Sentencing Commissions 2023 Conference

On August 7-9, the Oversight Coordinator and Chair attended the National Association on Sentencing Commissions (NASC) 2023 Conference. The conference theme was "*The More Things Change, the More They Stay the Same? Challenges Faced by State Criminal Justice Systems and Approaches to Reform, 1993 to 2023.*" The conference covered various topics surrounding approaches to reform, reducing recidivism, transparency in sentencing and much more. The conference helped the Coordinator and Chair prepare for their roles within the HCR23 Task Force by learning more about approaches to sentencing reform. The description of the conference is below:

> "States are facing some of the same problems they faced when NASC was originally formed thirty years ago: following two decades of decreasing crime rates, the trend has reversed in recent years and concerns about prison-overcrowding and the cost of incarceration persist. These issues are combined with concerns about the disparate treatment in the criminal justice system—largely by race—and the reality of collateral consequences of a criminal record. Rather than the similar response of states in the 1990s, states seem to be taking a

variety of approaches to address these contemporary challenges. This takes many forms, including: the evaluation of existing guidelines, the creation of sentencing guidelines where none existed, or the change from a determinate to an indeterminate sentencing system (or vice versa). Given that some of the challenges today mirror those of thirty years ago, this conference gives us the opportunity to reflect upon our past efforts:

- Did any criminal justice reforms of the 1990s have their desired effect? What were they and why were they successful?
- What were the unintended consequences of the 'tough on crime' reforms? Were there later reforms designed to address these unintended consequences?
- What are some of the lessons from the earlier reform? How can those be used to prevent repeating mistakes of the past?"

Going Home Hawai'i Reentry and Restoration Summit

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, on Wednesday, August 23, 2023, HCSOC Commissioners, Coordinator, and staff attended the Going Home Hawaii (GHH) *Reentry and Restoration Summit* in Kona, Hawaii. GHH convened over 300 attendees with varied backgrounds, including legislators and government leaders, individuals with lived experience, community organizations, advocates for justice-involved individuals, and experts to discuss supportive housing, healthcare, career advancement, equity, community safety, the need for policy change, successful interventions, and investment priorities. The conversations, work, and demonstrated commitment of summit organizers, presenters, and attendees align with the spirit of change necessary to actualize the impending transition to the Hawaii Department of Corrections and Rehabilitation in January 2024.

Several-but not all-Presenter Highlights:

- The Oversight Coordinator led an informative and interactive breakout session on community safety with Chief Ben Moszkowicz, Hawaii Police Department.
- Dr. Jamee Miller, Founder of Ekolu Mea Nui presented on *Ho`iwai - A Pono Framework for Success After Incarceration*. Jamee highlighted the over-representation of Native Hawaiians in the system and the need for Native Hawaiian cultural practitioners, language change, and alternatives to incarceration.
- The Department of Public Safety Director, Tommy Johnson, articulated the paradigm shift necessary to effect system-wide change and emphasized the need for diversion and community partnerships.
- Showing of *Beyond Bars: Prison Women Speak*, a film featuring incarcerated women telling their own stories produced by Tadia Rice.



From right to left: Commissioner Martha Torney, Commissioner Ron Ibarra, Oversight Coordinator Christin Johnson, and Reentry and Diversion Oversight Specialist, Cara Compani attending the Going Home Hawai'i Reentry and Restoration Summit.

The HCSOC extends special thanks to Les Estrella, Kimi Palacio, and all GHH staff and volunteers who supported the Summit's planning and success.

Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, the Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety collectively planned a symposium to bring local, national, and worldwide experts to Hawaii to examine the current correctional system, and share knowledge and explore new approaches to corrections, diversion, and reentry.



The symposium took place on Tuesday, October 10, and Wednesday, October 11, with the goals to:

1) Share new models, approaches, and proven practices for corrections, diversion, and reentry.
2) Facilitate collaboration between health, housing, and justice agencies and community organizations.
3) Build on recent justice-related discussions to develop a plan for legislative, departmental, and individual action.
4) Increase public and political awareness.

The symposium covered various topics and focused on barriers and solutions to change, viewing correctional culture as a public health approach, designing for health and rehabilitation, changing the system as a whole, diversion – alternatives to jail, reentry, and closed with a whole-system workshop. During the workshop, attendees were asked to contribute to table group discussions focused on diversion and prevention, correctional culture, reentry, and jail design. These discussions solicited additional ideas and solutions from participants aimed at the prioritization of departmental and legislative actions for the upcoming year. Action items were shared at the end of the workshop, and all feedback will be synthesized as part of UHCDC's report to the community and in a final report submitted to PSD.



Additionally, pictures and videos from the symposium have been uploaded to the symposium's website for those who had to miss the event, or who would like to revisit what was covered. More information can be found here: https://www.breaking-cycles-symposium.org/.

This event could not have occurred without the support of Director Tommy Johnson and the Department of Public Safety, Noriko Namiki and the YWCA Oʻahu, and Amend at UCSF, or organized this discussion without our planning team partners Cathi Ho Schar from the University of Hawai'i Community Design Center/UHM School of Architecture, Bob Merce and Mike Livingston from the Correctional Reform Working Group, Dr. Michael Champion and

Annie Valentin from the Governor's Office. The Commission also recognizes Warden John Schell and the OCCC team for participating fully in the symposium and the surrounding workshop sessions.

Also, a special thanks to all our incredible speakers! In order of appearance: Governor Josh Green, Director Tommy Johnson, Cathi Ho Schar, Christin Johnson, Michael Livingston, Judge Ron Ibarra, Corey Reincke, Kelsey Engstrom, Tom Eberhardt, Jeff Herrmann, Puni Jackson, Bob Merce, Heather Lusk, Aviam Soifer, Representative Sonny Ganaden, Judge Mark. R. Browning, Jonathan Osorio, Chief Justice Mark Recktenwald, Michael Champion, Shoshanna Scholar, Troy Vaughn, Ashley Shearer, Rebecca Like, Major Mike Lambert, Laura Thielen, Tia Harstock, Jamee Miller, Les Estrella, James Koshiba, Monica Lortz, and Governor Linda Lingle, and to our facilitators: Terry Visperas, Leolinda Iokepa, Kat Brady, Cara Compani, Annie Valentin, Michael Wilson. Oli and song performed by Jonathan Kamakawiwoʻole Osorio.

Supported by: The Department of Public Safety (PSD), Hawaiʻi Correctional System Oversight Commission, Correctional Reform Working Group, YWCA Oʻahu, UH Mānoa School of Architecture/UH Community Design Center (UHCDC), Hawaiʻinuiākea School of Hawaiian Knowledge, Thompson School of Social Work and Public Health, Department of Urban & Regional Planning, Matsunaga Peace Institute, William S. Richardson School of Law, and Amend at the University of California San Francisco.

National Association of Civilian Oversight of Law Enforcement (NACOLE) 2023 Conference

Consistent with the Commission's mandate to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, the Commission and staff participated in a national conference hosted by the National Association of Civilian Oversight of Law Enforcement (NACOLE). Stretching over three days from November 12-14, the comprehensive, informative, and inclusive Annual Conference addressed both skills training and current and emerging topics within corrections and oversight of corrections systems.

Chair Mark Patterson, Commissioner Martha Torney, and Oversight Coordinator Christin Johnson attended the 29th Annual Conference in Chicago, Illinois. Collectively, the three attended the following forums:

- Executive Leadership Training (*specific for the Oversight Coordinator*)
- An Approach to Reform: An Overview of the Chicago Oversight System
- Development of a Complaint Manual
- National Resource Center for Correctional Oversight
- How Collective Bargaining Impacts Oversight: A Case Study on the Road to Independent Investigations
- Comparison of Correctional Oversight Models (*Oversight Coordinator Christin Johnson was a panelist*)
- In Good Conscience: The Art and Science of Getting Fired for Doing the Right Thing
- The Impact of Oversight in Juvenile Justice Systems

- Protecting the LGBTQIA Community in Correctional Facilities
- Opportunities to Improve the Food Environment in Correctional Facilities
- Effective Oversight of the Grievance Process in Jails and Prisons: Key Trends and Recommendations for Change

Additionally, Commissioner Mike Town and Oversight Coordinator Christin Johnson participated in a virtual training forum through NACOLE which took place on December 5 and 6. The trainings modules included:

- Effective Practices for Monitoring Implementation of Laws, Rules, and Directives
- Death in Custody: A Public Health Approach
- What Civilian Oversight Learn Can Learn from College Education Programs in Prisons
- Prison and Jail Litigation
- Expanding Oversight with PREA
- Maintaining the Momentum: Strategies & Lessons for Sustaining Progress in the Growth of Prison Oversight (*Oversight Coordinator Christin Johnson and State Representative Gregg Takayama were panelists*)

STRATEGIC PRIORITIES

The Oversight Coordinator developed and adopted a 12-month strategic plan to guide operations, time, and financial investments. The plan is intended to be a living document as more opportunities to reimagine public safety, and increase transparency and accountability become available. This portion of the report encompasses the Strategic Priorities of the 12-month strategic plan. The full plan can be found in the appendix of this document.

Per the 353L mandate, the Commission has four core functions:

1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;

2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;

3) Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and

4) 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.

These four functions will guide all strategic priorities (oversight, rehabilitation, population limits, and reentry) to ensure best practices for an effective correctional system.

Oversight

Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities.

Objective 1: Fully equip the Office of the Hawaii Correctional System Oversight Commission to serve the state of Hawaii.

Strategies:

1) Determine and seek appropriate funding for staff hires, travel for on-site facility monitoring, staff development, and basic office needs.
2) Develop standard training for staff that encompasses the history, organization, and changes within the Department of Public Safety in

addition to the history, culture, and concerns of the communities served by the Department of Public Safety.
3) Develop and adopt rules, office policies, and standard operating procedures to ensure consistency and efficiency.

Objective 2: Create and finalize investigative and monitoring procedures for investigating complaints at correctional facilities.
Strategies:
1) Partner with a pro-bono company to assist in designing an internal (and forward-facing) case management system. Members of the public must be able to access the demographic and high-level data regarding types of complaints we receive, when we receive them, and from which facilities the complaints are reported.
2) Develop training standards aligned with national standards for best practices while touring facilities, speaking to staff, and speaking to those in custody to ensure the utmost professionalism in addition to the development of an investigative manual to ensure consistency, efficiency, and thoroughness in all investigations.
3) Hire a Jail Monitor and a Prison Monitor to complete investigations and monitoring at their respective facilities.

Objective 3: Increase engagement and transparency related to public safety and corrections.
Strategies
1) Promote and maintain a strong digital presence by social media and the HCSOC website to ensure information is easily accessible and understandable.
2) Adjust meeting logistics, including but not limited to, location, virtual capabilities, and structure in order to increase community participation and elevate resident voice.
3) Ensure that public information is released in an easily understandable format, in addition to creating an automatic emailing list for those interested in office updates.

Rehabilitation

Facilitating a correctional system transition to a rehabilitative and therapeutic model.

Objective 1: Evaluate current Department of Public Safety policies, practices, and procedures for increased innovation and focus on rehabilitation.
Strategies:
1) Using key recommendations from the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies, evaluate which recommendations have been implemented into the

Department of Public Safety policies and practices, which are in progress, and which have not been implemented.

2) Regularly evaluate trends in complaints received, the findings of those complaints, the Department's grievance system processes to assess current policies and to submit solid policy recommendations.
3) Regularly tour correctional facilities, announced and unannounced, to monitor conditions, hear from staff, and speak to those in custody, in addition to completing specific tours relevant to data collection or systemic analysis.

Objective 2: Conduct ongoing research studies of the operation and administration of correctional system laws in other jurisdictions and locally.

Strategies:

1) Partner with local colleges and universities to create opportunities for students to be involved in academic research and policy change through an internship program.
2) Partner with local and national nonprofit organizations to assist in conducting research studies of other jurisdictions with the goal of transitioning Hawaii to a more effective and sustainable correctional system that focuses on rehabilitation instead of punishment.
3) Hire a minimum of two researchers to assist with investigative studies, policy, and legislative changes that are vital to creating a more effective correctional system.

Objective 3: Create opportunities to work in partnership with community, government, and nonprofit stakeholders to design and recommend changes that support rehabilitation and safer communities.

Strategies:

1) Reinvest in recommendations that existed prior to Act 179 from community partners that include but are not limited to the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies.
2) Engage with community organizations, County officials, and other stakeholders who are focused on reentry and rehabilitation efforts.
3) Advocate for federal and state resources to fund community efforts towards reentry and rehabilitation to create safer communities.

Population Limits

Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Objective 1: Support legislative changes that lead to more equity and safer communities while reserving incarceration for those who truly need to be detained.

Strategies:

1) Partner with local agencies to draft and/or publicly support legislation proven to safely lower inmate populations without jeopardizing public safety.
2) Use data and statistical analysis to evaluate public safety practices and publicly release information specific to inmate demographics for better understanding of the population.
3) Meet with various stakeholders and legislators regarding inequities behind cash bail, counterproductivity behind state imprisonment for lower-level crimes, and having state sentences be more proportional to crimes.
4) Partner with local agencies to find solutions in preventing the criminalization of homelessness and individuals experiencing mental health crises, many of whom are incarcerated in the jails specifically.

Objective 2: Establish maximum inmate population limits for each correctional facility.

Strategies:

1) Review the Corrections Population Management Commission's 2001 Annual Report and the Commission's Infectious Disease Emergency Capacities 2020 report to ensure inmate population limits are appropriate, particularly after Covid-19 restrictions begin to ease, by aligning with national standards.
2) Work with the Department of Public Safety to update all measurements of cells, dorms, and spaces used for housing, as many spaces have been changed or converted since 2001.

Objective 3: Formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Strategies:

1) Work in partnership with the Department of Public Safety and appropriate unions to ensure policies and procedures are written, taught, and exercised to keep the population at appropriate levels in each facility, including reviewing transfer policies.
2) Develop and sustain relationships with the Judiciary, Department of Health, Department of Human Services, Department of Labor, Family

Services, and the Taskforce on Homelessness to formulate policies that assist with lessening the inmate population.

3) Ensure the current assessment instruments, classification system, individual program planning, and corresponding reentry programming is properly being utilized to fill pre-transitional beds.

Reentry

Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and 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.

Objective 1: Familiarize the public with requirements set in 353H regarding the Offender Reentry System in addition to the Department of Public Safety Reentry Commission Strategic Plan.

Strategies:

1) Prepare and present information specific to the offender reentry process which includes mapping of the state's systems and programming efforts that are a reflection of current reentry practices of the Department of Public Safety.
2) Explain and present the current processes of each separate facility and county to ensure consistency across the state.
3) Host various Listening Sessions to receive feedback from community members, people in custody, families, Department staff, and other stakeholders. These Listening Sessions will be hosted publicly in addition to privately (within the correctional facilities) so the Commission can gather effective feedback.

Objective 2: Monitor and review the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, inter-facility transfer processes, parole preparation programs, work furloughs, and the Hawaii paroling authority's oversight of parolees.

Strategies:

1) Strategize and publicly post an oversight plan to assess and review all programming rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees.
2) Request specific data sets that encompass all reentry programs in addition to the data and analysis that shows success of each program.
3) Create a set of standards that programming should meet to lessen recidivism and ensure program efficiency and effectiveness.

Objective 3: Ensure the timely release of inmates on parole when the minimum terms have been served instead of delaying the release for lack of programs and services.

Strategies:

1) Host various Listening Sessions to receive feedback from programming staff, people in custody, facility administrators, and other stakeholders. These Listening Sessions will be hosted privately so the Commission can gather feedback within each correctional facility.
2) Use data and analysis to pull each individual's earliest release date and compare those who are considered, "Chair to Set" to find individuals waiting on programing or housing needs before being released.

The implementation of this strategic plan is the initial step to ensure greater accountability and transparency within the Department of Public Safety.

LEGISLATIVE PRIORITIES

Funding

During the FY23 Legislative Session, the Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. Beyond supporting or opposing legislation, it was the Commission's goal and intent to be added to the fiscal budget as a permanent state entity.

Notably, on March 8th 2023, the House Committee on Finance (FIN) received 49 pages of testimonies in support of the HCSOC. This came from 15 local and national agencies, and 17 concerned citizens totaling 32 testimonials. Additionally, on March 23rd, the Senate Committee on Ways and Means (WAM) received 38 pages of testimonies in support of the HCSOC. This came from 14 local and national agencies and 12 concerned citizens totaling 26 testimonials.

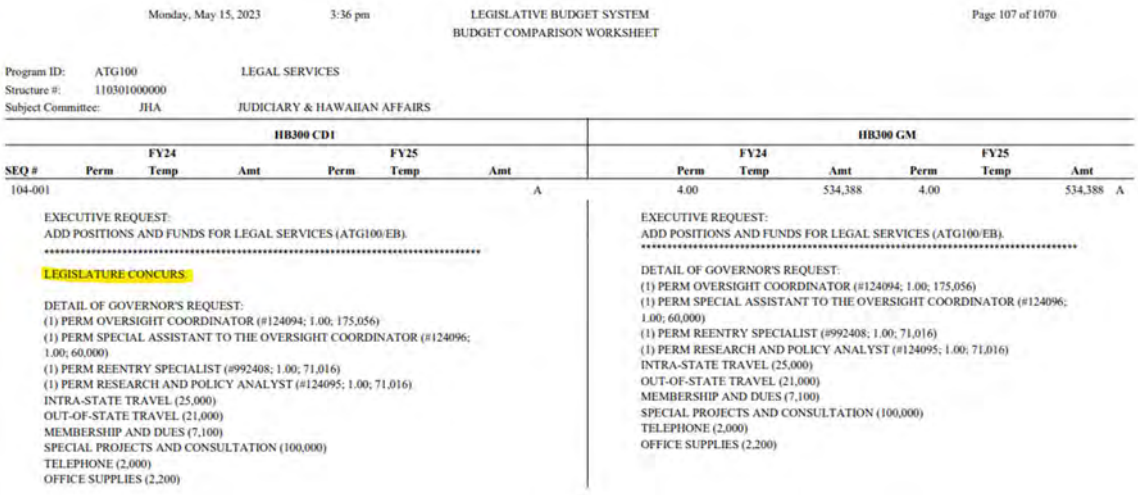
The Commission is so incredibly grateful for the ongoing support while the office continues to grow and build on this important work. Those who submitted testimony include:

Agencies:
- Criminal Justice Research Institute – Dr. Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Health & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards
- American Civil Liberties Union (ACLU) of Hawai'i – Carrie Ann Shirota
- Pu'a Foundation – Toni Bissen
- 'Ekolu Mea Nui – Jamee Miller, EdD, LSW

Individuals:
- Dan and Lee Curran, Makaha Community Members
- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wendy Gibson-Viviani Kailua Community Member

- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Robert K, Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- George Choe, Community Member
- Corinne Apana, Community Member
- Catherine Lampton, Community Member,
- Carolyn Eaton, Community Member
- Cathy Tilley, Community Member

Unfortunately, the Commission was notified that there was an error in the budget worksheets in that it should read, "**Legislature Does Not Concur**." There was no agreement in conference, and the HCSOC was not funded.



Monday, May 15, 2023 3:36 pm LEGISLATIVE BUDGET SYSTEM Page 107 of 1070
BUDGET COMPARISON WORKSHEET

Program ID: ATG100 LEGAL SERVICES
Structure #: 110301000000
Subject Committee: JHA JUDICIARY & HAWAIIAN AFFAIRS

	HB300 CD1						HB300 GM					
	FY24			FY25			FY24			FY25		
SEQ #	Perm	Temp	Amt	Perm	Temp	Amt	Perm	Temp	Amt	Perm	Temp	Amt
104-001						A	4.00		534,388	4.00		534,388 A

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).

LEGISLATURE CONCURS.

DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).

DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

However, Governor Josh Green graciously stepped in to ensure the Commission will function for at least another year. The amount confirmed by the Governor's Office for the Commission for FY24 was $413,388. This included staff salaries, intra-state travel, membership and dues, telephones, and office supplies. The Commission is incredibly grateful for Governor Green for funding the important work of the Commission.

During FY24 legislative session, it is the Commission's top priority to be funded by the legislature.

House Concurrent Resolution 23 Task Force

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.

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.

The Council of State Governments (CSG) agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The CSG's Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1) Provide context about parole systems across the United States.
2) Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3) Review existing corrections, court, and other criminal justice policies and procedures.
4) Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5) Present findings from the analyses to the task force and begin developing policy options.
6) Produce a report summarizing the analyses and policy options and present the report as requested.

The Commission hosted a community outreach event on September 11, 2023, to create an opportunity for the community to share their thoughts with the Chair before the first task force meeting. Community members can submit testimony specific to the task force by emailing a copy to hcsoc@hawaii.gov. Additionally, community members can direct testimony to Mark Patterson, Chair, during the monthly Commission meetings.

The first task force meeting took place on September 12, 2023. Recordings from both the community meeting and task force meeting are available on the HCR23 website, and the Commission's YouTube Channel. More information regarding this task force can be found here: https://hcsoc.hawaii.gov/hcr23-task-force/.



HCR23 Task Force Meeting, courtesy of Prosecutor Kelden Waltjen

PROPOSED LEGISLATION

Revisions to Chapter 353L: Hawaii Correctional System Oversight Commission

Chapter 353L is the mandate that created and empowers the Hawaii Correctional Oversight Commission. The Commission has found three areas of the law that should be amended to further support the Commission's mission and duties. This potential legislation includes edits to the Oversight Coordinator's term limit (changing from two years to six years) and adds two additions specific to confidentiality within the Commission.

The Commission found that the Oversight Coordinator should have a longer term as two years is an extremely limited timeframe to supervise and administer the operation of the commission in accordance with 353L. Additionally, two-year terms coincide with the Governor's four-year terms. In order to remain independent, it is vital that the Coordinator's terms are staggered from the Governor's terms. Additionally, a six-year term would allow the Coordinator to have the same term length as the Hawaii's Ombudsman.

[§353L-2] Oversight coordinator; appointment; term.

"(a) The governor shall appoint an oversight coordinator from a list of three nominees submitted by the commission. The oversight coordinator shall be a person qualified by training and experience to administer the Hawaii correctional system oversight commission and shall be well-versed in criminal justice reform and maintain a firm commitment to the correctional system's transition to a rehabilitative and therapeutic model. The oversight coordinator shall serve a [~~two-year~~] six-year term."

The next edit is specific to confidentiality. The Commission found it important to specify that Commissioners must maintain confidentiality in respect to all matters and the identities of the complainants or witnesses pursuant to an investigation by the Oversight Coordinator. This will protect any complainants or witnesses from potential retaliation and hopefully encourage individuals to speak with the Commission or Oversight Coordinator openly.

§353L-3 Hawaii correctional system oversight commission; powers and duties.

"(b) The commission shall:

(1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;

(2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures

to prevent the inmate population from exceeding the capacity of each correctional facility;

(3) Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and

(4) 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.

(5) Maintain confidentiality in respect to all matters and the identities of the complainants or witnesses pursuant to an investigation by the oversight coordinator."

The last edit ensures that the Oversight Coordinator can enter facilities, unannounced, as the Coordinator sees fit. The Department of Public Safety has interpreted the current language to mean that the Coordinator can complete an unannounced tour only if it's during an investigation. However, nationally recognized best oversight practices must encompass unfettered access to facilities at all times.

[§353L-7] Studies and investigations; procedures.

"(c) [~~In an investigation, the~~] The oversight coordinator may make inquiries and obtain information as the oversight coordinator thinks fit, enter without notice to inspect the premises of an agency or correctional facility, and in an investigation hold private hearings in accordance with chapter.

PROJECT UPDATES

Case Management System

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the Coordinator has been working diligently with Thoughtworks to custom design a case management system to intake, organize, and respond to complaints received by the Commission. Thoughtworks is a leading technology consultancy of more than 11,500 staff across 51 offices in 18 countries. Their cross-functional teams of strategists, developers, data engineers and designers bring over two decades of global experience to every partnership.

The case management system will not only allow staff to organize complaints received, but it also autogenerates demographic information from those in custody. It will support the Coordinator in prioritizing projects based on specific complaint types at each facility. Additionally, the system enables staff to identify the complaint types and send a response letter with information related to the specific complaint type. The system is being finalized and will launch in early 2024. The Commission is so grateful for all of the time and work the Thoughtworks team has put into this project.

Staff-Focused Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC will be 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 that will be 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 Vermont, Delaware, Iowa, Missouri, and Colorado 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 Commission is fortunate to have support for this project from the Department of Public Safety, the United Public Workers (UPW) Hawaii, and the Hawaii Government Workers Association (HGEA). Although this will be an independent project to distribute and gain perspectives from staff, the HCSOC looks forward to working closely with the Department of Public Safety and UPW on solutions.

SUMMARY

The Commission is dedicated to educating the public, elected officials and state administrators about the correctional system reforms designed to reduce recidivism and strengthen public safety. Additionally, the Commission is dedicated to helping the Department of Public Safety shift to a rehabilitative and therapeutic model as noted by the 50+ recommendations submitted to the Department for consideration. The Commission thanks all of those for their support, especially during this next legislative session as the Commission is hopeful to be added to the state budget as a permanent entity.

APPENDIX

2023-2024 Strategic Plan ---- 1

2024-2025 Reentry and Diversion Strategic Plan ---- 19

2023 Monthly Oversight Coordinator Reports ---- 32

- January
- February
- March
- April
- May
- June
- July
- August
- September
- October
- November
- December

2023 Facility Reports ---- 145

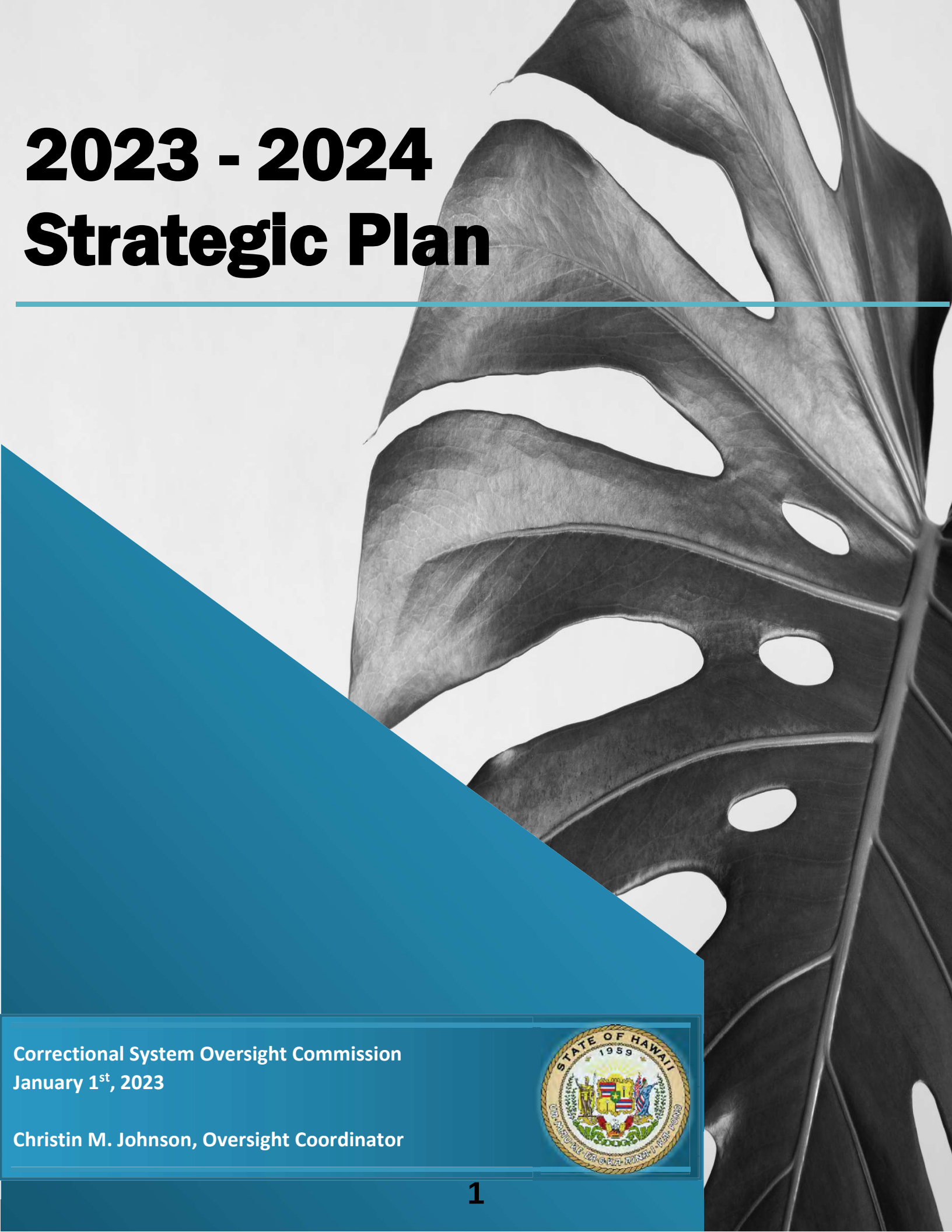
- Oahu Community Correctional Center
- Kauai Community Correctional Center
- Hawaii Community Correctional Center
  - Follow-Up Report
- Maui Community Correctional Center
- Women's Community Correctional Center
- Halawa Correctional Facility
- Kulani Correctional Facility
- Las Colinas Women's Detention and Reentry Facilty

2023 Year in Review Report ---- **205**

2023 Letters from the Commission ---- **226**

- Letter re: Electronic Medical Record
    - PSD Response
- Letter re: PSD partnership with the University of Hawai‘i Community Design Center
- Memo re: Periodic Reviews of Detainees in Community Correctional Centers
- Letter re: Getting it Right: Recommendations and Action Plan for a Better Jail
- Letter re: Notice to Appear
- Letter re: Proposed Action Item for the Department of Public Safety Inspections and Investigations Office
- Letter re: Support for the Waiawa Correctional Facility Plan Review Use and Special Use Permits

2023 - 2024 Strategic Plan



Correctional System Oversight Commission
January 1st, 2023

Christin M. Johnson, Oversight Coordinator

Contents

3 Letter from the Chair
4 Letter from the Oversight Coordinator
5 Introduction
5 Background
6 What is Oversight?
9 Vision. Mission. Values.
10 Using the Plan
10 Strategic Priorities
11 Oversight
12 Rehabilitation
13 Population Limits
15 Reentry
16 Implementation
17 Organizational Chart
18 Community Partnerships

Letter from the Chair

Aloha Mai Kakou,

This January 2023 Legislative session marks three years since the Hawaii Correctional System Oversight Commission became a functioning body. In January 2020, new Commissioners met for the very first time: Theodore Sakai (Governor), Martha Torney (House of Representatives), Judge Michael A. Town Ret. (Senate), Judge Ronal Ibarra Ret. (Judiciary) and myself (Office of Hawaiian Affairs). Before we could review and begin our mandate from Act 179, COVID-19 hit and we were thrust into the unknown of correctional oversight during a worldwide pandemic. The Commission managed the next two years through thick and thin as we attempted to provide oversight on correctional emergency population control during the pandemic. The community that created us was the same community that sustained us during the pandemic as we had no staff.

The year 2022 will definitely mark the year we began to realize our full potential as a commission. Testimony provided by the Commission was given in support of Women's Prison Program Reform, delaying the building of the proposed new jail while supporting pre-trail reform and other bills supporting family re-unification. Most significantly in 2022 was the hiring of our first Oversight Coordinator, Christin Johnson. Ms. Johnson comes to Hawaii with a wealth of knowledge and passion for correctional oversight. The Commission finally has eyes and ears to physically go into each of the correctional facilities and provide an assessment of the current status of the correctional environment.

In 2023, the HCSOC will strive to earnestly begin our work in transforming from a punitive model to a more effective therapeutic model with the Department of Public Safety. We will set the parameter of this vision so we can begin taking the first steps to creating movement that will evolve into a longer strategic plan. This journey will take time as there are multiple state systems involved to create cohesiveness in the holistic treatment of our most marginalized populations. The first step is to realize that change is needed and then believe that change can happen.

Mai nana 'inoino na hewa o kanaka aka E huikala a ma'ema'e no
Behold not with Malevolence the sins of man but forgive and cleanse
Queen Lydia Kamaka'eha Lili'uokalani

Sincerely,

Mark Patterson

Letter from the Oversight Coordinator

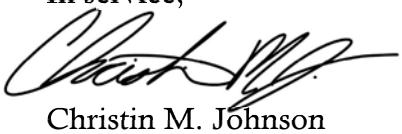
Aloha kākou!

Let me begin by expressing what an honor and privilege it is to serve as the first Oversight Coordinator for the State of Hawaii. I understand that oversight is new to the state, and I am thrilled to be a part of this historic moment of opening and setting the foundation for the new oversight office. Throughout my career, I have seen the injustices that occur within our corrections system, and those experiences have further fueled my passion for effective oversight. I promise you that I will always be honest, transparent, and responsive in this role. Not only to those in custody, but to families, friends, officers, stakeholders, and staff.

We are so lucky to have such a committed and experienced Commission who has shaped the vision for this office. This strategic plan is aligned with topic areas that the Commission cares deeply about in addition to the priorities set in our mandate (Hawaii Revised Statute 353L). This plan incorporates priorities, objectives, and strategies and I hope it gives a clear roadmap to what we expect to accomplish in the next twelve months.

This is an important opportunity to ensure transparency, accountability, support safe conditions for staff and those in custody in the jails and prisons, and implement positive reform and rehabilitative efforts. Since starting in July, I have had the opportunity to become familiar with all eight correctional facilities on-island in addition to visiting the private facility in Arizona, meet with staff and people in custody, and connect with community partners. I deeply appreciate those who have welcomed me with open arms, and I am looking forward to working together to find solutions to systemic problems we will be facing in 2023 and beyond.

In service,



Christin M. Johnson

INTRODUCTION

The Hawaii Correctional System Oversight Commission (HCSOC, or the Commission) was created by Act 179, Session Laws of Hawaii 2019, "to ensure transparency, support safe conditions for employees, inmates, and detainees, and provide positive reform towards a rehabilitative and therapeutic correctional system." This Commission's first Oversight Coordinator was hired in July of 2022 and this strategic plan sets the priorities for the oversight office for the next twelve months. The plan and priorities are not meant to replace or overshadow the important work that government and community stakeholders have already focused on and put substantial work into. Instead, this plan is meant to build on and encompass that work, including the recommendations from the 2019 House Concurrent Resolution 85 Task Force on Prison Reform report.

This strategic plan is one of the first priorities set by the Oversight Coordinator to explain what oversight is, why it is beneficial, and to highlight future plans for the oversight office.

BACKGROUND

In 2016, a House Concurrent Resolution was passed requesting the establishment of a task force to study effective incarceration policies to improve Hawaii's correctional system. The task force was successfully created and published a report in December of 2018. The HRC 85 Taskforce report, *Creating Better Outcomes, Safer Communities*, found that, "Hawaii's correctional system is not producing acceptable, cost-effective, or sustainable outcomes and needs immediate and profound change." The primary recommendation from the task force was for Hawaii to immediately begin to transition from a punitive to a rehabilitative correctional system. Among many additional recommendations, the task force also recommended that an oversight commission be created to immediately address prison suicides, sexual assaults, and other unacceptable and unlawful conditions in our prison system.

In 2019, through the passage of House Bill 1552, Act 179, the legislature found that independent oversight of the State's correctional system will ensure transparency, supports safe conditions for employees, inmates, and detainees, and provides positive reform towards a rehabilitative and therapeutic correctional system. Act 179 successfully 1) established the Hawaii Correctional System Oversight Commission, 2) created a position for an Oversight Coordinator for the Commission, 3) extended the sunset date of the Reentry Commission to 1/1/2020, 4) Repealed the Reentry Commission and Corrections Population Management

Commission on 1/1/2020, and 5) transferred all rights, powers, functions, and duties of those commissions to the Hawaii Correctional System Oversight Commission.

Today, the Hawaii Correctional System Oversight Commission's mandate is Chapter 353L of the Hawaii Revised Statute. The Commission consists of five members who must be residents of Hawaii and appointed as follows:

1) One member shall be appointed by the Governor (*Commissioner Ted Sakai*);
2) One member shall be appointed by the President of the Senate (*Commissioner Honorable Mike Town*);
3) One member shall be appointed by the Speaker of the House of Representatives (*Commissioner Martha Torney*);
4) One member shall be appointed by the Chief Justice (*Commissioner Honorable Ron Ibarra*); and
5) One member shall be appointed by the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs (*Commissioner and Chair Mark Patterson*).

The Commissioners possess knowledge in criminal justice, correctional systems, Native Hawaiian culture-based practices with an emphasis on healing and reducing recidivism, best practices for effective correctional systems, and crime victim specialization. The Commission began meeting publicly on a monthly basis in January of 2020. However, fiscal biennium 2019-2021 funds that were appropriated to the Commission were not released from the Department of Budget and Finance due to Covid-19, putting a hold on hiring staff. The funds were released in 2022, and the Commission's first Oversight Coordinator started in July of 2022.

WHAT IS OVERSIGHT?

Oversight can be described as an independent body that reviews, investigates, audits, and makes policy recommendations to a separate agency (or agencies) it oversees. Effective oversight agencies are run and staffed by civilians, meaning they are individuals who are not law enforcement officers or correction officers. There are various types of oversight and best practices for successful oversight as described by the National Association for Civilian Oversight of Law Enforcement (NACOLE). NACOLE is a non-profit organization that works to create a community of support for independent, civilian oversight entities that seek to make their local law enforcement agencies, jails, and prisons more transparent, accountable, and responsive to the communities they serve.

According to NACOLE, there are thirteen general principles that are considered key components of successful civilian oversight:

- **Independence**
- **Clearly Defined and Adequate Jurisdiction and Authority**
- **Unfettered Access to Records and Facilities**
- **Access to Corrections Executives and Internal Affairs Staff**
- **Full Cooperation of all Officers and Department Staff**
- **Sustained Stakeholder Support**
- **Adequate Funding and Operational Resources**
- **Public Reporting and Transparency**
- **Analysis of Policy and Patterns in Practice**
- **Community Outreach**
- **Community Involvement**
- **Confidentiality, Anonymity, and Protection from Retaliation**
- **Procedural Justice and Legitimacy**

Additionally, NACOLE has identified four models of oversight. The most common models of oversight are 1) Review-Focused, 2) Monitor/Auditor-Focused, 3) Investigation-Focused and 4) Hybrid models.

Review	Monitor/Auditor	Investigation	Hybrid
•Receives complaints and forwards them to the law enforcement agency for investigation. They can then review the findings and either remand the case back for further investigation, or recommend case disposition.	•Focuses on a wider range of policies, practices and procedures by ensuring complaint investigations comply with established policies and procedures. Can involved themselves in ongoing investigations by observing interviews, asking questions, and overseeing the overall direction of the department's investigation.	•Employs professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the department's internal affair unit. Investigators will conduct interviews, gather evidence, prepare investigative reports, and Make recommendations or findings as to whether the evidence supports the allegations in the complaint.	•Contains elements from one of more of the three models.

The Review model receives complaints and forwards them to the law enforcement agency for investigation. They can then review the findings and either remand the case back for further investigation or recommend case disposition. The Auditor/Monitor model focuses on a wider range of policies, practices and procedures by ensuring complaint investigations comply with established policies and procedures. Auditor/Monitors can be involved in ongoing investigations by observing interviews, asking questions, and overseeing the overall direction of the Department's investigation.

The Investigation model employs professionally trained investigative staff to conduct investigations of allegations of misconduct independently of the department's internal affair unit. Investigators will conduct interviews, gather evidence, prepare investigative reports, and make recommendations or findings as to whether the evidence supports the allegations in the complaint. The Hybrid model contains elements from one of more of the three models previously listed. The Hybrid model is becoming increasingly more utilized by oversight agencies and is the model the HCSOC will be adopting into practice.

The Hawaii Correctional System Oversight Commission is proud to be a member of NACOLE and use their guiding practices in addition to the guidance from national oversight leaders in the creation of this oversight office. As highlighted by Michele Deitch, a senior lecturer at the University of Texas and Director of the Jail and Prison Innovation Lab, there are various benefits to civilian oversight including, but not limited to:

- **Benefits to Incarcerated People**
  Regular monitoring also allows for the early detection of problems, which may save people in custody from experiencing mistreatment in the first place, and improves their quality of care, programming options, and interactions with facility staff.

- **Benefits to Correctional Administrators**
  Oversight enables administrators to begin a public dialogue about what their institutions can reasonably accomplish and what they need in terms of training, funding, and technical assistance for those purposes.

- **Benefits to Judges, Prosecutors, Defense Lawyers, and Policymakers**
  Monitoring and inspections could potentially allow a judge to know if it is safe to sentence someone to a term of incarceration. Accurate information and data about programming outcomes, living conditions, and rehabilitative efforts could also allow other justice leaders, including prosecutors and defense attorneys, to make better arguments and decisions about each defendant's future.

- **Benefits to the Media and the General Public**
  Transparency is one of the pillars of a democratic society, and external oversight creates the opportunity to honor this value and engage the public in an important dialogue about correctional practices

It is important to note that there is a fine line between oversight and operations. Oversight is not meant to complete the Department of Public Safety's job for them. Instead, oversight is to ensure that the Department has the resources and tools it needs to be successful, in addition to ensuring those tools are utilized effectively and appropriately. A good example of this would be the grievance system. The grievance system is in place in all facilities to ensure people in custody have a means for addressing problems they have within the facility. Instead of HCSOC addressing the complaint at hand, we will be ensuring the grievance system is working effectively so the Department can resolve initial complaints before approaching the Commission. This is another way in which HCSOC is focused on systemic change throughout the Department.

VISION. MISSION. VALUES.

An organization's vision is an aspirational statement which expresses the plan or "vision" for the future and intended impact on the world. Our vision is:

HCSOC will be the leader in corrections oversight and will set the standard for best practices nationwide.

An organization's mission is an action-based statement that declares the purpose of an organization and how they serve their community. Our mission is:

Through targeted change, accountability, transparency, and engagement, HCSOC will produce progressive and sustainable outcomes to better public safety in the state of Hawaii and facilitate a correctional system transition to a rehabilitative and therapeutic model.

An organization's values are the set of guiding principles and fundamental beliefs that help a group of people function together as a team and work toward a common business goal. Our values are:

- **'Alohilohi**
- **Kuleana**
- **Pono**
- **Aloha**
- **Ha'aha'a**



'Alohilohi
(*Transparency*)

Being upfront and honest about our work.



Kuleana
(*Accountability*)

Always following through and following up to accomplish what we said we would do.



Pono
(*Integrity*)

Being honest and having strong moral principles.



Aloha
(*Compassion*)

Being genuinely concerned about other people and people's needs.



Ha'aha'a
(*Humility*)

Intentionally looking for ways to lift others to higher levels of confidence and experiences.

USING THE PLAN

The Office of the Hawaii Correctional System Oversight Commission will use this strategic plan to guide our operations, time, and financial investments. This plan is intended to be a living breathing document. We will be learning throughout the implementation of this plan and recognize and acknowledge that updates will need to be made. As we continue to work more collaboratively internally and externally, we will uncover more opportunities to reimagine public safety, and increase transparency and accountability.

We commit to being transparent about our learnings and forthcoming updates.

STRATEGIC PRIORITIES

Per the 353L mandate, the Commission has four core functions:

1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;

2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;

3) Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and

4) 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.

These four functions will guide all strategic priorities (oversight, rehabilitation, population limits, and reentry) to ensure best practices for an effective correctional system.

OVERSIGHT

Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities.

Objective 1: Fully equip the Office of the Hawaii Correctional System Oversight Commission to serve the state of Hawaii.

Strategies:

1. Determine and seek appropriate funding for staff hires, travel for on-site facility monitoring, staff development, and basic office needs.
2. Develop standard training for staff that encompasses the history, organization, and changes within the Department of Public Safety in addition to the history, culture, and concerns of the communities served by the Department of Public Safety.
3. Develop and adopt rules, office policies, and standard operating procedures to ensure consistency and efficiency.

Objective 2: Create and finalize investigative and monitoring procedures for investigating complaints at correctional facilities.

Strategies:

1. Partner with a pro-bono company to assist in designing an internal (and forward-facing) case management system. Members of the public must be able to access the demographic and high-level data regarding types of complaints we receive, when we receive them, and from which facilities the complaints are reported.

2. Develop training standards aligned with national standards for best practices while touring facilities, speaking to staff, and speaking to those in custody to ensure the utmost professionalism in addition to the development of an investigative manual to ensure consistency, efficiency, and thoroughness in all investigations.
3. Hire a Jail Monitor and a Prison Monitor to complete investigations and monitoring at their respective facilities.

Objective 3: Increase engagement and transparency related to public safety and corrections.

Strategies

1. Promote and maintain a strong digital presence by social media and the HCSOC website to ensure information is easily accessible and understandable.
2. Adjust meeting logistics, including but not limited to, location, virtual capabilities, and structure in order to increase community participation and elevate resident voice.
3. Ensure that public information is released in an easily understandable format, in addition to creating an automatic emailing list for those interested in office updates.

REHABILITATION

Facilitating a correctional system transition to a rehabilitative and therapeutic model.

Objective 1: Evaluate current Department of Public Safety policies, practices, and procedures for increased innovation and focus on rehabilitation.

Strategies:

1. Using key recommendations from the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies, evaluate which recommendations have been implemented into the Department of Public Safety policies and practices, which are in progress, and which have not been implemented.
2. Regularly evaluate trends in complaints received, the findings of those complaints, the Department's grievance system processes to assess current policies and to submit solid policy recommendations.
3. Regularly tour correctional facilities, announced and unannounced, to monitor conditions, hear from staff, and speak to

those in custody, in addition to completing specific tours relevant to data collection or systemic analysis.

Objective 2: Conduct ongoing research studies of the operation and administration of correctional system laws in other jurisdictions and locally.

Strategies:

1. Partner with local colleges and universities to create opportunities for students to be involved in academic research and policy change through an internship program.
2. Partner with local and national nonprofit organizations to assist in conducting research studies of other jurisdictions with the goal of transitioning Hawaii to a more effective and sustainable correctional system that focuses on rehabilitation instead of punishment.
3. Hire a minimum of two researchers to assist with investigative studies, policy, and legislative changes that are vital to creating a more effective correctional system.

Objective 3: Create opportunities to work in partnership with community, government, and nonprofit stakeholders to design and recommend changes that support rehabilitation and safer communities.

Strategies:

1. Reinvest in recommendations that existed prior to Act 179 from community partners that include but are not limited to the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies.
2. Engage with community organizations, County officials, and other stakeholders who are focused on reentry and rehabilitation efforts.
3. Advocate for federal and state resources to fund community efforts towards reentry and rehabilitation to create safer communities.

Population Limits

Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Objective 1: Support legislative changes that lead to more equity and safer communities while reserving incarceration for those who truly need to be detained.

Strategies:

1. Partner with local agencies to draft and/or publicly support legislation proven to safely lower inmate populations without jeopardizing public safety.
2. Use data and statistical analysis to evaluate public safety practices and publicly release information specific to inmate demographics for better understanding of the population.
3. Meet with various stakeholders and legislators regarding inequities behind cash bail, counterproductivity behind state imprisonment for lower-level crimes, and having state sentences be more proportional to crimes.
4. Partner with local agencies to find solutions in preventing the criminalization of homelessness and individuals experiencing mental health crises, many of whom are incarcerated in the jails specifically.

Objective 2: Establish maximum inmate population limits for each correctional facility.

Strategies:

1. Review the Corrections Population Management Commission's 2001 Annual Report and the Commission's Infectious Disease Emergency Capacities 2020 report to ensure inmate population limits are appropriate, particularly after Covid-19 restrictions begin to ease, by aligning with national standards.
2. Work with the Department of Public Safety to update all measurements of cells, dorms, and spaces used for housing, as many spaces have been changed or converted since 2001.

Objective 3: Formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Strategies:

1. Work in partnership with the Department of Public Safety and appropriate unions to ensure policies and procedures are written, taught, and exercised to keep the population at appropriate levels in each facility, including reviewing transfer policies.
2. Develop and sustain relationships with the Judiciary, Department of Health, Department of Human Services, Department of Labor, Family Services, and the Taskforce on Homelessness to formulate policies that assist with lessening the inmate population.

3. Ensure the current assessment instruments, classification system, individual program planning, and corresponding reentry programming is properly being utilized to fill pre-transitional beds.

REENTRY

Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and 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.

Objective 1: Familiarize the public with requirements set in 353H regarding the Offender Reentry System in addition to the Department of Public Safety Reentry Commission Strategic Plan.

Strategies:

1. Prepare and present information specific to the offender reentry process which includes mapping of the state's systems and programming efforts that are a reflection of current reentry practices of the Department of Public Safety.
2. Explain and present the current processes of each separate facility and county to ensure consistency across the state.
3. Host various Listening Sessions to receive feedback from community members, people in custody, families, Department staff, and other stakeholders. These Listening Sessions will be hosted publicly in addition to privately (within the correctional facilities) so the Commission can gather effective feedback.

Objective 2: Monitor and review the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, inter-facility transfer processes, parole preparation programs, work furloughs, and the Hawaii paroling authority's oversight of parolees.

Strategies:

1. Strategize and publicly post an oversight plan to assess and review all programming rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees.

2. Request specific data sets that encompass all reentry programs in addition to the data and analysis that shows success of each program.
3. Create a set of standards that programming should meet to lessen recidivism and ensure program efficiency and effectiveness.

Objective 3: Ensure the timely release of inmates on parole when the minimum terms have been served instead of delaying the release for lack of programs and services.

Strategies:

1. Host various Listening Sessions to receive feedback from programming staff, people in custody, facility administrators, and other stakeholders. These Listening Sessions will be hosted privately so the Commission can gather feedback within each correctional facility.
2. Use data and analysis to pull each individual's earliest release date and compare those who are considered, "Chair to Set" to find individuals waiting on programing or housing needs before being released.

IMPLEMENTATION

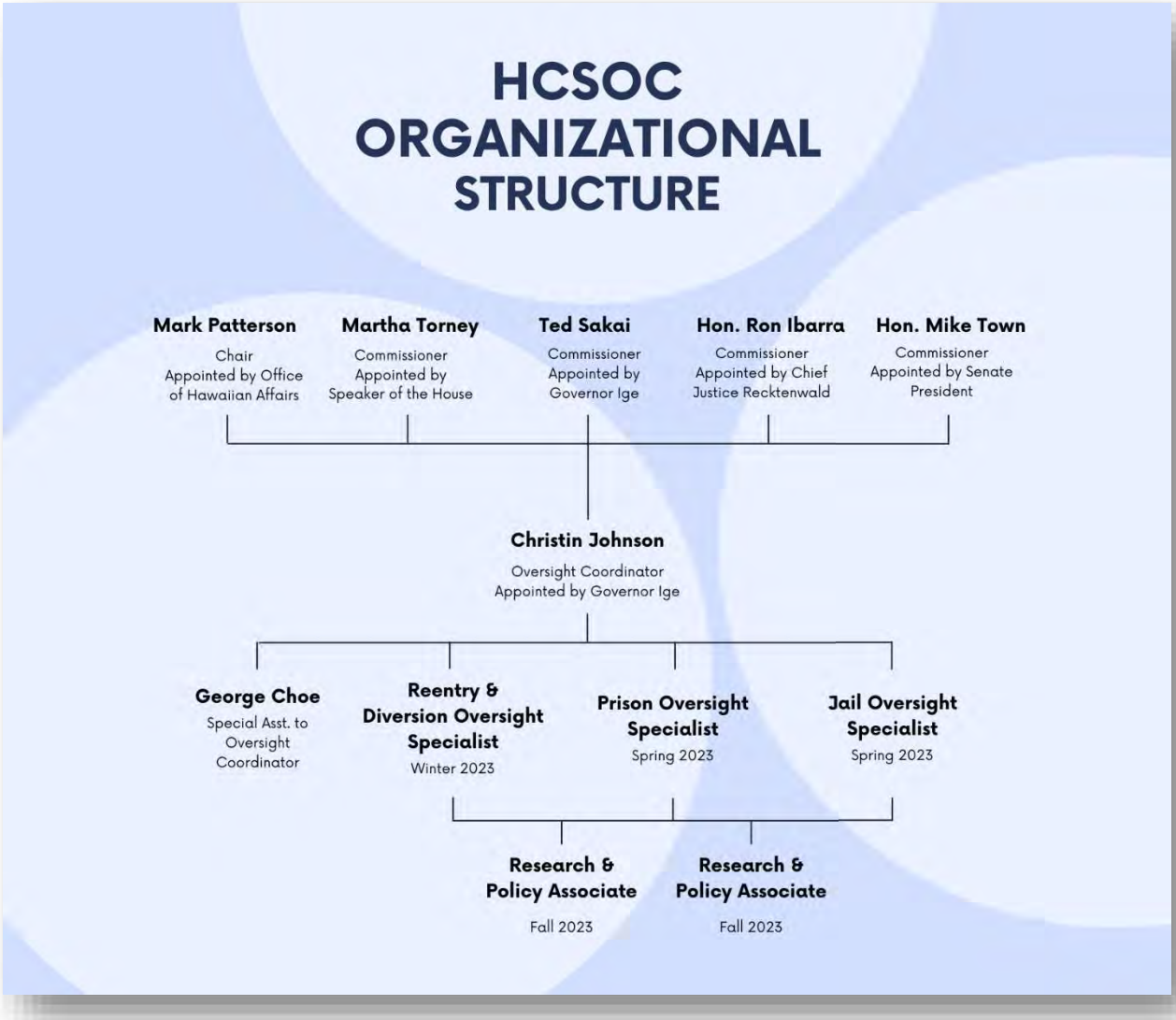
The implementation of this strategic plan is the initial step to ensure greater accountability and transparency within the Department of Public Safety. This plan will be reviewed on a quarterly basis, at minimum, to ensure the strategic priorities align with Hawaii's needs. Additionally, this plan will be used as a steppingstone towards a larger, five-year strategic plan that will encompass major problems to be addressed and strategies on how to address the problems. The five-year plan will include feedback and collaboration from county and state officials in addition to community, family, staff, and people in custody.

The next steps to implementing this plan include:

- Recruiting talented and passionate staff to execute the mission of HCSOC (*Current*)
- Designing and implementing procedures to operationalize strategies detailed in this plan (*Spring, 2023*)
- Updating the HCSOC website to ensure access to data and complaint tools are accessible (*Summer, 2023*)
- Reporting on the progress of this plan on a quarterly basis (*Spring, 2023*)

- Work in partnership with the community, families, people in custody, staff, Department of Public Safety, and other stakeholders to ensure open-mindedness and collaboration from those affected the most. (*Continuous*)

ORGANIZATIONAL CHART



COMMUNITY PARTNERSHIPS

It is no secret that without community partners, the Hawaii Correctional System Oversight Commission never would have come to fruition. The Commission and Oversight Coordinator would like to thank all community partners who have dedicated so much time, patience, and energy to ensuring accountability exists within the Department of Public Safety. We look forward to continuing to partner with you and thank you for your ongoing support. We do not take it for granted.

Mahalo!

2024 - 2025 Reentry & Diversion Strategic Plan



Hawaii Correctional System Oversight Commission
Reentry and Diversion Strategic Plan

November 16, 2023

Cara Compani, Reentry & Diversion Oversight Specialist

Contents

INTRODUCTION 2
MANDATE 2
GUIDEPOSTS 4
USING THE PLAN 5
STRATEGIC PRIORITIES 5
REHABILITATION 5
POPULATION LIMITS 7
REENTRY 8
OVERSIGHT 10
MAHALO 12

INTRODUCTION

The Hawaii Correctional System Oversight Commission (HCSOC, or the Commission) was created by Act 179, Session Laws of Hawaii 2019, and codified in Hawaii Revised Statute 353L to *ensure transparency, support safe conditions for employees, inmates, and detainees, and provide positive reform towards a rehabilitative and therapeutic correctional system.*

The Commission's first agency-wide Strategic Plan was released on January 1, 2023, and set the four priority areas for the office: oversight, rehabilitation, population limits, and reentry. This Reentry and Diversion Strategic Plan is integrated into the larger HCSOC agency-wide Strategic Plan and broken down into specific priority areas, with reentry and diversion at the forefront. This plan is a living document and will likely change as the Commission learns more and moves forward with its work. The goal of this document is to demonstrate how the HCSOC will approach the reentry and diversion work, outline the components used for its creation, and highlight the plan's intention and focus.

MANDATE

The Commission's mandate is broad and encompasses several different oversight functions. This section delineates each of the Commission's mandated roles—italicized below—and how each relates to reentry and diversion.

Per the HRS §353L, the Commission has four core functions:

> 1) *Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model. HRS § 353L-3(b)(1) (2019)*

This section of the mandate can be broken down into three parts:

- *Oversee the State's correctional system.*
  - This work involves routine inspections, data collection and synthesis, and public reporting on correctional institutions and the Department of Public Safety (PSD).
- *Investigating complaints at correctional facilities.*
  - Although the Commission doesn't yet have the resources necessary to investigate individual complaints, the Commission accepts complaints to inform system-wide monitoring processes to identify and address systemic issues within Hawaii's correctional system.
- *Facilitating a correctional system transition to a rehabilitative and therapeutic model.*

- Given the preamble to Act 179 of 2019, focusing on rehabilitative and therapeutic practices is the core of the Commission's mission and efforts.

2) *Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility. HRS § 353L-3(b)(2) (2019)*

This section of the mandate can be broken down into two parts:

- *Establish maximum inmate population limits for each correctional facility.*
  - This work falls within the Commission's agency-wide agency strategic plan and sets limits based on the American Correctional Association (ACA) and established federal standards to promote safety and health.
- *Formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.*
  - This serves as the basis for the Commission's diversion and reentry work.

3) *Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services. HRS § 353L-3(b)(3) (2019)*

This section of the mandate can be broken down into two parts:

- *Work with the department of public safety 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.*
  - The Commission's focus on monitoring and reviewing the Comprehensive Offender Reentry Program will be specific to the defined requirements outlined in HRS 353H, the transition to a rehabilitative and therapeutic model, and the specific needs of the population the program, service, or agency serves.
- *The Commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services.*

4) *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 minimum terms have been served instead of delaying the release for lack of programs and services. HRS § 353L-3(b)(4) (2019)*

The Commission will assess whether the established performance indicators and requirements from the 353H are being fulfilled and the extent to which the programs and services offered result in timely release at minimums.

GUIDEPOSTS

GUIDING PRINCIPLES AND STANDARDS

Overseeing the state's correctional system is done through the lens of facilitating a transition to a rehabilitative and therapeutic model. Below are the standards and principles the Commission will use to guide their inquiry into Reentry and Diversion:

Applicable Legislation:

- ❑ HRS §353 Corrections
- ❑ HRS §353L Hawaii Correctional System Oversight Commission
- ❑ Reentry and diversion specific legislative measures, including Senate and House Concurrent Resolutions related to reentry and diversion

National and Generally Accepted Standards for Corrections:

- ❑ American Correctional Association Standards
- ❑ Federal Standards for Prisons and Jails
- ❑ Generally accepted national practices for conditions of confinement

Organizational Policies and Statements:

- ❑ Hawaii Department of Public Safety Policies and Procedures
- ❑ Hawaii Paroling Authority, Parole Handbook
- ❑ Mission and Values Statements for the new Department of Corrections and Rehabilitation (forthcoming 2024), the Hawaii Judiciary, Prosecuting Attorney, Public Defenders, Hawaii Paroling Authority, and other relevant parties

Facilitating a Correctional System Transition to a Rehabilitative and Therapeutic Model:

- ❑ Creating Better Outcomes, Safer Communities, House Concurrent Resolution 85 Task Force Report
- ❑ Recommendations from the Native Hawaiian Cultural and Healing Practices and the Native Hawaiian Justice Task Force Report
- ❑ Getting it Right: Recommendations and Action Plan for a Better Jail
- ❑ Best Practices in Hawaii, including medical and mental health care treatment and services, substance use treatment, trauma-informed care and treatment, housing and employment stability, education, peer support, and additional practices that will best support and meet the needs of people in custody
- ❑ Best reentry and diversion practices and laws in other states or countries

Using the Plan

The Commission is mandated *to facilitate a corrections system transition to a rehabilitative and therapeutic model.* For this core function of and priority area for the Commission, this strategic plan operates with the assumption that, in its most basic form, there are three components to actualize system-wide change:

1. Understanding the current status of the system—where we are now.
2. Having a vision for the future of the system—where we want to go.
3. Implementing incremental steps that move toward the vision and away from the current status—one step at a time.

These steps are built into this strategic plan and the corresponding work of the Commission.

Strategic Priorities

Taking into account the HCSOC agency-wide strategic plan, the Commission's mandate, and applicable standards and guideposts outlined in this document, the following objectives and priorities were developed to guide the Commission's reentry and diversion work. Additionally, this section provides a general framework and understanding of the Commission's approach to each of the priority areas as they relate to diversion and reentry.

The Commission's mandate, along with the role of oversight, establishes the HCSOC's ability to offer recommendations. These recommendation areas are noted throughout the plan and will be provided to different stakeholders based on the specific scope of the recommendations, e.g., PSD, HPA, the Legislature, Judiciary, etc.

Please note some of the objectives and strategies in this section will relate to more than one priority area. For brevity, each objective was included only once under the most relevant priority area.

Rehabilitation

Facilitating a correctional system transition to a rehabilitative and therapeutic model.
As Hawaii transitions to having a rehabilitative and therapeutic corrections model, the role of corrections and the perception of people involved in the justice system must also shift. To support this shift, the Commission will take a different approach to this work. One of the core features of this new approach is identifying what a person needs to be healthy, safe, stable, and successful and then providing the specific services, treatments, and programs that correspond to those identified needs.

The first step in this process is identifying the baseline—where we are now. To do so, the HCSOC will assess the needs, characteristics, and profile of people in custody and their current movement throughout the system through correctional system mapping.

The Commission will base future recommendations on this HCSOC System-Wide Assessment and data paired with personal accounts. This Assessment will serve as the basis for the Commission's reentry and diversion work, with the ultimate goal of supporting successful rehabilitation and reentry.

Objective 1: Identify the system-wide and individual needs of people in custody—a profile of the population—and assess whether PSD offering align with the populations needs.

Strategies:

1. Collect and synthesize data from stakeholders and partners through data requests, talk stories, surveys, and meetings to develop a baseline needs assessment for people in custody. This HCSOC System-Wide Assessment will identify and report on common characteristics of people in custody and what people in custody need to be healthy, safe, stable, and successful (this will be used in priorities and strategies highlighted below).
2. Evaluate whether current programs, treatment, and services are best positioned to serve the current population, given the needs identified, and whether PSD has the staff, spacing, and funding necessary to support these offerings.
3. Offer recommendations to expand current successful efforts and recommendations for new—both formal and informal—treatment, services, and program opportunities that serve the needs of the population.
4. Support training, collaboration, and the acquisition of the resources necessary to implement recommendations.

Objective 2: Identify opportunities for more effective movement throughout the correctional system.

Strategies:

1. Collect and synthesize data from stakeholders and partners through data requests, talk stories, and meetings to inform correctional system mapping and report on how people are moving through the system including security levels and classifications.
2. Highlight current best and promising practices in Hawaii and other jurisdictions.

3. Offer recommendations and highlight opportunities for collaboration to improve correctional system movement and the classification system to procure better outcomes.

POPULATION LIMITS

Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Hawaii's jails are overcrowded, resulting in dangerous and unhealthy conditions, sometimes amounting to violations of federal standards and legal requirements. To safely reduce the incarcerated population, the Commission will support the furtherance of a collaborative system that diverts people who can be safely served or treated in the community.

This priority area will support collaboration with partners, system-wide planning, identifying current diversion programs, and the expansion of successful efforts. The Commission will also serve as a resource to partners in furthering this work and diversion goals.

Specific areas of focus will include additional partnership opportunities, cross-agency and organizational collaboration, pre- and post-booking jail diversion opportunities, meeting the needs of people *before* justice system involvement, recommendations to improve supervision outcomes, expanding on the success of specialty courts, and working with community service providers, law enforcement, prosecutors, the judiciary, corrections, probation, parole, and the community as a whole.

Objective 1: Collaborate with criminal justice and community partners to further diversion efforts and decrease the Hawaii jail populations.
Strategies:
1. Identify state-wide and circuit-specific diversion efforts and programs.
2. Elevate current best practices—including programs, initiatives, and partnerships—and work with partners to expand these.
3. Support stakeholder collaboration and offer recommendations for new diversion efforts and programs.
4. Utilize data and outcomes from HCSOC System-Wide Assessment, including the characteristics of people currently involved in the justice system, to identify services, programs, and treatment needed to support successful diversion efforts.

Objective 2: Offer recommendation and strategies based on data to government partners to divert and deflect more people from any criminal justice involvement.
Strategies:

1. Collect and synthesize data from stakeholders to identify, highlight, and support local and community-based diversion efforts.
2. Utilize the HCSOC System-Wide Assessment to identify services, programs, and treatment to inform successful diversion efforts before justice system involvement.
3. Conduct an ongoing study to highlight and recommend the implementation of best practices and efforts from other jurisdictions.

Objective 3: Report on the status, success, and implementation of any diversion-specific legislative efforts.

Strategies:

1. Identify and publicly report on bills and resolutions related to diversion.
2. Meet with applicable stakeholders to give feedback on diversion-focused bills.
3. Where applicable, offer recommendations to support diversion-specific bills and assist Commissioners with testimony on diversion-specific bills.

REENTRY

Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and 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) plainly outlines the Commission's responsibility to monitor and review the Comprehensive Offender Reentry Program and system. This priority area will flow directly from the HCSOC System-Wide Assessment findings. The Commission will identify and report on current reentry programs and efforts, identify gaps in services and programs, uplift best and innovative practices that are being pursued, highlight staff and leadership taking on a pioneering role through this transitional period, recommend the expansion of successful efforts, and recommend the implementation of other programs and efforts that would serve the needs of people in custody.

The Commission will support the creation of facilities, units, programs, and mindsets that exemplify the transition to a therapeutic and rehabilitative model. Areas of focus for this priority will include medical and mental health care and treatment, trauma-informed care and

trauma and PTSD treatment, healing programs and practices, Native Hawaiian practices, education and post-secondary education, successful movement throughout the system, peer support, language change, creating a supportive community and purpose, and more.

Objective 1: Monitor, review, and report on 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).

Strategies:

1. Collect data from stakeholders through talk stories, surveys, meetings, and information collection and sharing with a broad spectrum of stakeholders to monitor, review, and report on the Comprehensive Offender Reentry Program.
2. Review of Department of Public Safety Request for Proposals (RFPs) and partnerships with community service providers both inside of facilities and in the communities as they relate to the Comprehensive Offender Reentry Program. Review needed services not currently being offered and offer links to service providers with this expertise.
3. Conduct an ongoing study and investigation of the operation and the administration of reentry system laws in other states or countries, any literature on the subject, any federal laws that may affect the operation of the reentry system, and the reaction of residents to existing and potential features.
4. Highlight and elevate current best practices and make recommendations to the PSD, Hawaii Paroling Authority, and legislature regarding reentry and parole services. Support and facilitate logistical efforts, training, collaboration, and acquiring resources to implement recommendations.
5. As time passes, revisit previous recommendations for adoption, implementation, and success and report on the adoption or denial of recommendations.

Objective 2: 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(4).

Strategies:

1. Analyze applicable data, including a sample of individual treatment plans, to identify the number of programs and offerings necessary to

serve the current population before their minimum release date and to avoid idle time while incarcerated.
2. Recommend additional staffing and program offerings to ensure timely release and productive use of time.
3. Support PSD, other state and local agencies, and other partners in actualizing program offerings.

Objective 3: Report on the status, success, and implementation of reentry-specific legislative efforts.

Strategies:

1. Identify and publicly report on bills and resolutions related to reentry.
2. Meet with applicable stakeholders to give feedback on reentry-focused bills.
3. Where applicable, make recommendations to the Department of Public Safety to support reentry-specific bills and ensure Commissioners are prepared to testify on reentry-specific bills.

Objective 4: Utilize the HCSOC's System-Wide Assessment to determine what programs and treatments best serve the population's needs to achieve rehabilitation.

Strategies:

1. Identify and report on current reentry programs and efforts within PSD, HPA, and through community service providers.
2. Review programs currently being offered for successful outcomes.
3. Highlight and recommend the expansion of successful efforts.
4. Conduct an ongoing study of successful reentry efforts from other jurisdictions.
5. Through research, talk stories, study, and other information gathering, identify and make recommendations related to other programs, treatments, and services that serve the needs of this specific population.

OVERSIGHT

Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities.

The Commission will connect with people in custody, staff, leadership, and the community through different avenues and learn more about what is most important to them. On a parallel

track, the Commission's complaint intake system will be used to identify priorities of those in custody, and priority areas for the Commission to focus on.

Objective 1: Report facility-specific reentry efforts, including best practices and recommendations.

Strategies:

1. Conduct individual facility reentry tours and report on findings.
2. Collect and synthesize data from stakeholders through data requests, talk stories, meetings, and more.
3. Highlight best and promising practices already in place in the Department and make recommendations to further improve reentry efforts and outcomes.

Objective 2: Highlight what is most important to people impacted by the system and those with the greatest opportunity to influence change.

Strategies:

1. Connect with people in custody, staff, leadership, and the community through different avenues to gauge their top priorities.
2. Receive allegations of violations and system-wide complaints pertaining to reentry and diversion to ensure accountability.
3. With information gathered, identify priority areas for the Commission's focus.

Objective 3: Serve as a resource and work with PSD and HPA to review applicable policies and procedures, handbooks, and staff training related to reentry to better align with a therapeutic and rehabilitative model.

Strategies:

1. Review policies and procedures and staff training to ensure alignment with the transitions to a therapeutic and rehabilitative model.
2. Provide recommendations to the PSD and HPA, and include examples of other jurisdiction's policies, procedures, and training content that is embedded in a rehabilitative and therapeutic corrections system.
3. Serve as a resource to stakeholders.

MAHALO

The Reentry and Diversion Oversight Specialist wants to express gratitude to the Commissioners, Oversight Coordinator, Christin Johnson, and Special Assistant, George Choe, for the opportunity to serve in this role. The Reentry and Diversion Oversight Specialist thanks all the HCR85 Task Force Members, community members, legislators, policymakers, government and department leaders, and advocates who supported and actualized the Commission's existence and continue supporting the HCSOC's critical work.

The Reentry and Diversion Oversight Specialist looks forward to bringing her experience and expertise to this role and working collaboratively with the Department of Public Safety, Hawaii Paroling Authority, the Judiciary and justice system partners, the Governor's Office and other state agencies, people in custody, survivors of crime, advocates, and the community at large toward our shared goal of a new model of corrections and to realize change for individuals, the system as a whole, and the state of Hawaii.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Hawaii Correctional System Oversight Commission
Oversight Coordinator Monthly Report
Date of Report: January 19, 2023
Revised: March 30, 2023 *(see page 3)*

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 will publicly post 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

In-Custody Death

On Sunday, December 25, 2022, at 8:50pm, medical staff at Halawa Correctional Facility (HCF) found a person in custody, male, 87 years old, unresponsive with no pulse, in his cell within the infirmary. Medical staff administered CPR and called 911 Emergency Medical Services (EMS). At approximately 10:02pm, the individual was pronounced deceased by the attending physician.

Electronic Medical Record (EMR) Down since June 2022

On August 10th, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. The Coordinator explained that this is a crisis for those in custody because:

1) Patient safety and health is at risk without a functioning EMR.
2) EMRs are necessary to ensure consistency in care across multiple providers.
3) EMRs ensure medications are appropriately administered and documented to lessen risk to patient's health and tracking of medication used, especially when being transferred across facilities.

4) From a cost perspective, EMRs reduce time spent on documentation as there are often templates and order sets to improve efficiency.
5) Additionally, this is massive liability for the department.

The Coordinator was assured that the EMR was back up and running by August 24th, 2022, and publicly addressed this matter. However, the Coordinator learned on December 10th, 2022, that the EMR was only working for two weeks before completely failing again. The Department confirmed that they purchased new servers, but they were not successful in fixing the issues as the EMR system is old (purchased in 2008) and outdated. The Coordinator asked if there was any plan for a new EMR, and although the Department is looking into a new system, there is no timeframe of when a new system might be implemented.

The Coordinator respects that the Department has been working diligently on this issue, however, it is unacceptable to have a non-functioning EMR for six+ months. Medical staff are becoming increasingly burnt out by not having the tools they need to effectively treat patients and give the best care.

On December 30th, 2022, the Commission sent a letter to the Department of Public Safety requesting that, "If the EMR cannot be fixed, the Commission recommends immediate purchase and implementation of a new medical record system. Additionally, the Commission is requesting to be kept up to date and informed on all matters related to the EMR including specific plans and timelines for this issue to be resolved."

On January 6th, 2023, the Director Tommy Johnson responded that PSD shares the Commission's concerns and have been working with the vendor to address this matter and we have also been meeting weekly internally to do whatever we can on this end to get the system up and running. Director Johnson included various updates to restore the current system, and search for another vendor to secure a new system. The commissions letter and Department of Public Safety's full response is attached to this report.

Actions Taken

Facility Tours

Facilities Toured:

- Halawa Correctional Facility (HCF) – December 28th, 2022 (*grievance meeting*)
- Hawaii Community Correctional Center (HCCC) – December 29th, 2022
- Hawaii Community Correctional Center (HCCC) – December 12th, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in April 2023. The Coordinator and Commission will be an active part in the intergovernmental collaboration and staff will attend the upcoming Reentry Housing Summit planned for spring 2023.

Since 2004, the Hawai'i Island Going Home Consortium has been leading efforts to provide innovative and culturally responsive reentry and reintegration services to justice-involved individuals, their families, and communities. The Going Home Consortium consists of more than 50 public and private entities and their representatives with a network of over 300 state and national partners. Going Home Hawai'i is a 501(c)3 nonprofit organization and the governing fiscal body for the Hawai'i Island Going Home Consortium. The Commission is proud to partner with going Home Hawai'i.

Saguaro Correctional Center Limited Legal Call Schedule

On November 22nd, the Hawaii Correctional System Oversight Commission (the Commission) received a written complaint from the Hawai'i Innocence Project regarding a limited legal call schedule at the Saguaro Correctional Center. According to the Hawai'i Innocence Project, the current schedule only permits legal calls Tuesday-Thursday from approximately 7:30am-12:00pm Hawaii Standard Time which does not allow for regular and timely communication with their clients.

The Commission sent a letter to the Department of Public Safety on November 29th, 2022, requesting that changes be made to the Saguaro policy to allow for legal calls during normal Hawaii Standard Time business hours and, if needed, after hours and weekends.

The Department of Public Safety responded on December 19th, 2022, and reported that the legal call scheduled has been expanded to Monday-Friday from 6am-1pm HST. The Department has also committed to make accommodations for after-hour client call requests from attorneys.

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment was not followed during November due to holiday travel and illness.

Overcrowding

On January 17th, 2022, three buildings at HCCC (Punahele, Komohana and Waianuenue) in addition to covid-housing had a head count of 235 while the facility has a design capacity of 126. This puts the facility at a 187%[1] occupancy rate. Although this occupancy rate has been decreasing since the September 2nd visit when the rate was 170%, it is 9% higher than November's numbers when the headcount was 224 (178% occupancy rate).[2]

[1] This number reflects the correct operational capacity limit in accordance with the Corrections Population Management Commission 2001 report. Previous reports noted three buildings at Hawaii Community Correctional Center (Punahele, Komohana and Waianuenue) had a head count of 235 while the facility has a capacity of 152. Therefore, the previous report noted the facility occupancy rate being 155%. The correct design capacity is 126, putting the correct occupancy rate at 187%.

[2] This number reflects the updated percentage to reflect the correct operational capacity limit in accordance with the Corrections Population Management Commission 2001 report. Previous report noted "8% higher than November's numbers when headcount was 224 (147% occupancy rate)."

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility is currently undergoing construction to improve housing conditions by completely replacing each of the cell doors in Punahele to prevent the use of padlocks on the cell doors. All units have been completed outside of two cells. The Multipurpose Room 1 (also commonly referred to as the "fishbowl") is currently closed for construction. Once the multipurpose room is opened back up, it will be used for indoor recreation which consists of card/board games, tv, and general time out of cell.

Suicide/Safety Watch

The "dayroom" space behind a door in Punahele in front of four cells is still being utilized on and off for those on suicide or safety watch. On January 18th, there were two individuals behind the door of E Unit and three individuals behind the door in G Unit in Punahele. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions.

The Commission recognizes the Department's hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Shipping Container/Covid-Housing

On January 18th, the shipping container housed seven individuals. One person in the first, three people in the second, zero in the third, and three in the fourth cell. These cells have a triple bunk bed in each cell. These containers have consistent issues with working lights. Due to a lack of windows and natural light, the cells are completely pitch black when the lights do not work. An officer must use their flashlight to shine in the cells and see. Unfortunately, people in custody continue to break the light fixtures and it takes time for the facility to continue to address the broken lights.

It is important to note that these cells are used as isolation cells to ensure newly admitted individuals do not have covid. Once the 10-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 10 days during the most recent visit.

Recreation

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting

federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Updates

Below is the office of HCSOC's mailing address, website, email, and social media. As of October 10th, 2022, all mail to and from the Commission is considered privileged mail.

Mailing Address:	Hawaii Correctional System Oversight Commission 235 S. Berentania Street, 16th floor Honolulu, HI 96813
Website:	hcsoc.hawaii.gov
Submit Testimony:	https://hcsoc.hawaii.gov/submit-testimony/ (New and allows anonymous submissions!)
Email:	hcsoc@hawaii.gov
Social Media:	Youtube LinkedIn Facebook Instagram

Expenses for the Preceding Month

Below is a breakdown of December expenses.

EXPENDITURE COSTS - December 2022

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$0**	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan			$0	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$551.60**	
Airfare	$350	1.00	$350	Travel for 12/12 & 12/29
Car Rental	$72	2.00	$144	
Daily Per Diem	$20	2.00	$40	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$18	1.00	$18	
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
Mana Wahine Ekolu 2022 Conference Registration			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
TOTAL			**$552**	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on January 19, 2022. The next monthly meeting is scheduled to occur on January 26, 2022, at 2pm – this is a special meeting to cover upcoming legislation and will be held virtually. The next monthly meeting is on February 23rd, 2023. Meetings are held in person at the Department of Labor and Industrial Relations (DLIR) 830 Punchbowl Street, Room 313 Honolulu, HI 96813, and online via Zoom. More information can be found on the Commission's webpage here https://hcsoc.hawaii.gov/meetings/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Hawaii Correctional System Oversight Commission
Oversight Coordinator Monthly Report
Date of Report: February 16, 2023
Revised: March 30, 2023 *(see page 4)*

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 will publicly post 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

In-Custody Deaths

1) On Thursday, January 26, 2023, at 4:30pm, a person in custody, male, 70 years old, was found unresponsive on his bunk at Hale Nani, a work-release program in Hilo, Hawaii. Medical staff administered CPR and called 911 Emergency Medical Services (EMS). At approximately 5:17pm, the individual was pronounced deceased at the Hilo Medical Center. The Hilo Police Department and the Department of Public Safety Internal Affairs Unit are conducting investigations; however, no foul play is anticipated to be found.

2) On Sunday, February 5th, 2023, at 5:40pm, a person in custody, male, 33 years old, was found unresponsive in his cell by a Corrections Officer conducting evening meal. This individual was housed with the Florida Department of Corrections as a part of an, "inmate swap" program. Corrections staff opened the cell door and began CPR at 5:53pm and continued CPR until on-duty medical staff arrived. EMS was called and at approximately 6:47pm, the individual was pronounced deceased by a medical doctor.

3) On Wednesday, February 8, 2023, at 3:50am, a person in custody, male, 38 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 4:37am. This individual was

terminally ill, and his family had been visiting him daily since last week as his condition worsened. HCSOC thanks PSD and HCF for their compassion in allowing family to visit consistently during this individual's final days.

4) On Tuesday, February 14, 2023, at 2:28am, a person in custody, male, 74 years old, was found unresponsive in the infirmary by medical staff at Halawa Correctional Facility (HCF). Medical staff contacted Hospice, and the individual was pronounced deceased by Hospice staff at 3:28am.

Electronic Medical Record (EMR) Down since June 2022

On August 10th, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. The Coordinator explained that this is a crisis for those in custody because:

1) Patient safety and health is at risk without a functioning EMR.
2) EMRs are necessary to ensure consistency in care across multiple providers.
3) EMRs ensure medications are appropriately administered and documented to lessen risk to patient's health and tracking of medication used, especially when being transferred across facilities.
4) From a cost perspective, EMRs reduce time spent on documentation as there are often templates and order sets to improve efficiency.
5) Additionally, this is massive liability for the department.

The Department confirmed that they purchased new servers, but they were not successful in fixing the issues as the EMR system is old (purchased in 2008) and outdated. The Coordinator asked if there was any plan for a new EMR, and although the Department is looking into a new system, there is no timeframe of when a new system might be implemented. The Coordinator respects that the Department has been working diligently on this issue, however, **it is unacceptable to have a non-functioning EMR for eight+ months**. Medical staff are becoming increasingly burnt out by not having the tools they need to effectively treat patients and give the best care.

On December 30th, 2022, the Commission sent a letter to the Department of Public Safety requesting that, "If the EMR cannot be fixed, the Commission recommends immediate purchase and implementation of a new medical record system. Additionally, the Commission is requesting to be kept up to date and informed on all matters related to the EMR including specific plans and timelines for this issue to be resolved."

The Commission has added an agenda item to the monthly Commission meetings to continue to address the EMR and receive updates regarding progress in fixing this issue.

Actions Taken

Facility Tours

Facilities Toured:

- Hawaii Community Correctional Center (HCCC) – February 7, 2023
- Hawaii Community Correctional Center (HCCC) – February 13, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration
Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in August 2023. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration leading up to the upcoming Reentry Housing Summit.

Legislative Priorities
On Thursday, January 26, 2023, at 2:00 pm, the Commission held a special virtual meeting to discuss the upcoming 2023 legislative bills related to public safety. The Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. The breakdown of the bill selection is attached to this report.

The Senate Committee on Public Safety and Intergovernmental and Military Affairs (PSM), have their public meetings on Monday, Wednesday, and Friday at 3pm. The House Committee on Corrections, Military, and Veterans (CMV) have their public meetings on Wednesday and Friday at 9am. Meetings can be attended in person or virtually. Additional information can be found at https://www.capitol.hawaii.gov/.

Statutory Framework of Pretrial Release Presentation
On February 6th, 2023, the Legislature hosted an informational briefing specific to pretrial information. Specifically, the National Conference on State Legislatures presented on:

- National overview of the state of pretrial statutory policy and the overrepresentation of individuals with mental illness in the justice system.
- National data, statutory frameworks and legislative trends.
- Pretrial topics will include best practices like court reminders and other policies including conditions of release, release/detention frameworks, use of citations, pretrial services and supervision and responses to failure to appear or violation of conditions of release.
- Behavioral health topics will include increased cooperation between law enforcement and mental health professionals, deflection and diversion programs, pretrial needs screening and state effort to build a continuum of crisis care.

The PowerPoint presentation can be found on the HCSOC's website at https://hcsoc.hawaii.gov/meetings/.

Prison and Jail Innovation Lab 2023 Conference
From February 3-4, the Oversight Coordinator attended a national conference put on by the Prison and Jail Innovation Lab at the University of Texas at Austin. There were four main sessions: the first is focused on "The Depths of Deliberate Indifference," with case

studies of four different corrections agencies (Rikers, Alabama, Arizona, and Texas); the second examines "The Levers of Change," and asks about the tools available to turn a prison or jail around, even after a win in the courts; the third presents some rare examples of innovations in prisons that seek to change institutional culture; and the fourth asks whether meaningful change is truly possible and whether there is hope for reforming America's prisons and jails. The program for this event can be found here: https://pjil.lbj.utexas.edu/cruel-and-not-unusual-conference-program.

Meeting with PSD Regarding New Jail

On January 27, 2023, Commissioners Martha Torney and Ted Sakai and the Oversight Coordinator met with the Department of Public Safety, representatives from the Department of Accounting and General Services DAGS, consultants from ahl Design, and Senator Wakai. The intention of the meeting was to get an informed update of where the new OCCC stands. Currently, everything is on pause unless funding is released and it is the Oversight Coordinator's understanding that any type of design and preliminary construction plans would not occur until the funding request is approved.

The presentation from the meeting can be found on the Commission's website at: https://hcsoc.hawaii.gov/meetings/

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment was not followed during November due to holiday travel and illness, or in January due to the legislative session beginning, an additional Commission meeting being held, and an in-person conference being attended.

Overcrowding

On February 14, 2023, three buildings at HCCC (Punahele, Komohana and Waianuenue) in addition to covid-housing had a head count of 248 while the facility has a design capacity of 126. This puts the facility at a 197%[1] occupancy rate.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility recently finished its construction in Punahele to improve housing conditions by completely replacing each of the cell doors, preventing the use of padlocks on the cell

[1] This number reflects the correct operational capacity limit in accordance with the Corrections Population Management Commission 2001 report. Previous reports noted three buildings at Hawaii Community Correctional Center (Punahele, Komohana and Waianuenue) had a head count of 248 while the facility has a capacity of 152. Therefore, the previous report noted the facility occupancy rate being 163%. The correct design capacity is 126, putting the correct occupancy rate at 197%.

doors. All cells have been completed, and the Coordinator is pleased to report that the use of padlocks is no longer occurring in Punahele.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13, 2023, tour, the Oversight Coordinator witnessed staff remove the padlocks. This will continue to be reported on.

The Multipurpose Room 1 (also commonly referred to as the "fishbowl") was closed for construction but has since been opened. The Coordinator was told that once the multipurpose room is opened back up, it will be used for indoor recreation which consists of card/board games, tv, and general time out of cell. However, during recent visits of HCCC, the Coordinator found that this is not the case. The Multipurpose Room 1 "fishbowl" is still being used as inappropriate housing to house individuals who has finished their initial quarantine time in the Shipping Container/Covid-Housing, but who have not been permanently housed in an appropriate housing area. During the most recent visit on February 13th, the Oversight Coordinator found at least twelve individuals housed in that space.

The Commission recognizes the Department's hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Lack of Basic Services

During the last two visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite. The Oversight Coordinator has been told that sheets have been distributed and undergarments have been ordered for distribution. The Oversight Coordinator will continue to report on this issue until resolved.

Suicide/Safety Watch

During past visits, the "dayroom" space behind a door in Punahele in front of four cells was being utilized on and off for those on suicide or safety watch. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store

their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions. During the last two most recent visits (February 7th and 14th), individuals were not found in that space. This is great news, and the Oversight Coordinator will continue to report on this issue in case the space is utilized in the future.

Shipping Container/Covid-Housing

On February 14, the shipping container housed 14 individuals. These cells have a triple bunk bed in each cell and are used as isolation cells to ensure newly admitted individuals do not have covid. Once the 10-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 10 days during the most recent visit. Additionally, all light fixtures were in working order.

Recreation

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Updates

Currently, the Coordinator and two Commissioners are interviewing candidates for the Diversion and Reentry Oversight Specialist. The Commission is very fortunate to have fantastic candidates and are hopeful to onboard the new staff member sometime next month.

Below is the office of HCSOC's mailing address, website, email, and social media.

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

Website: hcsoc.hawaii.gov

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

Email: hcsoc@hawaii.gov

Social Media: YouTube
LinkedIn
Facebook
Instagram

Expenses for the Preceding Month

EXPENDITURE COSTS - January 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$92**	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$92	1.00	$92	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$614.69**	
Airfare	$501	1.00	$501	Travel dates: 1/12, 1/19, 1/25, 2/7, 2/13, and 3/2
Car Rental	$72	1.00	$72	
Daily Per Diem	$20	1.00	$20	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	1.00	$22	
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$923.66**	
Cruel & Not Unusual Symposium - Austin, TX			$0	
Airfare	$484	1.00	$484	2/2-2/5
Car Rental			$0	
Daily Per Diem	$384	1.00	$384	2/2-2/5
Lodging+Tax	$744		$0	
Ground Transportation	$55	1.00	$55	2/2-2/5
Airport Parking			$0	
TOTAL			**$1,630**	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on February 16, 2023. The next monthly meeting is scheduled to occur on March 16, 2023 at the Kaua‘i Community College, 3-1901 Kaumuali‘i

Highway, Līhu‘e, Hawai‘i 96766 (room to be determind) and online via Zoom. More information can be found on the Commission’s webpage here: https://hcsoc.hawaii.gov/meetings/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: March 16, 2023

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 will publicly post 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

In-Custody Deaths

On Friday, January 27, 2023, at the Saguaro Correctional Center, a person in custody, male, 72 years old, was found to be suffering, "stroke like symptoms." 911 Emergency Medical Services (EMS) were called and the person in custody was transported and admitted to a nearby hospital. After spending approximately, a month and a half in the hospital, the individual was pronounced deceased at 2:21am at the Boswell Banner Hospital.

Electronic Medical Record (EMR) Down since June 2022

On August 10th, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. After many attempted fixes and various upgrades to the system, the EMR went live on February 10th, 2023. Although there are still some issues within the system (certain bugs, corrupted tables, etc.) that are currently being worked on, the Commission is glad to know the EMR is back up for medical and healthcare staff to utilize.

Many thanks to Tommy Johnson, Department Director and Gavin Takenaka, Corrections Health Care Administrator for keeping the Oversight Coordinator informed.

Actions Taken

Facility Tours

Facilities Toured:

- Oahu Community Correctional Center (OCCC) – February 16, 2023
- Oahu Community Correctional Center (OCCC) – February 27, 2023
- Hawaii Community Correctional Center (HCCC) – March 2, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in August 2023. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration leading up to the upcoming Reentry Housing Summit.

Legislative Priorities

The Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. The Senate Committee on Public Safety and Intergovernmental and Military Affairs (PSM), have their public meetings on Monday, Wednesday, and Friday at 3pm. The House Committee on Corrections, Military, and Veterans (CMV) have their public meetings on Wednesday and Friday at 9am. Meetings can be attended in person or virtually. More information can be found at https://www.capitol.hawaii.gov/.

Additionally, on March 8th 2023, the House Committee on Finance (FIN) received 49 pages of testimonies in support of the HCSOC. This came from 15 local and national agencies, and 17 concerned citizens totaling 32 testimonials. The Commission is so incredibly grateful for the ongoing support while the office continues to grow and build on this important work. Those who submitted testimony include:

Agencies:

- Criminal Justice Research Institute - Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Helath & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards

Individuals:

- Dan and Lee Curran, Makaha Community Members
- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wndey Gibson-Viviani Kailua Community Member
- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Robert K, Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- Corinne Apana, Community Member

For future opportunities to testify, please follow the Commission's Facebook and Instagram where posts will be made regarding the upcoming Ways and Means (WAM) hearing on the state budget, or visit the State Legislature's website at https://www.capitol.hawaii.gov/.

OCCC Commissioner Tour

On Thursday, February 16th, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured OCCC. After the tour, the Commission compiled their notes encompassing their impressions and offered ten recommendations:

1) OCCC should ensure that vehicles are not parked in the sally port unless in active use, and that the sally port gates are secured unless a vehicle is entering or leaving.
2) The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.
3) The medical infirmary needs immediate attention by PSD leadership for various issues directly related to inhumane conditions.
4) Cells that hold individuals on suicide watch should be painted and reconfigured for a more therapeutic environment for those who are in crisis.
5) Those housed in Protective Custody status should be allowed all items usually authorized for general population inmates.
6) Housing unit windows which are covered by wood should be replaced with frosted windows to allow natural light.
7) Food must be served at appropriate temperatures to prevent food-borne illness.
8) Contact visits should be restored.
9) Maintenance should have a prioritized list of items or matters that require repairs and share that list with downtown leadership with specific timeframes of anticipated repair.

10) PSD should invite participants in the criminal justice system (police chief, prosecutor, defense bar, judges, and the politicians) to visit the correctional facilities.

The full OCCC Site Visit Observation report is attached and can be found on the Commission's website at: https://hcsoc.hawaii.gov/reports/

OCCC Tour with Supreme Court Justices

The Oversight Coordinator facilitated a tour of OCCC on Monday, February 27th, 2023, to highlight changes that need to be made outside of the Department of Public Safety to curve overcrowding. Attendees included members from the Supreme Court: Justice Sabrina McKenna, Justice Michael Wilson, Justice Todd Eddins, and their law clerks. Additionally, Senator Michelle Kidani, a member of her staff, and Tommy Johnson, Director of Public Safety attended the tour. Unfortunately, the tour went over the scheduled allotted time so there was not an opportunity to talk afterwards as a group. However, the Oversight Coordinator and Director of Public Safety intend to have ongoing conversations with these stakeholders on needed change throughout the system. This was the first step in expanding transparency and the Oversight Coordinator thanks all who were able to attend the tour in addition to the staff for their time and expertise.

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment has been difficult to follow due to the legislative session and various meetings with stakeholders.

Overcrowding

On March 14, 2023, three buildings at HCCC (Punahele, Komohana and Waianuenue) in addition to covid-housing had a head count of 245 while the facility has an operational capacity of 126 (*note: construction is finished and there are no cells out of commission*). This puts the facility at a 194% occupancy rate. Please note that this rate is significantly higher than previous reports, as the Commission chose not to include the HCU (covid/shipping container) nor the Punahele corridor or the Multipurpose Room within the operational capacity as none of those areas are meant for permanent housing.

According to Commissioner Sakai, the official capacity of Punahele is 22. This is because the cells are smaller than standard, at about 60 square feet per cell. Komohana consists of 32 cells, designed to hold two people each. Its operational capacity is 64. Waianuenue consists of two sections, each with five open bays, intended to house four inmates each. Its operational capacity is 40.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility recently finished its construction in Punahele to improve housing conditions by completely replacing each of the cell doors, preventing the use of padlocks on the cell doors. All cells have been completed, and the Coordinator is pleased to report that the use of padlocks is no longer occurring in Punahele.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13th, tour, the Oversight Coordinator witnessed staff remove the padlocks. During the March 2nd tour, the Oversight Coordinator did not find padlocks on cell doors.

The Multipurpose Room 1 (also commonly referred to as the "fishbowl") was closed for construction but has since been opened. The Coordinator was told that once the multipurpose room is opened back up, it will be used for indoor recreation which consists of card/board games, tv, and general time out of cell. However, during recent visits of HCCC, the Coordinator found that this is not the case. The Multipurpose Room 1 "fishbowl" is still being used as inappropriate housing to house individuals who has finished their initial quarantine time in the Shipping Container/Covid-Housing, but who have not been permanently housed in an appropriate housing area. During the most recent visit on March 2nd, the Oversight Coordinator found at least twelve individuals housed in that space. Additionally, the count in Multipurpose Room 1 on March 14th, 2023, was 15.

The Commission recognizes the Department's hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Lack of Basic Services

During the February visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite.

During the March visit, the Oversight Coordinator found that blankets and sheets were distributed in addition to bras for women. However, basic services are still an issue.

In addition to people in custody not having access to t-shirts, underwear, or jumpsuit uniforms, staff informed the Oversight Coordinator that medical staff had to resort to **giving women adult diapers during menstruation** due to a lack of underwear and lack of menstrual pads to attach to said underwear. Department leadership claimed that women were taking advantage of menstrual pads by wearing them daily, therefore creating a shortage for those who need them. The Department also confirmed that it is the business office making the decision to limit the menstrual pads.

The Oversight Coordinator recommended that medical staff should be the ones distributing menstrual pads and ensuring the facility does not run low. The HCCC Warden agreed and made that change. Additionally, the HCCC Warden went to a local Walmart and bought all underwear that was in stock while they awaited an incoming shipment of underwear, t-shirts, and jumpsuits. The HCCC Warden confirmed that the shipment of clothing arrived on Friday, March 10, 2023, and the facility began to distribute appropriate clothing on March 13, 2023.

According to Department policy COR.17.03:

> All inmates shall be adequately clothed during their period of incarceration. At a minimum each inmate shall be issued the following items:
>
> a. Male uniforms
>
> 1) Three pants
> 2) Three shirts
> 3) Three T-shirts
> 4) One pair slippers
> 5) Three pair underwear (boxer/brief)
>
> b. Female uniforms
>
> 1) Three pants
> 2) Three shirts
> 2) Three T-shirts
> 3) Three brassiere
> 4) Three underwear (brief)
> 5) Pregnant inmates - appropriate attire

This issue will continue to be reported on until resolved, and until the Department has a plan in place to prevent such a shortage in the future.

<u>Suicide/Safety Watch</u>

During past visits, the "dayroom" space behind a door in Punahele in front of four cells was being utilized on and off for those on suicide or safety watch. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions. During the last three most recent visits (February 7th and 14th and March 2nd), individuals were not found in that

space. This is great news, and the Oversight Coordinator will continue to report on this issue in case the space is utilized in the future.

Shipping Container/Covid-Housing

On March 14th, the shipping container housed 12 individuals. These cells have a triple bunk bed in each cell and are used as isolation cells to ensure newly admitted individuals do not have covid. The isolation period for was recently changed from 10 days to 5 days to align with CDC standards. Once the 5-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 5 days during the most recent March visit. Additionally, all light fixtures were in working order.

Recreation

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is still unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Information

Mailing Address:	Hawaii Correctional System Oversight Commission 235 S. Beretania Street, 16th floor Honolulu, HI 96813
Website:	hcsoc.hawaii.gov
Submit Testimony:	https://hcsoc.hawaii.gov/submit-testimony/
Email:	hcsoc@hawaii.gov
Social Media:	YouTube LinkedIn Facebook Instagram

Expenses for the Preceding Month

EXPENDITURE COSTS - February 2023

	Price per Item	Quantity	Total	Notes
Office Equipment and Supplies			**$88**	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$88	1.00	$88	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$228.00**	
Airfare			$0	Travel for 2/7 & 2/13 noted in January expense
Car Rental	$72	2.00	$144	
Daily Per Diem	$20	2.00	$40	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	2.00	$44	2/7, 2/13
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
Cruel & Not Unusual Symposium - Austin, TX			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$316**	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on March 16, 2023. The next monthly meeting is scheduled to occur on April 20, 2023 at the Hawai‘i Community College, 1175 Manono Street, Hilo, Hawai‘i 96720 (room to be determind) and online via Zoom. More information can be found on the Commission’s webpage here: https://hcsoc.hawaii.gov/meetings/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: April 20, 2023

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 will publicly post 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

In-Custody Deaths

On Tuesday, March 21, 2023, a person in custody, male, 80 years old, was transferred from the Saguaro Correctional Facility (SCF) to a nearby hospital due to severe abdominal pains. This individual was admitted to the hospital. On Saturday, March 25th, 2023, SCF was notified that the individual was pronounced deceased at 10:07pm (HST).

On Tuesday, March 28, 2023, at the Oahu Community Correctional Center, a person in custody, male, 49 years old, had attempted suicide by hanging in his cell. 911 Emergency Medical Services (EMS) were called and the person in custody was transported and admitted to Queens Medical Center. On Tuesday, April 4, 2023, OCCC was notified that the individual was pronounced deceased at 10:45pm.

Actions Taken

Facility Tours

Facilities Toured:

- Kauai Community Correctional Center (KCCC) – March 16, 2023
- Hawaii Community Correctional Center (HCCC) – March 22, 2023
- Halawa Correctional Facility (HCF) – April 14, 2023
- Oahu Community Correctional Center (OCCC) – April 14, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration
Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Second Chance Summit in August 2023. The Summit will take place on August 23, 2023, in Kona. Registration opens in July. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration.

Legislative Priorities
The Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. The Senate Committee on Public Safety and Intergovernmental and Military Affairs (PSM), have their public meetings on Monday, Wednesday, and Friday at 3pm. The House Committee on Corrections, Military, and Veterans (CMV) have their public meetings on Wednesday and Friday at 9am. Meetings can be attended in person or virtually. More information can be found at https://www.capitol.hawaii.gov/.

Additionally, on March 8th 2023, the House Committee on Finance (FIN) received 49 pages of testimonies in support of the HCSOC. This came from 15 local and national agencies, and 17 concerned citizens totaling 32 testimonials. Additionally, on March 23rd, the Senate Committee on Ways and Means (WAM) received 38 pages of testimonies in support of the HCSOC. This came from 14 local and national agencies and 12 concerned citizens totaling 26 testimonials.

The Commission is so incredibly grateful for the ongoing support while the office continues to grow and build on this important work. Those who submitted testimony include:

Agencies:
- Criminal Justice Research Institute – Dr. Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Health & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards
- American Civil Liberties Union (ACLU) of Hawai'i – Carrie Ann Shirota
- Pu'a Foundation – Toni Bissen
- 'Ekolu Mea Nui – Jamee Miller, EdD, LSW

Individuals:

- Dan and Lee Curran, Makaha Community Members
- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wendy Gibson-Viviani Kailua Community Member
- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Robert K, Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- George Choe, Community Member
- Corinne Apana, Community Member
- Catherine Lampton, Community Member,
- Carolyn Eaton, Community Member
- Cathy Tilley, Community Member

KCCC Commissioner Tour

On Thursday, March 16th, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Kauai Community Correctional Center (KCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered ten recommendations:

1. The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.
2. The Suicide Watch Observation/Holding Cells should not be used unless there is staff in the immediate vicinity at all times.
3. Housing unit windows which are covered should be replaced with frosted windows to allow natural light or not covered at all.
4. Build a covered area or pavilion outside of Cabin C to allow incarcerated women an outdoor space and dayroom area.
5. Consider hosting a monthly family-day specific for those who have two or more children.

These recommendations were discussed during an April 4, 2023, public meeting. The full KCCC Site Visit Observation report is attached and can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/. The meeting video can be found on the Commission's YouTube channel at: https://www.youtube.com/@hawaiicorrectionalsystemov9752/streams

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment has been difficult to follow due to the legislative session and various meetings with stakeholders including an April 13th, 2023, tour of HCCC that was cancelled due to legislative meetings.

Following the April 20th, 2023, tour of HCCC, the Oversight Coordinator will put together a 6-month follow up report that encompasses all concerns and updates from the September 2nd, 2023, report.

Overcrowding

On April 17, 2023, three buildings at HCCC (Punahele, Komohana and Waianuenue) in addition to covid-housing had a head count of 233 while the facility has an operational capacity of 126 (*note: construction is finished and there are no cells out of commission*). This puts the facility at a 185% occupancy rate. Please note that the HCU (covid housing/shipping container), the Punahele corridor, nor the Multipurpose Room ("Fishbowl") are included within the operational capacity as none of those areas are meant for permanent housing.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility recently finished its construction in Punahele to improve housing conditions by completely replacing each of the cell doors, preventing the use of padlocks on the cell doors. All cells have been completed, and the Coordinator is pleased to report that the use of padlocks is no longer occurring in Punahele.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13th, tour, the Oversight Coordinator witnessed staff remove the padlocks. During the March 2nd and March 22nd tour, the Oversight Coordinator did not find padlocks on cell doors.

The Multipurpose Room 1 "fishbowl" is still being used as inappropriate housing to house individuals who has finished their initial quarantine time in the Shipping Container/Covid-Housing, but who have not been permanently housed in an appropriate housing area. During the most recent visit on March 22nd, the Oversight Coordinator found fifteen individuals housed in that space. The fishbowl does not have accessible water or

bathrooms, nor are there bunk beds. Individuals in this space sleep on a mattress on the floor.

The Commission recognizes the Department's hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Lack of Basic Services

During the February visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite.

During the March visit, the Oversight Coordinator found that blankets and sheets were distributed in addition to bras for women. However, basic services are still an issue.

In addition to people in custody not having access to t-shirts, underwear, or jumpsuit uniforms, staff informed the Oversight Coordinator that medical staff had to resort to **giving women adult diapers during menstruation** due to a lack of underwear and lack of menstrual pads to attach to said underwear. Department leadership claimed that women were taking advantage of menstrual pads by wearing them daily, therefore creating a shortage for those who need them. The Department also confirmed that it is the business office making the decision to limit the menstrual pads.

The Oversight Coordinator recommended that medical staff should be the ones distributing menstrual pads and ensuring the facility does not run low. The HCCC Warden agreed and made that change. Additionally, the HCCC Warden went to a local Walmart and bought all underwear that was in stock while they awaited an incoming shipment of underwear, t-shirts, and jumpsuits. The HCCC Warden confirmed that the shipment of clothing arrived on Friday, March 10, 2023, and the facility began to distribute appropriate clothing on March 13, 2023.

According to Department policy COR.17.03:

> All inmates shall be adequately clothed during their period of incarceration. At a minimum each inmate shall be issued the following items:
>
> a. Male uniforms
>
> 1) Three pants
> 2) Three shirts
> 3) Three T-shirts
> 4) One pair of slippers

5) Three pair underwear (boxer/brief)

b. Female uniforms
1) Three pants
2) Three shirts
2) Three T-shirts
3) Three brassiere
4) Three underwear (brief)
5) Pregnant inmates - appropriate attire

During the March 22, 2023, tour, it was anticipated that individuals would have the clothing and sanitary items they are entitled to. However, during the tour, it was apparent that individuals were not receiving adequate clothing and moreover, staff were unfamiliar with Department policy requiring adequate clothing. On March 30, 2023, the Oversight Coordinator sent an email to the Warden, Chief of Security, and all Lieutenants to ensure everyone is on the same page regarding Department policy and clothing distribution.

This issue will continue to be reported on until resolved.

Suicide/Safety Watch

During past visits, the "dayroom" space behind a door in Punahele in front of four cells was being utilized on and off for those on suicide or safety watch. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions. During the last four most recent visits (February 7th, February 14th, March 2nd, March 22nd), individuals were not found in that space. This is great news, and the Oversight Coordinator will continue to report on this issue to ensure the space is not utilized for Suicide or Safety Watch in the future.

Shipping Container/Covid-Housing

On April 17th, the shipping container housed 10 individuals. These cells have a triple bunk bed in each cell and are used as isolation cells to ensure newly admitted individuals do not have covid. The isolation period for was recently changed from 10 days to 5 days to align with CDC standards. Once the 5-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 5 days during the most recent March 22nd visit. Additionally, all light fixtures were in working order.

Due to overcrowding, it is common for individuals to have to sleep on a mattress on the floor. It has also been reported that some cells do not have drinking water and individuals are forced to shave using toilet water. Additionally, it has been reported by an individual who was recently released from custody that there is lack of humanity in HCCC as the toilet paper is chronically low, people in custody were not given a pillow or sheets in the container, there is no privacy, no towels, no additional clothing distributed outside of what

they were wearing, and people in custody were refused pen and paper to write to their loved ones or to write down their experiences.

Lack of Recreation and General Programming

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Additionally, it has been reported that there is no musical instruments or ukuleles allowed (other facilities allow this), no rehabilitative programming, and no music players allowed. Family members have reported that they feel very much in the dark as the facility does not answer its general phone number for the public. One family member had to resort to physically going to the facility to ask staff a question since they were not added to their loved one's phone list for 17 days, so they were unable to communicate with their loved one.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is still unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Information

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

Website: hcsoc.hawaii.gov

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

Email: hcsoc@hawaii.gov

Social Media: YouTube
LinkedIn
Facebook
Instagram

Expenses for the Preceding Month

EXPENDITURE COSTS - March 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$474**	
General Office Supplies	$345	1.00	$345	Business cards for Commission
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$129	1.00	$129	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$2,145.44**	
Airfare	$1,834	1.00	$1,834	Commission travel for 3/16, 4/20, and 5/18
Car Rental	$123	1.00	$123	3/16
Daily Per Diem	$20	5.00	$100	Meals for 3/16
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	4.00	$88	
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
Cruel & Not Unusual Symposium - Austin, TX			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$2,619**	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on April 20, 2023. The next monthly meeting is scheduled to occur on May 18, 2023, at the University of Hawai‘i Maui College, 310 W. Kaahumanu Avenue, Kahului, Hawai‘i 96732 (room to be determind) and online via Zoom. More information can be found on the Commission’s webpage here: https://hcsoc.hawaii.gov/information/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: May 18, 2023

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 will publicly post 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

In-Custody Death

On Thursday, April 20, 2023, a person in custody, male, 58 years old, was transferred from the Oahu Community Correctional Center (OCCC) to a nearby hospital. This individual was admitted to the hospital for hospice care. On Tuesday, May 9, 2023, OCCC was notified that the individual was pronounced deceased at 6:12pm.

Federal Lawsuit Concerning Sexual Assault and Harassment at WCCC

A $2 million settlement has been reached in a lawsuit brought by six women who were the victims of sexual assault and sexual harassment by former Adult Corrections Officers (ACOs) at the Women's Community Correctional Center (WCCC). The News Release from the Department of the Attorney General can be found below:

DEPARTMENT OF THE ATTORNEY GENERAL
KA ʻOIHANA O KA LOIO KUHINA

JOSH GREEN, M.D.
GOVERNOR

ANNE LOPEZ
ATTORNEY GENERAL

News Release 2023-22

SETTLEMENT REACHED IN FEDERAL SUIT CONCERNING SEXUAL ASSAULT AND HARASSMENT AT WOMEN'S COMMUNITY CORRECTIONAL CENTER

FOR IMMEDIATE RELEASE
May 12, 2023

HONOLULU, HI – A $2 million settlement has been reached in a lawsuit brought by six women who were the victims of sexual assault and sexual harassment by former Adult Corrections Officers (ACOs) at the Women's Community Correctional Center (WCCC).

The ACOs were terminated and criminal charges were brought against them.

"I am pleased that we can put this case to rest," says Attorney General Anne Lopez. "This settlement recognizes that these women were victims while in the State's custody and that they should receive a measure of justice for the harm the ACOs caused them."

The attorneys for the six plaintiffs—Terrance Revere, Richard Wilson, and Myles Breiner—were likewise pleased with the settlement.

"We agree with Attorney General Lopez that this is a very good day for the women, and the family of one who took her own life," states Richard Wilson. "The women and their families are all particularly pleased that as a direct result of their lawsuit, the State is making the installation of cameras a priority at WCCC."

As part of the agreement the Department of Public Safety will prioritize WCCC in all ongoing improvement projects relating to repair, replacements, and installation of new security cameras at its correctional facilities.

The settlement remains subject to legislative approval.

The case is *Reyes v. Tanaka*, Civil No. 17-00143 JAO-KJM.

Updated CDC COVID-19 Guidance for Correctional Facilities
On May 11, 2023, the Center for Disease Control and Prevention (CDC) posted updates to several COVID-19 guidance documents to coincide with the end of the Public Health Emergency (PHE) declaration for COVID-19. A summary of updates pertaining to correctional and detention facilities is provided below:

Summary of COVID-19 Guidance Updates

- Link to updated guidance for correctional and detention facilities: Guidance on Management of COVID-19 in Homeless Service Sites and in Correctional and Detention Facilities | CDC
- There are 3 updates to this guidance since the last version:

1. **COVID-19 Community Levels will no longer be used. They have been replaced by COVID-19 hospital admission levels. This update affects all CDC COVID-19 guidance, for all settings.**
    - With the end of the PHE, the state-level COVID-19 testing data that CDC has used to calculate Community Levels are no longer available. However, hospital admission data will continue to be available and will be used to calculate county-level Low/Medium/High hospital admission levels.
    - You can find your county's COVID-19 hospital admission level here: COVID-19 by County | CDC. Data are updated weekly.
    - The thresholds for Low/Medium/High COVID-19 hospital admission levels are the same as they were previously:
        - Low: <10 per 100k population
        - Medium: 10-19 per 100k population
        - High: 20+ per 100k population
    - **In the COVID-19 corrections guidance, all references to COVID-19 Community Levels have been replaced by COVID-19 hospital admission levels.** CDC recommends that facilities use their county's COVID-19 hospital admission level *in combination with facility-level information* (e.g., recent transmission inside the facility, the population's risk for severe outcomes from COVID-19, and facility characteristics that could accelerate spread) to determine when to add and remove COVID-19 prevention strategies. More detail about facility-level information to factor into these decisions continues to be available in the corrections guidance document linked above.
    - CDC has released two detailed scientific reports explaining the reasons for the change from COVID-19 Community Levels to COVID-19 hospital admission levels, and describing the differences between the two:
        - COVID-19 Surveillance After Expiration of the Public Health Emergency Declaration — United States, May 11, 2023 | MMWR (cdc.gov)
        - Correlations and Timeliness of COVID-19 Surveillance Data Sources and Indicators — United States, October 1, 2020–March 22, 2023 | MMWR (cdc.gov)

2. **Intake testing for COVID-19 in correctional and detention facilities has been changed to an *enhanced prevention strategy*.**
    - Previously, intake testing was a strategy for everyday operations, which meant it was recommended at all times. As of May 11, 2023, CDC recommends intake testing only when the COVID-19 hospital admission level is High, or when facility-level factors indicate increased risk. (See above for more information about COVID-19 hospital admission levels.)

3. **Healthcare staff within correctional and detention facilities should still use CDC's healthcare infection control guidance for COVID-19 – this guidance has been updated as well.**
    - The COVID-19 Transmission Levels that used to guide decisions around source control in healthcare settings are also being discontinued, for similar reasons related to changing availability of COVID-19 testing data after the end of the PHE. For more information about this change to the healthcare guidance, visit Infection Control: Severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) | CDC.

Actions Taken

Facility Tours

Facilities Toured:

- Hawaii Community Correctional Center (HCCC) – April 20, 2023
- Hawaii Community Correctional Center (HCCC) – May 11, 2023
- Oahu Community Correctional Center (OCCC) – May 16, 2023
- Halawa Correctional Facility (HCF) – May 17, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Second Chance Summit in August 2023. The Summit will take place on August 23, 2023, in Kona. Registration opens in July. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration.

Legislative Priorities

The Commission supported 30 bills opposed five bills related to public safety. Five public safety-related bills passed the Third Reading in the House of Representatives and the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023. Those are:

1) HB823 HD2, Relating to Deaths within the Correctional System
    a. Signed into law on April 19, 2023, as ACT 022.
2) SB210 SD2 HD1 CD1, Relating to Criminal Justice Data Sharing
3) SB712 SD2 HD1 CD1, Relating to Corrections
4) HB68 HD1 SD1 CD1, Relating to Criminal Justice
5) HB451 HD1 SD1 CD1, Relating to Incarcerated Individuals

On March 14, 2023, the House of Representatives recommended the Commission receive $534,388 and on April 11, 2023, the Senate recommended the Commission receive $406,288. The Legislature concurred with the Governor's request of $534,388. Details of the budget are below:

	FY24			FY25			
Perm	Temp	Amt	Perm	Temp	Amt	
4.00		534,388	4.00		534,388	A

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).
****

DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

The Commission is incredibly grateful for the ongoing support while the office continues to grow and build on this important work. The Commission would like to thank those who submitted testimony in support of the HCSOC's budget. A special mahalo to:

Agencies:

- Criminal Justice Research Institute – Dr. Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Health & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards
- American Civil Liberties Union (ACLU) of Hawai'i – Carrie Ann Shirota
- Pu'a Foundation – Toni Bissen
- 'Ekolu Mea Nui – Jamee Miller, EdD, LSW

Individuals:

- Dan and Lee Curran, Makaha Community Members

- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wendy Gibson-Viviani Kailua Community Member
- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Robert K, Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- George Choe, Community Member
- Corinne Apana, Community Member
- Catherine Lampton, Community Member,
- Carolyn Eaton, Community Member
- Cathy Tilley, Community Member

House Concurrent Resolution 23 Taskforce
HCR23, requesting 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, has passed. This has been added to the agenda for further discussion and planning.

New Jail Planning
During the December 2021 Commission meeting, Bob Merce presented, *Getting It Right*: *Better Ideas for a New Jail,* and during the October 2022 Commission meeting, the Correctional Reform Working Group presented, *Getting It Right: Recommendations and Action Plan for a Better Jail.* The Commission supports these reports and wrote a letter of support for the Correctional Reform Working Group regarding the new jail.

JOSH GREEN, M.D.
GOVERNOR

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

May 1, 2023

Robert K. Merce, Chair
Correctional Reform Working Group
851 Fort Street Mall #400
Honolulu, Hawaii 96813

Re: Getting It Right: Recommendations and Action Plan for a Better Jail

Dear Mr. Merce,

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) was created to oversee the State's correctional system with a focus on facilitating a correctional system transition to a rehabilitative and therapeutic model, managing correctional facility population limits, and monitoring reentry efforts.

During the December 2021 Commission meeting, you presented, *Getting It Right*: *Better Ideas for a New Jail,* and during the October 2022 Commission meeting, the Correctional Reform Working Group presented, *Getting It Right: Recommendations and Action Plan for a Better Jail.* Both reports align with the Commission's mandate and goal of supporting safe conditions for employees, inmates, and detainees, and providing positive reform towards a rehabilitative and therapeutic correctional system.

The design and physical structure of correctional facilities are imperative to forming and building on culture that uplifts and supports therapeutic and rehabilitative practices. Therefore, the Commission thanks you and the Correctional Reform Working Group for publishing both groundbreaking reports and for sharing them with the Commission and public. The Commission whole heartedly supports your mission and vision, as set out in the two *Getting It Right* papers, to plan and design a transformative jail based on best practices.

We thank you for your work and will support you to the best of our abilities moving forward.

With aloha,

Mark Patterson

HCCC Commissioner Tour

On Thursday, April 20, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Hawaii Community Correctional Center (HCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered two recommendations to the Department of Public Safety:

1. Create a maintenance plan that entails enlisting assistance from other facilities until maintenance needs are caught up.
2. Ensure that individuals have proper access to court.

Additionally, the Commission made one recommendation to the Hawaii Supreme Court Chief Justice, Mark E. Recktenwald, to amend the Notice to Appear documents to include defense attorney's name. The letter is below:

JOSH GREEN, M.D.
GOVERNOR

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

May 4, 2023

Dear Chief Justice Recktenwald,

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 Commission published a report based on their observations and had a public meeting to address conditions of the facility, which I have attached for you.

One issue the Commission heard about during the tour, is a lack of access to attorneys due to people in custody not knowing who their attorney is. 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 on the document. Unfortunately, correctional facilities do not keep a list of the attorneys either.

The Commission has made recommendations to the Department of Public Safety to have facility staff write the attorneys name on the notice and for the facility to keep the notice on file. It was 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 Commission recommended that the list 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 if necessary.

Respectfully, the Commission recommends amending Notice to Appear documents to include the defense attorney's name. This would make it easier for facility staff to assist those in custody who have forgotten their attorney and ensure that people in custody are able to get ahold of their legal counsel in a timely manner.

Thank you for considering this recommendation and for all of your dedication and work at the Judiciary.

With aloha,

Mark Patterson
Chair

These recommendations were discussed during the May 2, 2023, public meeting. The full HCCC Site Visit Observation report is attached to this report and can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/. The meeting video can be found on the Commission's YouTube channel at: https://www.youtube.com/@hawaiicorrectionalsystemov9752/streams

Additionally, the Oversight Coordinator has submitted a Follow Up on HCCC August 2022 Site Visit Observations report which encompasses an update of the current conditions at HCCC and the collective changes that have occurred since the August 22, 2022, tour. The full report is attached to this report and can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/.

General Office Information

Mailing Address:	Hawaii Correctional System Oversight Commission 235 S. Beretania Street, 16th floor Honolulu, HI 96813
Website:	hcsoc.hawaii.gov
Submit Testimony:	https://hcsoc.hawaii.gov/submit-testimony/
Email:	hcsoc@hawaii.gov
Social Media:	YouTube LinkedIn Facebook Instagram

Expenses for the Preceding Month

EXPENDITURE COSTS - April 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$0**	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan			$0	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$333.00**	
Airfare			$0	
Car Rental	$123	1.00	$123	4/20 Hilo Travel
Daily Per Diem	$20	5.00	$100	4/20 Hilo Travel
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	5.00	$110	
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$500.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement	$500	1.00	$500	Membership renewal
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$833**	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on May 18, 2023. The next monthly meeting is scheduled to occur on June 15, 2023, at the Dept. of Labor and Industrial Relations 830 Punchbowl Street, Room 310 Honolulu, Hawai'i 96813 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: June 15, 2023

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 will publicly post 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. The June 15, 2023, Commission meeting was canceled due to not meeting quorum. Therefore, this report, and the July Oversight Coordinator report, will be publicly discussed during the July 20, 2023, monthly Commission meeting.

In-Custody Death

On Saturday, May 30, 2023, a person in custody, male, 77 years old was transferred from the Halawa Correctional Facility (HCF) to a nearby hospital where he was admitted. On Thursday, June 1, 2023, HCF was notified that the individual was pronounced deceased at 2:15pm.

On Monday, June 5, 2023, a person in custody, male, 61 years old, was found unresponsive in the infirmary of the Halawa Correctional Facility. This individual was on hospice and pronounced deceased by a medical doctor at 2:18am.

New Staff

On May 22, 2023, Cara Compani started as the Commission's first Reentry and Diversion Oversight Specialist. Cara brings over a decade of experience in correctional oversight and reform on the local, national, and system-wide levels. Cara led the work of the D.C. Corrections Information Council in their inspection and monitoring of local and federal correctional facilities. Cara was also part of the Reimagining Prison Project work at the Vera Institute of Justice, which put forward a new, reimagined vision for the future of

corrections. Cara has now turned her attention to the Aloha State and is fiercely passionate about furthering the work of the Commission. Cara is a native New Yorker with a J.D. from the Elisabeth Haub School of Law at Pace University and an LL.M. from The George Washington University Law School.

Actions Taken

Facility Tours

Facilities Toured:

- Hawaii Community Correctional Center (HCCC) – May 11, 2023
- Maui Community Correctional Center (MCCC) – May 18, 2023
- Oahu Community Correctional Center (OCCC) – May 25, 2023
- Kauai Community Correctional Center (KCCC) – May 31, 2023
- Maui Community Correctional Center (MCCC) – June 6, 2023
- Hawaii Community Correctional Center (HCCC) – June 8, 2023
- Halawa Correctional Facility (HCF) – June 14, 2023

Additional facility tours have taken place to onboard the Reentry and Diversion Oversight Specialist. The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Second Chance Summit in August 2023. The Summit will take place on August 23, 2023, in Kona. Registration opens in July. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration.

House Concurrent Resolution 23 Taskforce

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, will be chairing this task force and the Council of State Governments has agreed to assist with the planning and implementation of this taskforce. Members are currently being designated for this task force so scheduling can begin.

Legislative Symposium

The Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety are collectively planning a legislative symposium to bring nation and worldwide experts to Hawaii to examine the current correctional system and discuss the importance of culture and design when considering new jail or prison structures. The symposium is slated to happen sometime in October and the public will be updated as more information becomes available.

Access to Courts

On May 4, 2023, the Commission submitted a letter to the Hawaii Supreme Court Chief Justice regarding a lack of access to attorneys due to people in custody not knowing who their attorney is. The details of the letter can be found in the May Oversight Coordinator

Monthly Report. The Oversight Coordinator has been working with the Judiciary to find potential solutions to curve this issue. This will continue to be reported on until resolved.

MCCC Commissioner Tour

On Thursday, May 18, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Maui Community Correctional Center (MCCC). Unfortunately, due to the Commission meeting running long, the tour was shorter than hoped and it was difficult to gain the meaningful information needed to produce an impactful report. Therefore, the Oversight Coordinator, Reentry and Diversion Oversight Specialist, Commissioner Sakai, and Commissioner Ibarra toured MCCC on June 6, 2023. A report regarding that tour will be available before the next Commission meeting scheduled for July 20, 2023.

Expenses for the Preceding Month

EXPENDITURE COSTS - May 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$129**	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$129	1.00	$129	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$1,373.19**	
Airfare	$925	1.00	$925	5/11, 5/18, 5/31, 6/6, 6/8, 6/19
Car Rental	$200	1.00	$200	5/11, 5/18
Daily Per Diem	$20	8.00	$160	5/11, 5/18, 5/31
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	4.00	$88	5/11, 5/18, 5/31
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$1,502**	

General Office Information

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

Website: hcsoc.hawaii.gov

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

Email: hcsoc@hawaii.gov

Social Media: YouTube
LinkedIn
Facebook
Instagram

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on July 20, 2023. The next monthly meeting is scheduled to occur on July 20, 2023, at the University of Hawaii at Hilo, 200 W Kawili Street, Hilo, Hawai'i 96720 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: July 20, 2023

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 will publicly post 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. This report, and the June Oversight Coordinator report, will be publicly discussed during the July 20, 2023, monthly Commission meeting.

Budget Update

The Commission was recently notified that there was an error in the budget worksheets in that it should read, "Legislature **Does Not** Concur." There was no agreement in conference, and the HCSOC was not funded.

Monday, May 15, 2023 3:36 pm LEGISLATIVE BUDGET SYSTEM Page 107 of 1070
BUDGET COMPARISON WORKSHEET

Program ID: ATG100 LEGAL SERVICES
Structure #: 110301000000
Subject Committee: JHA JUDICIARY & HAWAIIAN AFFAIRS

	HB300 CD1						HB300 GM					
	FY24			FY25			FY24			FY25		
SEQ #	Perm	Temp	Amt	Perm	Temp	Amt	Perm	Temp	Amt	Perm	Temp	Amt
104-001			A				4.00		534,388	4.00		534,388 A

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).
****
LEGISLATURE CONCURS.

DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).
****
DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

However, Governor Josh Green graciously stepped in to ensure the Commission will function for at least another year. The amount confirmed by the Governor's Office for the Commission for FY24 funding from the Governor's discretionary funds will be $413,388. This includes staff salaries, intra-state travel, membership and dues, telephones, and office supplies. This does not include out-of-state travel (Saguaro) or special projects/ consultation (population limit study).

The Commission is incredibly grateful for Governor Green for funding the important work of the Commission.

In-Custody Deaths
On June 3, 2023, a person in custody, male, 62 years old was transferred from the Oahu Community Correctional Center (OCCC) to a nearby hospital where he was admitted due to terminal illness. On Sunday, June 18, 2023, OCCC was notified that the individual was pronounced deceased at 1:45am.

On Friday, July 7, 2023, a person in custody, male, 36 years old, was found unresponsive in his cell with facial injuries. Healthcare was immediately notified and conducted CPR and called 911 Emergency Services. Honolulu Police Department (HPD), State Attorney General (AG) Investigators, State Sheriffs, PSD's Internal Affairs Unit, and the Coroner came to the scene and pronounced the individual deceased at approximately 9:26pm. The case has been classified been classified as a Murder and State Sheriff's, PSD's Internal Affairs, and Attorney General investigators are all conducting their respective investigations with the AG's office taking the lead investigative role.

On Sunday, July 9, 2023, a person in custody, male, 68 years old, was transported to a nearby hospital from the Halawa Correctional Facility (HCF) infirmary. This individual was on hospice care. On July 9, 2023, HCF was notified that the individual was pronounced deceased at 11:57pm.

Actions Taken

Facility Tours
Facilities Toured:

- Women's Community Correctional Center (WCCC) – June 15-16, 2023
- Kulani Correctional Facility – June 22, 2023
- Waiawa Correctional Facility – June 23, 2023
- Saguaro Correctional Facility – June 27-29

Additional facility tours have taken place to onboard the Reentry and Diversion Oversight Specialist. The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration
Going Home Hawai'i has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Second Chance Summit in August 2023. The Summit will take place on August 23, 2023, in Kona. Registration is open and can be found

here:https://www.eventbrite.com/e/going-home-hawaii-reentry-restoration-summit-tickets-651508087227. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration.



House Concurrent Resolution 23 Taskforce

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, will be chairing this task force.

In June 2023, the Council of State Government agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The Council of State Governments (CSG) Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.

- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.
6. Produce a report summarizing the analyses and policy options and present the report as requested.

This is at no cost to the Commission or the State of Hawaii.

Legislative Symposium

The Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety are collectively planning a legislative symposium to bring nation and worldwide experts to Hawaii to examine the current correctional system and discuss the importance of culture and design when considering new jail or prison structures. The symposium is slated to happen sometime in October and the public will be updated as more information becomes available.

Tour of HCCC with Hawaii County Prosecutor's Office

On June 8, 2023, Prosecuting Attorney Kelden Waltjen, First Deputy Prosecuting Attorney Stephen Frye, and Supervising Deputy Prosecuting Attorneys Kevin Hashizaki and Andrew Son from the Hawaii Count Prosecutor's Office toured the facilities at the Hawai`i Community Correctional Center ("HCCC") in Hilo with Oversight Coordinator, Christin Johnson. The Commission looks forward to working with the Prosecutors office to address our community's needs, reduce recidivism, and prioritize public safety on Hawai`i Island.

Tour of Halawa and OCCC with Senate

On July 11, 2023, the Senate Ways and Means Committee and the Senate Public Safety and Intergovernmental and Military Affairs Committee hosted site visits to the Halawa Correctional Facility, O'ahu Community Correctional Center (OCCC), and the Laumaka Work Furlough Center. The purpose was to bring awareness to initiatives to modernize our public safety facilities, disrupt pathways to prison, and reduce recidivism. Chair Patterson joined the Senate on the tours. The media release is attached to this report.

Big Island Press Club Media Interview

On June 19, 2023, Commission Ron Ibarra and Oversight Coordinator Christin Johnson participated in the Big Island Press Club Newsmaker televised panel on the Hawaii Correctional System Oversight Commission, featuring problem in Hawaii's prisons and

jails. The full interview can be watched here: https://vimeo.com/840246176. The taping will air on Hawaii public access television channels.

Review of Parole Hearing Process and Saguaro Correctional Center Tour

Below are brief initial impressions from the observation of Hawaii Paroling Authority parole hearings and general observations gathered from the Saguaro Correctional Center tour. Please note these are only initial impressions and general observations and focus areas are subject to change. The goal of sharing these is to increase transparency, identify and begin to create strategies to navigate systemic concerns, and work with the Department of Public Safety on solutions that encompass a rehabilitative mindset.

Hawaii Parole Hearings

On June 28 and 29, 2023, the Oversight Coordinator and Reentry and Diversion Oversight Specialist observed Hawaii Paroling Authority parole and parole reconsideration hearings at Saguaro Correctional Center. The in-person hearings were conducted by Hawaii Paroling Authority Board members Milton Kotsubo, Carol Matayoshi, and Gene DeMello, Jr.

Note: *To date, no other parole hearings have been observed, so these initial observations only apply to the hearings in Saguaro on the above dates.*

Initial Impressions:

1) The Board members were prepared for the hearings and made fair assessments based on recommended program completion, treatment options, housing and employment arrangements, and furlough placement. Many of the parole denials were due to incomplete recommended programs.

2) Some recommended programs were unavailable to people in custody due to waitlists, waiting period requirements, and programs not being offered. The programs related to the delays are Residential Drug Abuse Program (RDAP) Two and RDAP Three, Special Housing Incentive Program (SHIP), and KASHBOX.

   Denials due to incomplete programming are of importance to the Commission because we are mandated to, "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 minimum terms have been served instead of delaying the release for lack of programs and services. HRS § 353L-3(b)(4)."

   RDAP is a common program recommendation by the Parole Board. RDAP has a waitlist. SHIP (see SHIP program information in general Saguaro tour information below) placement precludes RDAP participation for more than 18 months. This is because SHIP is 12 months long, people in custody must wait at least six months post-SHIP before being eligible for RDAP, and there is an additional pre-SHIP investigative waiting period. These two issues, separately and combined, affect

timely access to RDAP and lengthen the time for program admittance and completion. RDAP is a common parole programming recommendation.

RDAP program eligibility is determined by the Mainland Branch, and one factor used in this determination is the minimum term for sentencing. For people with longer minimums or life terms, RDAP program eligibility is far off, and a reduction of minimum will likely only be granted if recommended programs are complete (usually including RDAP).

KASHBOX is an intensive residential substance abuse treatment program for inmates with serious substance abuse problems. KASHBOX is not offered at Saguaro, and no accepted equivalent is offered at the facility. Incomplete programming can affect parole granting.

3) Generally, people in custody were not well prepared for parole hearings. There didn't appear to be training on communicating during hearings, representing and advocating for themselves, or taking responsibility.

4) The language interpreter connected to the hearings through the phone. It was difficult for the interpreter to hear and interpret all parties during the hearings. All parties couldn't actively hear and participate due to this setup. An interpreter via Teams or another Video Conferencing platform would be more effective for those who do not speak English as their primary language.

5) People in custody from the November Unit–including administrative segregation, disciplinary segregation, and SHIP–participated in the hearing in wheelchairs because their arms and legs were shackled for transport. There was no indication that these people posed a specific danger that required restraints during the actual hearing.

Saguaro Correctional Center, CoreCivic private facility in Eloy, Arizona

On June 27, 2023, the Oversight Coordinator and Reentry and Diversion Oversight Specialist toured Saguaro Correctional Center. Below are general observations from the tour:

1) According to the Hawaii DPS population report, there were 870 people in custody at Saguaro the week of June 26, 2023. The facility is not overcrowded or beyond rated capacity. Standard staffing rates for security and non-security staff supporting education classes, programming, and treatment. General population was rehabilitative in nature, people in custody were out of their cells, at school—the facility has a designated school—and programming, and participating in treatment.

2) Saguaro is *accredited* by American Correctional Association and has outside *audits* from the Mainland Branch and *inspection and monitoring* from the Commission. Established accreditation, audits, and routine inspection and monitoring ensure

basic correctional standards and national benchmarks for corrections are met and maintained, this is the case at Saguaro.

There is a distinct and essential role for each of these oversight functions. According to Michele Deitch, subject matter expert in independent oversight of correctional institutions and co-chair of the American Bar Association's Subcommittee on Correctional Oversight, there are different oversight functions, including:

a. *Accreditation* requires the facility meet specific standards to receive accreditation.
b. The *audit* function reviews whether the facility meets established performance indicators, standards, policies, or fiscal responsibility benchmarks.
c. The *inspection and monitoring* function involves routine inspection and public reporting on all correctional institutions in a jurisdiction by an entity outside the corrections agency or company.

Each function is important and distinct, and effective oversight encompasses these three functions and more. For more information on the role of oversight, please see this article by Michele Deitch Distinguishing the Various Functions of Effective Prison Oversight (pace.edu)

3) The Commission has serious concerns regarding the Special Housing Incentive Program (SHIP). Although SHIP is noted to be a programming house, the reality is that it is 12-plus months in a segregated housing setting. SHIP placement occurs after the violation of specific institutional rules. SHIP is broken down into three Phases, each four months long, with more out-of-cell time introduced in each phase. Phase one has one hour of outdoor recreation time per day (23 hours in cell), phase two has one hour of outdoor recreation and one hour of dayroom recreation per day (22 hours in cell), and phase three has three hours of combined outdoor and dayroom recreation time per day (21 hours in cell).

During the visit, more than 80 people from Hawaii were in the three phases of SHIP. Saguaro also houses people in custody from Idaho, and SHIP is not an option for or offered to those from Idaho. None of the facilities operated by Hawaii DPS offer SHIP either. For example, if an institutional rule violation occurs at Halawa Correctional Facility, the person in custody usually faces up to 60 days in disciplinary segregation if found guilty, not 12 months in SHIP.

The Commission is extremely concerned about the long-term physical and psychological effects of 12-plus months in a segregated housing setting, which are now well-documented and studied. The trend nationally is to decrease the amount of time in segregated housing settings. With the state of Hawaii's transition to a therapeutic model of corrections, SHIP should be reevaluated and potentially eliminated in totality as it does not align with a rehabilitative framework.

4) Sagauro is 3,000 miles from Hawaii family, friends, and community. This distance makes visitation and maintaining contact and connection very difficult.

   The Oversight Coordinator wishes to extend special thanks to Edmund "Fred" Hyun, Hawaii Paroling Authority Chairperson, Corey Reincke, Hawaii Paroling Authority Acting Administrator, and the Hawaii Paroling Authority Board and staff. In addition, the Coordinator extends special thanks to all Warden Wead, Assistant Warden Powell, and the facility staff at Saguaro Correctional Center for their cooperation, expertise, and assistance.

Access to Courts

On May 4, 2023, the Commission submitted a letter to the Hawaii Supreme Court Chief Justice regarding a lack of access to attorneys due to people in custody not knowing who their attorney is. The details of the letter can be found in the May Oversight Coordinator Monthly Report. The Oversight Coordinator has been working with the Judiciary to find potential solutions to curve this issue. This will continue to be reported on until resolved.

MCCC Commissioner Tour

On Thursday, May 18, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured the Maui Community Correctional Center (MCCC). Unfortunately, due to the Commission meeting running long, the tour was shorter than hoped and it was difficult to gain the meaningful information needed to produce an impactful report. Therefore, the Oversight Coordinator, Reentry and Diversion Oversight Specialist, Commissioner Sakai, and Commissioner Ibarra toured MCCC on June 6, 2023.

Below are recommendations to be considered by the Department of Public Safety which stemmed from the MCCC tour. The full report can be read at: https://hcsoc.hawaii.gov/facility-specific-reports/.

1) **Officers need immediate policy refresher training on unit management.** Officers should be reminded how to properly manage their logbooks in accordance to policy. This should include accurate timestamps of every individual who enters the unit. Further, officers should be reminded about 30-minute checks within restrictive housing as it was apparent that hourly checks were being conducted.

2) **Grievance and medical forms and drop boxes should be inside the modules.** In Modules C and D, grievance forms, the grievance request box, medical request forms, and the healthcare request box should be places and available in the module where people in custody have easy and daily access without asking staff. Officers should also be reminded of confidentiality of grievances and healthcare requests.

3) **Restrictive Housing policies need to be updated to align with federal standards.**

There is significant research regarding the impact of segregation on a person's health, particularly since 2014 when PSD's policy on restrictive housing was implemented. The policy needs to be updated to reflect federal and ACA standards.

4) **Fire Safety needs to be prioritized.**
The chains and padlocks off of Dorms 1 and 2 need to be removed immediately, and the doors should be equipped with alarms that sound every time they are opened. Additionally, if staff are not doing it now, the facility would be well-advised to conduct regular fire drills and briefings so that the people in custody are familiar with procedures in case of fire.

Expenses for the Preceding Month

EXPENDITURE COSTS - June 2023

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$35,338**	
Office Furniture	$35,201	1.00	$35,201	encumbered for FY
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$137	1.00	$137	
Wifi Hotspot			$0	
Inter-Island Correctional Facility Travel			**$543.00**	
Airfare			$0	
Car Rental	$77	3.00	$231	
Daily Per Diem	$20	9.00	$180	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$22	6.00	$132	
Mainland Correctional Facility Travel			**$1,115.50**	
Airfare	$1,116	1.00	$1,116	6/26
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$2,891.95**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement			$0	
National Association of Sentencing Commissions	$425	2.00	$850	Registration fee
Airfare	$2,042	1.00	$2,042	8/6, 11/12
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$38,773**	

General Office Information

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

Website:	hcsoc.hawaii.gov
Submit Testimony:	https://hcsoc.hawaii.gov/submit-testimony/
Email:	hcsoc@hawaii.gov
Social Media:	YouTube LinkedIn Facebook Instagram

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on July 20, 2023. The next monthly meeting is scheduled to occur on July 20, 2023, at the University of Hawaii at Hilo, 200 W Kawili Street, Hilo, Hawai'i 96720 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.

Justice Center
THE COUNCIL OF STATE GOVERNMENTS

Hawai'i Parole Project—House Concurrent Resolution 23 Task Force

Background and Scope of Work

The Hawai'i legislature passed House Concurrent Resolution (HCR) 23 during the 2023 legislative session to convene a 15-member interbranch, interagency task force to examine and make recommendations regarding the Hawai'i Paroling Authority (HPA) setting the minimum terms of imprisonment. In Hawai'i, there is a two-step process where the courts establish the maximum term of imprisonment as set out in statute, and HPA holds a separate hearing to determine the minimum term.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

Overview of the CSG Justice Center

The Council of State Governments (CSG) Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Our mission is to provide research-driven strategies to increase public safety and strengthen communities.

How the CSG Justice Center Can Assist

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.
6. Produce a report summarizing the analyses and policy options and present the report as requested.

CSG Justice Center Staff

Jennifer Kisela is a deputy program director at the CSG Justice Center, providing oversight and technical assistance on special projects related to the Justice Reinvestment Initiative. In her role, she provides content expertise in the areas of evidence-based practices in community supervision, quality assurance, correctional programming, and parole board decision-making. Prior to joining the CSG Justice Center, she worked for 15 years in community corrections, including as the research and continuous quality improvement administrator at Oriana House in Ohio where she implemented and oversaw the training and coaching of staff on the use of effective interventions. In addition, Jennifer has provided training and coaching services as an independent contractor to community corrections agencies throughout the U.S. Jennifer holds a BA in justice studies from Kent State University and an MS in criminal justice from the University of Cincinnati.

Carl Reynolds serves as a senior legal and policy advisor for the CSG Justice Center, where he helps manage and develop projects related to sentencing, courts, corrections, indigent defense, and juvenile justice issues. Prior to joining the CSG Justice Center, Carl served as director of the Texas Office of Court Administration. From 1993 to 2005, he was general counsel for the Texas Department of Criminal Justice (TDCJ), the agency responsible for prisons, probation, and parole, and the Texas Board of Criminal Justice—the governing body for TDCJ. Prior to that position, he was the executive director of the Texas Punishment Standards Commission, general counsel to the Texas Senate Committee on Criminal Justice, director of the Senate's redistricting staff, and a briefing attorney for the Texas Court of Criminal Appeals. Carl holds a JD from the University of Texas School of Law, an MA from the Lyndon B. Johnson School of Public Affairs, and a BA from the University of Cincinnati.

Ka ʻAha Kenekoa
THE SENATE
KE KAPIKALA (STATE CAPITOL)
HONOLULU, HAWAIʻI 96813

FOR IMMEDIATE RELEASE
July 12, 2023
Senate Communications: Matthew Prellberg 808-586-6261

SENATE HOSTS SITE VISITS TO THE O‘AHU COMMUNITY CORRECTIONAL CENTER AND HALAWA CORRECTIONAL FACILITY

Honolulu, Hawai‘i – Yesterday, the Senate Ways and Means Committee and the Senate Public Safety and Intergovernmental and Military Affairs Committee hosted site visits to the Halawa Correctional Facility, O’ahu Community Correctional Center (OCCC), and the Laumaka Work Furlough Center. The purpose was to bring awareness to initiatives to modernize our public safety facilities, disrupt pathways to prison, and reduce recidivism.

Luis Salaveria, Director of the Department of Budget and Finance, discussed options for financing the new OCCC. Tommy Johnson, Director of the Department of Public Safety, and Keith Regan, Comptroller for the Department of Accounting and General Services, presented their vision for the future of the new Department of Corrections and Rehabilitation. Finally, Mary Alice Evans, Director of the Office of Planning and Sustainable Development, and Harrison Rue, TOD Program Manager, discussed the potential of the current OCCC site for transit-oriented development.

"We saw deplorable conditions in our jail and prison - everything from overcrowding and lack of lighting, to a leaking roof and damaged floors," says Senator Glenn Wakai, Chairman of the Committee on Public Safety and Intergovernmental Military Affairs, "Both facilities have glaring deficiencies, covered by decades of band aids. Ignoring the situation could lead to the Feds mandating upgrades and the costs to taxpayers will skyrocket."

"We plan to refocus and shift from what some may see as a punitive incarceration model to a model focused on treatment, education, and successful re-entry via wrap-around services”, says Tommy Johnson, Director of the Department of Public Safety. "It is critical to establish diversions at the front of pipelines to prison to reduce the burden on our enforcement and correctional facilities."

The Senate has supported various initiatives that disrupt pathways to prison and reduce recidivism, including the statewide expansion of Alternative Learning Programs within the Department of Education, the establishment of the Office of Wellness and Resilience, and the continuation of the Ohana Zones Program.

"Our visit to OCCC, confirmed that the Senate's $10 million allocation of funds in Fiscal Year 2025 for the relocation of the facility to a new site in Halawa Valley is a prudent one and will get this project moving," says Senator Donovan Dela Cruz, Chairman of the Committee on Ways and Means. "Overcrowding, aging facilities and outdated security infrastructure at OCCC are putting inmates and our public safety personnel at risk, and we need to move with urgency to get a new and modern facility built. We are encouraged to know that under Director Tommy Johnson's leadership, he is working closely with the Governor, Budget and Finance, Department of Accounting and General Services and the Department of Agriculture to move quickly on putting out a Request for Qualifications so that we can determine financing options that the State can move forward with and get this project underway and built."

For the new OCCC in Halawa, the Environmental Impact Statement was formally accepted in 2018, and the Planning and Review Use permit was approved by the Honolulu City Council in 2020. Next steps include issuing the Request for Qualifications, which is awaiting approval by Director Salaveria. This is a necessary step to inform future legislative requests and the issuance of the Request for Proposals.

###

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Oversight Coordinator Monthly Report
Date of Report: August 17, 2023

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 will publicly post 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.

Maui Fires

The Commission is heartbroken by the destruction and devastation caused by the Maui wildfires. When news of the wildfires broke, the Commission immediately contacted the Department of Public Safety to ensure there was an emergency evacuation plan in case the fires expanded toward the Maui Community Correctional Center (MCCC). The Commission was provided with a copy of the evacuation plan. The Commission has been informed that all of those who live and work in the MCCC are safe.

Additionally, the Commission has been informed that the Warden has allowed additional phone time and assistance to people in custody to help alleviate any anxiety or concerns over what has occurred. The Warden also ensured that mental health providers were down on the floor of the living units for individuals in custody to confide in. The Commission is thankful for the compassion expressed by MCCC Warden Lianne Endo.

In-Custody Deaths

On July 27, 2023, a person in custody at Halawa Correctional Facility (HCF), male, 84 years old, was pronounced deceased at a nearby hospital due to terminal illness. Although his death is considered to be from natural causes, both the Honolulu Police Department and the Department of Public Safety's Internal Affairs unit have been notified and will conduct their respective investigations.

Actions Taken

Facility Tours

Part of the HCSOC mandate is to *facilitate the correctional system transition to a rehabilitative and therapeutic model*. To better understand rehabilitative and therapeutic programs and transitional housing options currently being offered in Hawaii, HCSOC staff met with community-based services providers and toured several transitional housing communities on Oahu, including:

- Women in Need (WIN)
- The First Life After Prison (First LAP)
- Residential Youth Services and Empowerment (RYSE)
- Fernhurst Residence, YWCA
- Kinai ʻEha

We will be highlighting the work of some of these organizations in the coming months. The HCSOC wishes to extend special thanks to the leadership, staff, and residents at each of these organizations for their expertise and hospitality.

Additionally, the Oversight Coordinator, Chair, and Senator Brandon Elefante and his staff toured Halawa Correctional Facility on July 26. The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Sequential Intercept Model Mapping Workshop

On August 2-3, HCSOC staff attend the Sequential Intercept Model Mapping Workshop offered by the Substance Abuse and Mental Health Services Administration (SAMHSA) in partnership with Pūʻā Foundation, Department of Public Safety, Department of Human Services, Judiciary/Women's Court, Hawaii Paroling Authority, and the Partners in Development Foundation. The focus of the workshop was responding to the needs of Hawaii Justice-Involved Women from the Women's Community Correctional Center and the Women's Court on Oahu. Through the two-day workshop, we learned Sequential Intercept Model (SIM) basics and mapped its application in Hawaii, established state-wide priorities, and created an action plan to move forward. We are grateful for the opportunity to attend and work together with different partners to create better outcomes for justice-involved women.

National Association on Sentencing Commissions 2023 Conference

On August 7-9, the Oversight Coordinator and Chair attended the National Association on Sentencing Commissions (NASC) 2023 Conference. The conference theme was "*The More Things Change, the More They Stay the Same? Challenges Faced by State Criminal Justice Systems and Approaches to Reform, 1993 to 2023*." The conference covered various topics surrounding approaches to reform, reducing recidivism, transparency in sentencing and much more. The conference helped the Coordinator and Chair prepare for their roles within the HCR23 Task Force by learning more about approaches to sentencing reform. The description of the conference is below:

"States are facing some of the same problems they faced when NASC was originally formed thirty years ago: following two decades of decreasing crime rates, the trend has

reversed in recent years and concerns about prison-overcrowding and the cost of incarceration persist. These issues are combined with concerns about the disparate treatment in the criminal justice system—largely by race—and the reality of collateral consequences of a criminal record. Rather than the similar response of states in the 1990s, states seem to be taking a variety of approaches to address these contemporary challenges. This takes many forms, including: the evaluation of existing guidelines, the creation of sentencing guidelines where none existed, or the change from a determinate to an indeterminate sentencing system (or vice versa). Given that some of the challenges today mirror those of thirty years ago, this conference gives us the opportunity to reflect upon our past efforts:

- Did any criminal justice reforms of the 1990s have their desired effect? What were they and why were they successful?
- What were the unintended consequences of the 'tough on crime' reforms? Were there later reforms designed to address these unintended consequences?
- What are some of the lessons from the earlier reform? How can those be used to prevent repeating mistakes of the past?"

Justice-Involved Homeless Intergovernmental Collaboration

Going Home Hawai'i (GHH) has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry and Restoration Summit in August 2023. The summit will take place on August 23, 2023, in Kona. Attendees can expect a day filled with informative sessions, engaging workshops, and networking opportunities. GHH is expecting 250 community partners and like-minded allies to come together for a chance to hear from leaders and top experts in the field of reentry services. The summit is designed to provide support and resources for justice-involved individuals and will focus on reentry and restoration, and how to successfully transition into community. The summit is intended for individuals, businesses/business owners, faith communities, and community organizations who seek to make meaningful contributions to community-based reentry programs and corrections reform.

The summit agenda includes:

Plenary Speakers:

- Dr. Jamee Miller, Founder, Ekolu Mea Nui: Ho`iwai - A Pono Framework for Success After Incarceration
- Dr. Kimo Alameda, Psychologist and Community Advocate: Healthcare and Community Reintegration
- Heather Lyons, Executive Director, Corporation for Supportive Housing: FUSE & The Justice-Involved Homeless

Lunch will include a special showing of the local documentary, "Beyond Bars: Prison Women Speak". A Cannes International Film Festival award-winning film directed by Tadia Rice, featuring stories of women incarcerated in Hawai`'i.

Additionally, there will be five breakout sessions after lunch:

1. Supportive Housing (Ballroom) Sharon Hirota, Manager, Community Engagement Division, Office of Housing & Community Development & James Koshiba, Governor's Coordinator on Homelessness
2. Community Safety (Conf Rm 1) Chief Ben Moszkowicz, Hawaii Police Department & Christin Johnson, Coordinator, Hawaii Correctional System Oversight Commission
3. Career Pathways (Conf Rm 2) Denise Pacheco, Office Manager, Department of Labor & Industrial Relations, Workforce Development Division & Dr. Marilyn Brown, Professor Emeritus, University of Hawaii Hilo, Sociology Department.
4. Healthcare (Conf Rm 3) Dan Mistak, Acting President & Director of Healthcare Initiatives for Justice Involved Populations, Community Oriented Correctional Health Services & Heather Lusk, Executive Director, Hawaii Health & Harm Reduction Center
5. Equity (Conf Rm 4) Carrie Ann Shirota, Policy Director, American Civil Liberties Union-Hawaii & Iopa Maunakea, Executive Director, Kanaka O Puna-Men Of PAA



House Concurrent Resolution 23 Taskforce
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, will be chairing this task force.

The Council of State Government (CSG) agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The

CSG's Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.
6. Produce a report summarizing the analyses and policy options and present the report as requested.

The Commission will be hosting a community outreach event on September 11 for those who wish to express their thoughts to the Chair before the first task force meeting. The first meeting is scheduled for September 12 and more information regarding this task force can be found on the Commission's website here: https://hcsoc.hawaii.gov/hcr23-task-force/.



Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum
The Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety are collectively planning a symposium to bring national and worldwide experts to Hawaii to examine the current correctional system and discuss the importance of culture and design when considering new jail or prison structures.

The symposium is scheduled for October 10-11 from 8:30am-4pm and will be held at the Laniākea — YWCA O'ahu. More information will be available as we continue to finalize speakers and other important details.

Access to Courts
On May 4, 2023, the Commission submitted a letter to the Hawaii Supreme Court Chief Justice regarding a lack of access to attorneys due to people in custody not knowing who their attorney is. The details of the letter can be found in the May Oversight Coordinator Monthly Report. The Oversight Coordinator has been working with the Judiciary to find potential solutions to curve this issue. This will continue to be reported on until resolved.

Expenses for the Preceding Month
Note: No expenses as general funds were not made available for the month of July.

EXPENDITURE COSTS - July 2023

	Price/Item Qty	Total	Notes
Office Equipment and Supplies		**$0**	
Office Furniture		$0	
General Office Supplies		$0	
Staff and Commission Badges		$0	
Staff and Commission Badge Holders		$0	
Cell Phone		$0	
Cell Phone Monthly Plan		$0	
Wifi Hotspot		$0	
Inter-Island Correctional Facility Travel		**$0.00**	
Airfare		$0	
Car Rental		$0	
Daily Per Diem		$0	
Lodging+Tax		$0	
Ground Transportation		$0	
Airport Parking		$0	
Mainland Correctional Facility Travel		**$0.00**	
Airfare		$0	
Car Rental		$0	
Daily Per Diem		$0	
Lodging+Tax		$0	
Ground Transportation		$0	
Airport Parking		$0	
Memberships + Conferences		**$0.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement		$0	
National Association of Sentencing Commissions		$0	
Airfare		$0	
Car Rental		$0	
Daily Per Diem		$0	
Lodging+Tax		$0	
Ground Transportation		$0	
Airport Parking		$0	
TOTAL		**$0**	

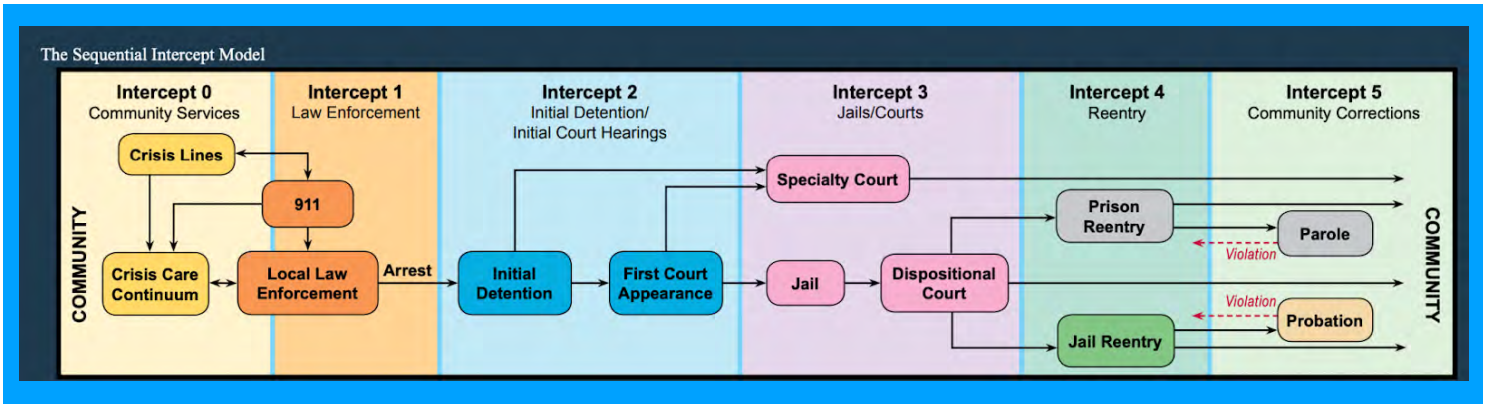
General Office Information

Mailing Address:	Hawaii Correctional System Oversight Commission 235 S Beretania Street, 16th floor Honolulu, HI 96813
Website:	hcsoc.hawaii.gov
Submit Testimony:	https://hcsoc.hawaii.gov/submit-testimony/
Email:	hcsoc@hawaii.gov
Social Media:	YouTube LinkedIn Facebook Instagram

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on August 17, 2023. The next monthly meeting is scheduled to occur on September 21, 2023, at the Department of Labor and Industrial Relations (DLIR), 830 Punchbowl Street Room 310, Honolulu, Hawai'i 96813 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.

YOU ARE INVITED - Sequential Intercept Model Mapping Workshop



The Pūʻā Foundation, Dept. of Public Safety, Dept. of Human Services, Judiciary/Women's Court, Hawaii Paroling Authority, with involvement from the Partners In Development Foundation together are leveraging expertise and support from the Substance Abuse and Mental Health Services Administration to present the Sequential Intercept Model (SIM) Mapping workshop. We will focus on responding to the needs of women who are involved in the criminal justice system, especially those at the newly created Women's Court on Oahu, and the Women's Community Correctional Center. This workshop aims to:

(1) Assist with furthering the delivery of appropriate services, (2) Assist communities in identifying gaps in services, and (3) Assist with optimizing use of local resources and opportunities.

The SIM Mapping Workshop will bring together diverse groups of criminal justice, behavioral health, and community stakeholders to identify resources for responding to the needs of adults with mental health conditions, and often co-occurring substance use disorder, who are involved or at risk for involvement in the criminal justice system, as well as gaps in services and opportunities for increasing cross-system collaboration and partnerships. SIM Mapping Workshops result in the development of strategies for diverting individuals in the target population out of the criminal justice system and connecting them appropriate community-based treatment providers and support services, including the development of a local systems map that illustrates how individuals enter and move through the criminal justice system, a set of local priorities for change and recommendations, and strategic action plans.

In November 2022 Pūʻā Foundation along with its governmental partnering agencies responded to a national solicitation released by the Substance Abuse and Mental Health Services Administration (SAMHSA) for applications from jurisdictions interested in SIM mapping. The application that was submitted on behalf of a Hawaii team focusing on justice involved women was selected and has been awarded a SIM mapping workshop.

The SIM Mapping Workshop will be held at the St. Stephens Diocesan Center and will take place on August 2nd from 8:30 am - 4:30 pm, and August 3rd from 8:30 am - 1:30 pm. The workshop is being supported by SAMHSA and will be facilitated by SAMHSA's GAINS Center, which is operated by Policy Research Associates, Inc. (PRA). PRA is known internationally for its work regarding adults with behavioral health needs who are involved in the criminal justice system.

date & time

8.2.23 - 8:30 AM - 4:30 PM
8.3.23 - 8:30 AM - 1:30 PM

location

ST. STEPHEN'S DIOCESAN CENTER
6301 PALI HWY, KANEOHE, HI 96744
LOWER CAMPUS CONFERENCE CNTR

LUNCH PROVIDED & LOTS OF PARKING AVAILABLE

NATIONAL ASSOCIATION OF SENTENCING COMMISSIONS

AGENDA
2023 NASC ANNUAL CONFERENCE
Harveys Lake Tahoe, Stateline, NV
August 7-9, 2023

Date/Time	Topic	Presenters/Panelists
Sunday, August 6		
5:00 – 6:30 p.m.	*Informal Happy Hour for NASC Members and Guests*	Nevada Department of Sentencing Policy, NASC Executive Committee Location: Brooks' Bar and Deck
Monday, August 7		
3:00 – 3:15 p.m.	*Conference Welcome*	Nevada Department of Sentencing Policy
3:15 – 4:30 p.m.	***Keynote Address and Nevada Commission Panel*** *How to Build a Sentencing Commission and Bring Criminal Justice Stakeholders Together*	Senior Chief Justice James Hardesty Mark Jackson Aaron Evans Athar Haseebullah
4:30 – 5:15 p.m.	*All States Update: Part I of II* (Alabama – Minnesota)	Moderator: Michelle Hall
5:30 – 7:00 p.m.	*Conference Reception* *~With thanks to our sponsor~* Arnold Ventures	Zephyr Room, Harveys
Tuesday, August 8		
7:30 a.m.	*Breakfast*	
8:30 a.m. – 9:45 a.m.	***Plenary Session 1*** *The More Things Change, the More They Stay the Same? Challenges Faced by State Criminal Justice Systems and Approaches to Reform, 1993 to 2023*	Niki Hotchkiss David Raybin Carl Reynolds Moderator: Matthew Kleiman
9:45 – 10:00 a.m.	*Morning Break*	

Date/Time	Topic	Presenters/Panelists
Tuesday, August 8 (cont'd)		
10:00 a.m. – 11:15 a.m.	*Breakout Sessions – Choose One*	
	B1a/ Guidelines Uniformity and Consistency: *Are We Deceiving Ourselves?* *This panel will unpack new research that reveals a significant lack of judicial uniformity on one of the most important guideline sentencing decisions, downward dispositional departures. Panelists will discuss the field's progress toward the goal of uniformity, and grapple with the tension in sentencing systems between balancing the desire for greater uniformity with the desire to retain some meaningful level of discretion.*	Judge Barbara McDermott Steven L. Chanenson Justice Gordon L. Moore, III Moderator: Rhys Hester
	B1b/ Probation Reform *Unintended consequences and constitutional challenges to 2021 probation 'reform' legislation in Virginia.*	Marcus S. Elam Jody Fridley Judge Patricia Kelly Moderator: Meredith Farrar-Owens
	B1c/ Recidivism *This session will discuss recidivism from several angles:* • *describe the recent publication "The Limits of Recidivism" by the National Academies (NASEM);* • *review the United States Sentencing Commission's recent report on "Length of Incarceration and Recidivism" and other research on the effects of incarceration on recidivism; and* *introduce another important NASEM publication, "Reducing Racial Inequality in Crime and Justice," which tackles the complex relationship between racial disparities in crime, and racial disparities in criminal justice involvement.*	Robert Apel Steven Raphael Moderator: Emily Backes
11:30 a.m. – 12:45 p.m.	*Lunch and **Rick Kern Memorial Keynote Speaker***	Sara Andrews

Date/Time	Topic	Presenters/Panelists
Tuesday, August 8 (cont'd)		
12:45 p.m. – 2:00 p.m.	***Plenary Session 2*** *New States* *This session will unpack the sentencing work underway in three states we have not seen at past NASC conferences--California, Colorado, and New Jersey—and describe the work of:* • *the California Committee on Revision of the Penal Code;* • *the Colorado Commission on Criminal and Juvenile Justice, Sentencing Reform Task Force; and* • *the New Jersey Criminal Sentencing and Disposition Commission.* *The panel will feature the collaboration between academia and sentencing policy groups, particularly in California and New Jersey.*	Tom Nosewicz Steven Raphael Robert Apel Ruth Coffman Moderator: Matthew Mizel
2:00 pm – 2:15 p.m.	*Afternoon Break*	
2:15 p.m. – 3:30 p.m.	*Breakout Sessions – Choose One*	
	B2a/ Sentencing Education *Education and outreach for implementation of sentencing guidelines.*	Jody Fridley Linda McBrayer Robert Sisock Moderator: Ryan Meyers
	B2b/Long Sentences *This breakout session will describe the reality of serving a sentence in excess of 20 years, and unpack two recent efforts examining long sentences:* • *"Counting Down: Paths to a 20-Year Maximum Prison Sentence." Research publications by the Sentencing Project including the Counting Down report, which describes "seven legislative reforms to cap sentences at 20 years and right-size the sentencing structure";* *"How Long is Long Enough?" Reports and recommendations of the Council on Criminal Justice Task Force on Long Sentences.*	Ashley Nellis John Maki Randall McNeil Moderator: Carl Reynolds
	B2c/ Transparency in Sentencing: *Using Data to Reform Nevada's Complex Sentence Credit Scheme to Promote Reliability and Fairness in Nevada's Criminal Justice System*	Victoria Gonzalez Jorja Powers Kirk Widmar

Date/Time	Topic	Presenters/Panelists
Tuesday, August 8 (cont'd)		
3:30 – 4:15 p.m.	*All States Update Part II of II* (Missouri – West Virginia)	Moderator: Michelle Hall
4:15 – 5:00 p.m.	***Annual Membership Meeting*** Executive Committee Member Elections, Financial Report, Other NASC Business	Michelle Hall Nate Reitz Ken Sanchagrin
6:00 p.m.	*Dinner on your own*	
Wednesday, August 9		
7:00 a.m.	*Breakfast*	
8:00 a.m. – 9:00 a.m.	*NASC Executive Committee meeting*	NASC Executive Committee
9:00 a.m. – 10:15 a.m.	***Plenary Session 3*** Frankel at 50: *A Half-Century's Perspective on Criminal Sentences: Law Without Order*	Douglas A. Berman Matthew Kleiman Benjamin L. Chanenson Moderator: Steven L. Chanenson
10:30 a.m. – 11:45 a.m.	*Breakout Sessions – Choose One*	
	B3a/ COVID Releases *Outcomes for offenders who were released having their sentences commuted during the COVID pandemic*	Ken Sanchagrin Kelly Officer
	B3b/ The Critical Role of Researchers on Sentencing Commissions: *Supporting Methodologically Sound and Empirically Driven Recommendations*	Jennifer Lanterman Victoria Gonzalez Christine Jones Brady
	B3c/Alaska's Bans on Plea Bargaining in Perspective *This session will explore two periods in time in which Alaska banned plea bargaining: How and to what extent were the bans implemented, what were the immediate and long-term effects on Alaska's criminal justice system, and why were they rescinded?*	John Skidmore Brenda Stanfill Judge Trevor Stephens Moderator: Susanne DiPietro

Date/Time	Topic	Presenters/Panelists
Wednesday, August 9 (cont'd)		
12:00 p.m. – 1:30 p.m.	*Lunch and **Presentation*** An Approach to Evidence-based Sentencing Review and Policy Options *This presentation is a walk-through of Tennessee's Sentencing Review, including the dependencies across the sentencing system, process challenges, and actionable policy options that may improve public safety, rehabilitation and reentry, as well as transparency, proportionality, and fiscal responsibility.*	Emily Livingston Steven L. Chanenson Jackie Lantsman Katie Orovecz
1:30 p.m.	*Adjourn*	
2:15 p.m.	***Post Conference Activity*** *Meet at the Heavenly Gondola for a 2.4 mile, 15-minute journey from 6000 to 9000 feet for breath-taking panoramic views of Lake Tahoe. Adults: $69*	Nevada Department of Sentencing Policy, NASC Executive Committee



Hawaii Correctional System Oversight Commission

Monthly Oversight Coordinator Report - September 21 2023

Contents

Introduction 2
In-Custody Death 2
Hawaii Paroling Authority Hearings 2
Legislative Correctional Facility Tours 3
Going Home Hawai'i Reentry and Restoration Summit 3
House Concurrent Resolution 23 Task Force 5
Community Meeting with Just Leadership USA 7
Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum 8
Project Updates 9
General Office Information 10
Monthly Meetings 11

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.

In-Custody Death

On August 18, 2023, at the Hawaii Community Correctional Center (HCCC), a person in custody, male, 56 years old, was found unresponsive in his cell at approximately 4:20am. 911 Emergency Medical Services (EMS) were called and the person in custody was transported to the Hilo Medical Center. At approximately 5:19am, HCCC was notified that the individual was pronounced deceased. This appears to be a death by suicide. The Hilo Police Department and the Department of Public Safety's Internal Affairs Unit are conducting their respective investigations.

Hawaii Paroling Authority Hearings

Consistent with the Commission's mandate to 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 minimum terms have been served instead of delaying the release for lack of programs and services, staff have been reviewing the Hawaii Paroling Authority (HPA) hearings.

On Thursday, August 17, 2023, HCSOC staff observed the HPA hearings at the Women's Community Correctional Center (WCCC). The hearings were scheduled to be in-person but shifted to remote due to COVID cases at the facility. HPA Board members Milton Kotsubo and Gene DeMello, Jr., and HPA Board Chair Edmund "Fred" Hyun conducted around 20 hearings–including parole violations, parole considerations, parole reconsiderations, and fixing minimum terms–which lasted approximately nine hours.

These HCSOC hearing observations are part of ongoing and mandated efforts to monitor and review the Hawaii Paroling Authority's oversight of parolees and ensure that the comprehensive offender reentry system provides programs and services resulting in timely release. The intention was also to learn more about the parole experience and procedure for women in Hawaii and HPA's minimum setting process.

The HCSOC staff wishes to thank HPA Chairperson, Edmund "Fred" Hyun, Board Members, and staff for their assistance.

Legislative Correctional Facility Tours

Consistent with the Commission's mandate to oversee the state's correctional system, on August 22, 2023, the Oversight Coordinator toured the Hawaii Community Correctional Center (HCCC) with Representative Mark Hashem, Corrections, Military & Veterans (CMV) Chair, Representative Linda Ichiyama, Water & Land (WAL) Committee Chair, Representative Nadine Nakamura, House Majority Leader, Representative Sonny Ganaden, Representative Mahina Poepoe, and Representative Luke Evslin. The intention of the tour was to bring awareness to the conditions of confinement at HCCC, and to illustrate areas where HCCC has improved in the past year. The tour was very successful, and the Commission wishes to thank Warden Mahoe and Chief of Security Kahapea for their time, and expertise.

Additionally, on September 8, 2023, the Oversight Coordinator toured the Saguaro Correctional Center with Senator Glenn Wakai, Public Safety and Intergovernmental and Military Affairs (PSM) Chair, Senator Brandon Elefante Public Safety and Intergovernmental and Military Affairs (PSM) Vice Chair, Michael Greenough, Senator Elefante's staff, Dr. Michael Champion, Senior Advisor to the Governor for Mental Health and the Justice System, and PSD leadership including Tommy Johnson, Director, Sanna Munoz, Deputy Director of Corrections and Rehabilitation, Melanie Martin, Deputy Director of Administration,. This was an introductory tour for the Senators and the Commission extends gratitude to Warden Wead for conducting the tour.



Going Home Hawai'i Reentry and Restoration Summit

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, on Wednesday, August 23, 2023, HCSOC Commissioners, Coordinator, and staff attended the Going Home Hawaii (GHH) *Reentry and Restoration Summit* in Kona, Hawaii. GHH convened over 300 attendees with varied backgrounds, including legislators and government leaders, individuals with lived experience, community organizations, advocates for justice-involved individuals, and experts to discuss supportive housing, healthcare, career advancement, equity, community safety, the need for policy change, successful interventions, and investment priorities. The conversations, work, and demonstrated commitment of summit organizers, presenters, and

attendees align with the spirit of change necessary to actualize the impending transition to the Hawaii Department of Corrections and Rehabilitation in January 2024.

Several–but not all–Presenter Highlights:

- The Oversight Coordinator led an informative and interactive breakout session on community safety with Chief Ben Moszkowicz, Hawaii Police Department.
- Dr. Jamee Miller, Founder of Ekolu Mea Nui presented on *Ho`iwai - A Pono Framework for Success After Incarceration*. Jamee highlighted the over-representation of Native Hawaiians in the system and the need for Native Hawaiian cultural practitioners, language change, and alternatives to incarceration.
- The Department of Public Safety Director, Tommy Johnson, articulated the paradigm shift necessary to effect system-wide change and emphasized the need for diversion and community partnerships.
- Showing of *Beyond Bars: Prison Women Speak*, a film featuring incarcerated women telling their own stories produced by Tadia Rice.



From right to left: Commissioner Martha Torney, Commissioner Ron Ibarra, Oversight Coordinator Christin Johnson, and Reentry and Diversion Oversight Specialist, Cara Compani attending the Going Home Hawai'i Reentry and Restoration Summit.

The HCSOC extends special thanks to Les Estrella, Kimi Palacio, and all GHH staff and volunteers who supported the Summit's planning and success.

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.

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.

Partnerships

The Council of State Governments (CSG) agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The CSG's Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.
6. Produce a report summarizing the analyses and policy options and present the report as requested.

Meetings

The Commission hosted a community outreach event on September 11, 2023 to create an opportunity for the community to share their thoughts with the Chair before the first task force meeting. Community members can submit testimony specific to the task force by emailing a copy to hcsoc@hawaii.gov. Additionally, community members can direct testimony to Mark Patterson, Chair, during the monthly Commission meetings.

The first task force meeting took place on September 12, 2023. Recordings from both the community meeting and task force meeting are available on the HCR23 website, and the Commission's YouTube Channel. More information regarding this task force can be found here: https://hcsoc.hawaii.gov/hcr23-task-force/.



HCR23 Task Force Meeting, courtesy of Prosecutor Kelden Waltjen

Community Meeting with Just Leadership USA

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, on Friday, September 15, 2023, the Commission arranged a talk story with DeAnna Hoskins, President/CEO of Just Leadership USA (JLUSA), Ronald Simpson-Bey, Executive Vice President of Strategic Partnerships at JLUSA, and our community leaders here in Hawaii. The meeting served as an introduction and venue to discuss the work and mission of JLUSA and current efforts and opportunities identified by community leaders in Hawaii. Mahalo to Community Alliance on Prisons, Hawai'i Innocence Project, First Life After Prison (First LAP), RYSE, No Looking Back, ACLU Hawai'i, YWCA, and the Pu'a Foundation for joining us!

Just Leadership USA (JLUSA) is a national organization whose mission is to amplify the power of directly impacted people by investing, educating, empowering, and elevating their voices, so they have the tools and resources to self-organize and advocate for themselves, their families, and their communities. Mahalo to DeAnna and Ronald for joining us!



Ronald Simpson-Bey addressing the community.



Group picture with Just Leadership USA and community members.

Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, the Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety are collectively planning a symposium to bring national and worldwide experts to Hawaii to examine the current correctional system and discuss the importance of culture and design when considering new jail or prison structures.

The symposium is scheduled for October 10-11 from 8:30am-4pm and will be held at the Laniākea — YWCA O'ahu.

Registration is OPEN!
Please register here for this free event!: https://www.breaking-cycles-symposium.org/



Project Updates

Case Management System

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the Coordinator has been working diligently with Thoughtworks to custom design a case management system to intake, organize, and respond to complaints received by the Commission. Thoughtworks is a leading technology consultancy of more than 11,500 staff across 51 offices in 18 countries. Their cross-functional teams of strategists, developers, data engineers and designers bring over two decades of global experience to every partnership.

The case management system will not only allow staff to organize complaints received, but it also autogenerates demographic information from those in custody. It will support the Coordinator in prioritizing projects based on specific complaint types at each facility. Additionally, the system enables staff to identify the complaint types and send a response letter with information related to the specific complaint type. The system is being finalized and will launch next month, October 2023. Thoughtworks will provide an overview of the system during the October 2023 Commission meeting. The Commission is so grateful for all of the time and work the Thoughtworks team has put into this project.

Staff-Focused Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC will be 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 that will be 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 Vermont, Delaware, Iowa, Missouri, and Colorado 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 Commission is fortunate to have support for this project from the Department of Public Safety, and from the United Public Workers (UPW) Hawaii. Although this will be an independent project to distribute and gain perspectives from staff, the HCSOC looks forward to working closely with the Department of Public Safety and UPW on solutions.

Expenses for the Preceding Month - August

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$410**	
Office Furniture			$0	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$345	1.00	$345	July/August
Wifi Hotspot			$0	
Heroku Monthly Plan - Complaint Management	$50	1.00	$50	
Eleastic Cloud Monthly Plan - Complaint Management	$15	1.00	$15	
Inter-Island Correctional Facility Travel			**$262.17**	
Airfare	$262	1.00	$262	Ronald (8/17, 9/12, 9/21)
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Mainland Correctional Facility Travel			**$692.24**	
Airfare	$692	1.00	$692	9/10
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$1,380.18**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement	$945	1.00	$945	Mark, Christin, and Martha
National Association of Sentencing Commissions			$0	
Going Home Hawaii Reentry Summit	$50	2.00	$100	8/22-/823
Airfare	$335	1.00	$335	Christin, Cara, and Martha - GHH Summit
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$2,744**	

General Office Information

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

Website: 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 September 21, 2023. The next monthly meeting is scheduled to occur on October 19, 2023, at the Department of Labor and Industrial Relations (DLIR), 830 Punchbowl Street Room 310, Honolulu, Hawai'i 96813 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.



Hawaii Correctional System Oversight Commission

Monthly Oversight Coordinator Report – October 19 2023

Contents

Introduction 2
Death in Custody 2
Correctional Facility Tours 2
Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum 7
House Concurrent Resolution 23 Task Force 9
Project Updates 10
Expenses for the Preceding Month – September 12
General Office Information 12
Monthly Meetings 13

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

Late Notice: On September 5, 2023, a person in custody, male, 31 years old, was found badly assaulted in his cell at the Halawa Correctional Facility (HCF). Facility staff immediately called 911 Emergency Services and secured the cell as a crime scene. The individual was transported to a nearby hospital where he was admitted and placed on life support. Unfortunately, on September 6, 2023, the person in custody was pronounced deceased. The Honolulu Police Department (HPD), State Attorney General (AG) Investigators, State Sheriffs, and PSD's Internal Affairs Unit are all conducting their respective investigations with the AG's office taking the lead investigative role.

This is the second murder to occur in custody this year; the first occurring on July 7, 2023.

Correctional Facility Tours

Women's Community Correctional Center (WCCC)

In accordance with the Commission's mandate to oversee the State's correctional system, on Thursday, September 21, 2023, directly following the HCSOC public meeting, the Commissioners, Oversight Coordinator, and Reentry and Diversion Oversight Specialist toured the Women's Community Correctional Center (WCCC). After the tour, the Commission compiled their notes encompassing their impressions and offered recommendations including:

1) Review new construction plans for Building A (secure housing) and implement as many therapeutic and rehabilitative spaces as possible.
2) Secure desperately needed funding for facility updates.
3) Ensure appropriate access to the Law Library and ease of access to defense attorney information.
4) As the Department of Public Safety plans new facilities or housing units, the design should be consistent with the rebuilt and reimagined Ho'okipa Cottage.
5) Continue and further the current trajectory of leaders at WCCC.

These recommendations will be discussed during the October 19, 2023, public meeting. The full WCCC Site Visit Observation report can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/.

Las Colinas Detention and Reentry Facility

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, the Oversight Coordinator invited State Representative Mark Hashem, Corrections, Military & Veterans (CMV) Chair and the Department of Public Safety to tour a progressive facility in San Diego, California. The tour of Las Colinas Women's Detention and Reentry facility took place on Thursday, September 28, and attendees included State Representative Mark Hashem, Christin Johnson, HCSOC, Cara Compani, HCSOC, Bob Merce, Correctional Reform Working Group, and Warden Ione Guillonta from the Women's Community Correctional Center.



Las Colinas Women's Detention and Reentry Facility
San Diego County, California

The tour was highly informative and successful. Las Colinas is known for its therapeutic and rehabilitative nature. The facility itself is more like a campus and less institutionalized. The term "inmate" is no longer used, and instead, staff use, "incarcerated person" or "IP." Additionally, phone and video visits are offered at no cost to the incarcerated population. Family members and loved ones can access the video visitation from any device that has video capabilities and can also come onsite to use video visitation devices. Lower security levels have in-person visits, and the visiting room is extremely spacious, welcoming, and has separate play areas filled with various toys for mothers and their children.

The facility works with six classification levels—one through six. One through three are walking, meaning incarcerated people have free movement during designated times throughout the facility. They receive a minimum of six hours of specified time to move

throughout the facility. During this timeframe, they can attend education classes and programs, make free phone calls, have video or in-person visits, visit the library, play volleyball or kickball outside, sit on benches outside, exercise outdoors, or participate in any of the other various activities the facility has to offer.

House One, which was for the workline and considered an honor dorm, had about 25 women living in a dorm-like setting. Each sleeping bay had an individual bed, desk, chair, and space for belongings. This unit is run like employment in the community. If there is a rule violation, the consequences are extra trash and/or chores rather than a write-up or solitary time. It was clear that the staff try to work with the incarcerated population as much as possible to ensure their success and to be fair when they make mistakes. Staffing for this unit is one Deputy for 48 incarcerated people. Staff can monitor the entire house from their station through sight lines (the officer station is right inside the housing unit) and cameras.





Out of the approximately 500 incarcerated people, about 160 were security level 4, 5, or 6. The least amount of people were placed in Level 6 (administrative segregation) housing. When the tour arrived at Level 6 housing, the HCSOC staff were shocked at how quiet and peaceful the unit seemed. Typically, in administrative segregation, one can expect immense yelling, banging, and potential throwing of items. However, the space and the overall feel of the unit was completely different. The women in administrative segregation are evaluated by staff every Sunday to try and find ways to safely move the incarcerated people to less secure housing. Additionally, Deputies who do well working on the administrative segregation unit stay there to support uniformity and form relationships with the people in custody there. On most other units, staff rotate. It was very clear that everyone had a goal of removing women from administrative segregation, if they could safely do so.

Staff wellness was also a clear priority for the institution. Not only does Las Colinas have a staff wellness program run and managed by corrections professionals who understand the complexity of the work, but they also have a staff wellness room stocked with candy, a waterfall, comfortable seating, and comfortable blankets. Staff had the opportunity to give input on how to design the space, and they created a serene, relaxing space where staff can enjoy breaks.

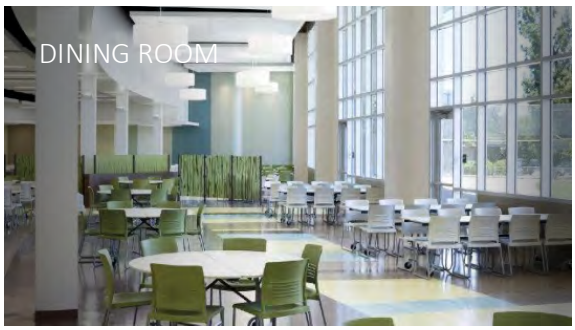
Staff also had a nontraditional work schedule that they spoke highly of – they work 12.5 hours per day, working five days on, five days off, and then three days on, three days off. Staff mentioned that they appreciate the working schedule because it gives them a break from the facility and allows them ample time to pick up overtime shifts if they would like.

Staff told us that currently, they are required to work at least one overtime shift per month, but there is flexibility in when the shift can be.

Las Colinas has partnerships with other government agencies to bring in experts to assist people in custody with learning trades. For example, the sewing instructor was an employee of the local school district and is contracted to work at the jail. The sewing instructor was proud of her job, and shared with us how the women can (and are encouraged to) sew handmade teddy bears, dresses, and other clothing for their children they get to take home with them upon release. They can also choose to sell what they have created during a monthly public farmer's market in San Diego. Not only does this bring pride to the women, but it also humanizes those who are incarcerated.

Las Colinas has a unique "Open Booking" process where individuals dropped off by the police can take a seat and wait for their turn to be called for the various steps in the booking processes, instead of being held in a holding cell. Staff told us that it is more humane for those coming into the facility and more efficient for staff. It functioned and looked like a medical office waiting room and a DMV. Those who are not safe to have in an open setting (due to potential drug use, detox, mental health crisis, or other factors) are held in holding cells as needed.





Other notable factors to Las Colinas:

- Feminine products are readily available on the unit (no one had to ask for them and there were no limits).
- Telephone calls and video visits are completely free.
- Cable TV, DVDs, vending machines, and video games were available to lower-security level units.
- The National Association of Women Judges offers a monthly book club at the facility.
- The programming, education, and group treatment space resembles a college classroom and campus—lots of natural light and nice furniture.
- Certification programs work with community partners to get people jobs upon release—e.g., culinary and hospitals. Culinary certification programs have women in custody run a coffee shop on campus and the staff (mostly made-to-order) cafeteria.
- Trauma-informed care training is mandatory for all staff.

- Staff practice "Direct Supervision" where their desk is directly in the unit, and they are encouraged to interact with the incarcerated women.



Programming and enrichment activities that were available:

- College Classes
- Hydroponics
- Culinary Program
- Industrial Sewing
- Job Fairs (held at facility)
- Shakespeare Program
- Outdoor Movies
- Yoga Classes

Overall, the facility was an extremely impressive example of how a jail can be therapeutic and rehabilitative. The women there were humanized and met with empathy, compassion, and caring while the facility was simultaneously meeting the goals of community safety and rehabilitation. The overall feel of the facility was relaxed and almost playful at times. Women in custody enjoyed chatting with us during the tour, and so did the staff. On behalf of the Hawaii group that toured, we send a warm mahalo to the Las Colinas Detention and Reentry Facility staff for welcoming us and allowing us to learn from them.



Oahu Community Correctional Center (OCCC)

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, on Monday, October 9, 2023, the Oversight Coordinator toured the Oahu Community Correctional Center (OCCC) to familiarize the Amend UCSF team with the facility conditions. Amend at UCSF is a public health and human rights program that works

in prisons to reduce their debilitating health effects on residents and staff, while also joining policy makers and community leaders to advance decarceration strategies and a better, new system of accountability and healing in the US. Amend focuses on health-focused culture-change initiatives, staff training, public education, advocacy, and policy-oriented research. The tour also included Cara Compani, HCSOC, and Dr. Michael Champion and Annie Valentin who focus on mental health and justice system initiatives in the Governor's office.

The Amend team, including Kelsey Engstrom, *Amend Program Manager*, Sergeant Jeff Herrmann, *Washington State Department of Corrections and Amend Ambassador*, and Tom Eberhardt, *Senior Adviser for the Norwegian Correctional Service (KDI) and Amend Norwegian Program Manager,* came to Hawaii to work directly with the Department of Public Safety to host various workshops specific to corrections culture and health-focused culture-change initiative. The Commission is incredibly grateful for the Amend team, and would like to acknowledge Tommy Johnson, Director of Public Safety, Warden Schell of OCCC, and the entire corrections staff for giving them such a warm welcome and aloha.

Breaking Cycles: Re-Envisioning A Health, Housing, And Corrections Continuum

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model, the Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety collectively planned a symposium to bring local, national, and worldwide experts to Hawaii to examine the current correctional system, and share knowledge and explore new approaches to corrections, diversion, and reentry.

The symposium took place on Tuesday, October 10, and Wednesday, October 11, with the goals to:



1. Share new models, approaches, and proven practices for corrections, diversion, and reentry.
2. Facilitate collaboration between health, housing, and justice agencies and community organizations.
3. Build on recent justice-related discussions to develop a plan for legislative, departmental, and individual action.
4. Increase public and political awareness.

The symposium covered various topics and focused on barriers and solutions to change, viewing correctional culture as a public health approach, designing for health and rehabilitation, changing the system as a whole, diversion – alternatives to jail, reentry, and closed with a whole-system workshop. During the workshop, attendees were asked to contribute to table group discussions focused on diversion and prevention, correctional culture, reentry, and jail design. These discussions solicited additional ideas and solutions

from participants aimed at the prioritization of departmental and legislative actions for the upcoming year. Action items were shared at the end of the workshop, and all feedback will be synthesized as part of UHCDC's report to the community and in a final report submitted to PSD.



Additionally, pictures and videos from the symposium will be uploaded to the symposium's website for those who had to miss the event, or who would like to revisit what was covered. More information can be found here: https://www.breaking-cycles-symposium.org/.

This event could not have occurred without the support of Director Tommy Johnson and the Department of Public Safety, Noriko Namiki and the YWCA O'ahu, and Amend at UCSF, or organized this discussion without our planning team partners Cathi Ho Schar from the University of Hawai'i Community Design Center/UHM School of Architecture, Bob Merce and Mike Livingston from the Correctional Reform Working Group, Dr. Michael Champion and Annie Valentin from the Governor's Office. The Commission also recognizes Warden John Schell and the OCCC team for participating fully in the symposium and the surrounding workshop sessions.

Also, a special thanks to all our incredible speakers! In order of appearance: Governor Josh Green, Director Tommy Johnson, Cathi Ho Schar, Christin Johnson, Michael Livingston, Judge Ron Ibarra, Corey Reincke, Kelsey Engstrom, Tom Eberhardt, Jeff Herrmann, Puni Jackson, Bob Merce, Heather Lusk, Aviam Soifer, Representative Sonny Ganaden, Judge Mark. R. Browning, Jonathan Osorio, Chief Justice Mark Recktenwald, Michael Champion, Shoshanna Scholar, Troy Vaughn, Ashley Shearer, Rebecca Like, Major Mike Lambert, Laura Thielen, Tia Harstock, Jamee Miller, Les Estrella, James Koshiba, Monica Lortz, and Governor Linda Lingle, and to our facilitators: Terry Visperas, Leolinda Iokepa, Kat Brady, Cara Compani, Annie Valentin, Michael Wilson. Oli and song performed by Jonathan Kamakawiwo'ole Osorio.

Supported by: The Department of Public Safety (PSD), Hawai'i Correctional System Oversight Commission, Correctional Reform Working Group, YWCA O'ahu, UH Mānoa School of Architecture/UH Community Design Center (UHCDC), Hawai'inuiākea School of Hawaiian Knowledge, Thompson School of Social Work and Public Health, Department of Urban & Regional Planning, Matsunaga Peace Institute, William S. Richardson School of Law, and Amend at the University of California San Francisco.

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.

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.

Partnerships

The Council of State Governments (CSG) agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The CSG's Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.

6. Produce a report summarizing the analyses and policy options and present the report as requested.

Meetings

The Commission hosted a community outreach event on September 11, 2023, to create an opportunity for the community to share their thoughts with the Chair before the first task force meeting. Community members can submit testimony specific to the task force by emailing a copy to hcsoc@hawaii.gov. Additionally, community members can direct testimony to Mark Patterson, Chair, during the monthly Commission meetings.

The first task force meeting took place on September 12, 2023. Recordings from both the community and task force meetings are available on the HCR23 website, and the Commission's YouTube Channel. More information regarding this task force can be found here: https://hcsoc.hawaii.gov/hcr23-task-force/.



HCR23 Task Force Meeting, courtesy of Prosecutor Kelden Waltjen

Project Updates

Data Webpage

Consistent with the Commission's strategic plan to increase engagement and transparency related to public safety and corrections, the HCSOC team has been working diligently with Thoughtworks to custom design a data webpage that highlights public data, issues, myths and facts, and more. The HCSOC is extremely proud of this work that could not be completed without the no-cost assistance of Thoughtworks. Thoughtworks is a leading technology consultancy of more than 11,500 staff across 51 offices in 18 countries. Their cross-functional teams of strategists, developers, data engineers and designers bring over two decades of global experience to every partnership.

The webpage is scheduled to be released on the date of this report and can be viewed at: https://hcsoc-data.hawaii.gov/public-data.

Case Management System

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the Coordinator has been working diligently with Thoughtworks to custom design a case management system to intake, organize, and respond to complaints received by the Commission.

The case management system will not only allow staff to organize complaints received, but it also autogenerates demographic information from those in custody. It will support the Coordinator and staff in prioritizing projects based on specific complaint types at each facility. Additionally, the system enables staff to identify the complaint types and send a response letter with information related to the specific complaint type. The system is being finalized and will launch by the end of the year. Thoughtworks will provide an overview of the system during the November 2023 Commission meeting. The Commission is so grateful for all of the time and work the Thoughtworks team has put into this project.

Staff-Focused Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC will be 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 that will be 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 Vermont, Delaware, Iowa, Missouri, and Colorado 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 Commission is fortunate to have support for this project from the Department of Public Safety and from the United Public Workers (UPW) Hawaii. Although this will be an independent project to distribute and gain perspectives from staff, the HCSOC looks forward to working closely with the Department of Public Safety and UPW on solutions.

Expenses for the Preceding Month – September

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$191**	
Office Furniture			$0	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$173	1.00	$173	
Wifi Hotspot			$0	
Heroku Monthly Plan - Complaint Management			$0	
Eleastic Cloud Monthly Plan - Complaint Management	$18	1.00	$18	
Inter-Island Correctional Facility Travel			**$788.47**	
Airfare	$744	1.00	$744	
Car Rental			$0	
Daily Per Diem	$20	1.00	$20	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$24	1.00	$24	
Mainland Correctional Facility Travel			**$0.00**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement			$0	
National Association of Sentencing Commissions			$0	
Going Home Hawaii Reentry Summit			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$979**	

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 October 19, 2023. The next monthly meeting is scheduled to occur on November 16, 2023, at the University of Hawai‘i at Hilo, 200 W Kawili Street Hilo, Hawai‘i 96720 and online via Zoom. More information can be found on the Commission’s webpage here: https://hcsoc.hawaii.gov/information/.



Hawaii Correctional System Oversight Commission

Monthly Oversight Coordinator Report – November 16 2023

Contents

Introduction 2
Death in Custody 2
Correctional Facility Tours 2
Reentry and Diversion Strategic Plan 3
Review of Women's Court Proceedings 3
First Circuit Diversion 4
Housing Consortium 4
House Concurrent Resolution 23 Task Force 4
Project Updates 4
Expenses for the Preceding Month – October 7
General Office Information 7
Monthly Meetings 8

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 Sunday, October 22, 2023, a person in custody, male, 51 years old, was found unresponsive in his cell at the Saguaro Correctional Facility (SCF) at 3:57pm. Staff immediately called a medical emergency over the radio, secured uninvolved individuals to their cells, called 911 Emergency Services, and began CPR. A medical doctor declared the individual deceased at 4:19pm. The Eloy Police Department (EPD) and PSD's Internal Affairs Unit are all conducting their respective investigations.

Correctional Facility Tours

Halawa Correctional Facility (HCF) Tour

In accordance with the Commission's mandate to oversee the State's correctional system, on Thursday, October 19, 2023, directly following the HCSOC public meeting, the Commissioners, Oversight Coordinator, and Reentry and Diversion Oversight Specialist toured the Halawa Correctional Facility (HCF). After the tour, the Commission compiled their notes encompassing their impressions and offered recommendations including:

1) Increasing non-security staffing must be a priority for transitioning to a rehabilitative and therapeutic system.
2) Permanently close the Special Needs Facility.
3) Prioritize and expedite Capital Improvement Projects to repair electricity and the perimeter fence.
4) Expand the Correctional Industries worklines to include specific training in skilled trades that would lead to gainful employment after incarceration.
5) Increase training and support for uniformed staff.
6) Increase training and support for case/unit managers to better meet the population's needs upon release.
7) The Department should support legislative efforts toward Compassionate Release or transfer to a more appropriate medical setting for the severely ill.

These recommendations will be discussed during the November 16, 2023, public meeting. The full HCF Site Visit Observation report can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/.

Reentry and Diversion Strategic Plan

Consistent with the Commission's mandate to oversee the reentry system and help the Department transition to a therapeutic and rehabilitative system, a Reentry and Diversion Strategic Plan was developed to guide the Commission's work. This document aims to demonstrate how the HCSOC will approach the reentry and diversion work directed by the Commission's mandate, outline the components used to create the plan, and highlight the intention and focus of the HCSOC work in both reentry and diversion.

The Commission's first agency-wide Strategic Plan was released on January 1, 2023, and set the four priority areas for the office: oversight, rehabilitation, population limits, and reentry. This Reentry and Diversion Strategic Plan is integrated into the larger HCSOC agency-wide Strategic Plan and broken down into specific priority areas, with reentry and diversion at the forefront. This plan is a living document and will likely change as the Commission learns more and moves forward with its work.

The HCSOC team looks forward to collaborating with different stakeholders and partners to actualize this plan and the mandated work of the Commission. The plan is available on the Commission's website: https://hcsoc.hawaii.gov/strategic-plan/.

Review of Women's Court Proceedings

Consistent with the Commission's mandate to facilitate a correctional system transition to a rehabilitative and therapeutic model and establish maximum inmate population limits and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility, HCSOC staff observed Women's Court on Wednesday November 1, 2023. Women's Court was established in 2022 through Act 243 of 2022, which outlined a three-year pilot program in the First Circuit for the specialty court.

According to the legislation, this bill was enacted, and the specialty court established due to the:

> *Significant increase in the number of women in Hawai'i jails and prisons over the past forty years, resulting in a higher proportion of women who are incarcerated. Research reflects that for women, histories of abuse, trauma, poverty, mental illness, substance use disorders, and unhealthy relationships intersect with their entry into criminal behavior. Women offenders also face unique barriers to success after incarceration. They are more likely to be primary caregivers for young children, have lower educational attainment, lack stable work history, and experience economic or social marginalization, which prevents them from having more positive outcomes.*

Judge Trish Morikawa presides over the Women's Court every Wednesday, understands the needs of women in the justice system, is familiar with each woman individually, and

has a great demeanor to preside over this Court. The experience is pleasant and humanizing as all stakeholders and partners are aligned to support the women and their success. There is an understanding built into this process and intention that criminal activity, for these women, is associated with their histories of poverty, trauma, substance use, domestic violence, and more. The Women's Court implemented trauma-informed practices and connects the women with services and service providers, including housing and clean and sober living, substance abuse treatment, therapy, education, medical services, and mentoring. At the end of each appearance, Judge Morikawa shares a Hawaiian proverb or teaching she draws from the Umeke Bowl. The humanizing aspect of the Women's Court is vital to the Court's success.

Currently, about 13 women are participating. The Commission hopes the three-year pilot will become a permanent court and expand to serve many more women.

First Circuit Diversion

HCSOC staff began attending First Circuit Jail Diversion Program meetings with First Circuit stakeholders to further post-booking jail diversion efforts in District and Circuit Court. The HCSOC is grateful for the opportunity to participate in these meetings and work with partners in this space.

Housing Consortium

Consistent with the Commission's mandate to work with the Department of Public Safety in monitoring and reviewing the comprehensive offender reentry program, on Tuesday, October 24, Commission staff attended the Community Housing Consortium at Kalihi Union Church put on by Transforming Lives founder and Oahu Community Correctional Center (OCCC) Chaplain Barbara Gatewood.

The intention of the Consortium is *to bring together community housing providers with Hawaii Paroling Authority and Public Safety Department Heads*.

This October Consortium meeting focused on *discovering ways in which the programs and services of our community housing organizations can interact with, and become a part of, the support network for incarcerated men and women in our state facilities; and together, discover ways to help in the transitioning process from facilities to communities*.

Corey Reincke, Acting Administrator of Hawaii Paroling Authority, was the keynote speaker, and Cristy Yokoyama of the Department of Public Safety Reentry Coordination Office and members of the Intake Service Team were also guest speakers. Community services and housing providers—including Fernhurst, First LAP, Salvation Army, Habilitat, Rent to Work, and many more—attended, asked questions, and engaged with the presenters and other participants. This was a helpful venue to connect service providers with Department of Public Safety leadership and offer the opportunity for discussion on problems and solutions.

Through this Consortium, Chaplain Barbara Gatewood is collecting available bed space information from different housing providers to link people in custody with open beds

before release. The HCSOC staff would like to thank Chaplain Gatewood for the invitation to this Consortium and also for all her reentry efforts at OCCC, Halawa, Waiawa, and PSD system-wide.

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

- January 11 9am-12pm
- March 15 9am-12pm
- 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.

Project Updates

Data Webpage

Consistent with the Commission's strategic plan to increase engagement and transparency related to public safety and corrections, the HCSOC team has been working diligently with Thoughtworks to custom design a data webpage that highlights public data, issues, myths and facts, and more. The HCSOC is extremely proud of this work that could not be completed without the no-cost assistance of Thoughtworks. Thoughtworks is a leading technology consultancy of more than 11,500 staff across 51 offices in 18 countries. Their cross-functional teams of strategists, developers, data engineers and designers bring over two decades of global experience to every partnership.

The webpage can be viewed at: https://hcsoc-data.hawaii.gov/public-data.

Case Management System

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the Coordinator has been working diligently with Thoughtworks to custom design a case management system to intake, organize, and respond to complaints received by the Commission.

The case management system will not only allow staff to organize complaints received, but it also autogenerates demographic information from those in custody. It will support the Coordinator and staff in prioritizing projects based on specific complaint types at each

facility. Additionally, the system enables staff to identify the complaint types and send a response letter with information related to the specific complaint type. The system is being finalized and will launch by the end of the year. The Commission is so grateful for all of the time and work the Thoughtworks team has put into this project.

Staff-Focused Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC will be 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 that will be 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.

To further project goals, the Commission met with facility wardens and chiefs of security from most PSD prisons and jails in October to share and discuss the survey, answer questions, and discuss the logistics of distribution and next steps. The Commission will begin distributing surveys to staff in December.

The Commission is fortunate to have support for this project from the Department of Public Safety and the United Public Workers (UPW) Hawaii 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, the Department of Public Safety, facility leadership, and staff on solutions.

Expenses for the Preceding Month – October

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$651**	
Office Furniture			$0	
General Office Supplies	$396	1.00	$396	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$173	1.00	$173	
Wifi Hotspot			$0	
Heroku Monthly Plan - Complaint Management	$65	1.00	$65	
Eleastic Cloud Monthly Plan - Complaint Management	$18	1.00	$18	
Inter-Island Correctional Facility Travel			**$306.11**	
Airfare	$282	1.00	$282	11/16 commission mtg
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$24	1.00	$24	
Mainland Correctional Facility Travel			**$959.00**	
Airfare	$959	1.00	$959	11/11
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
Memberships + Conferences			**$0.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement			$0	
National Association of Sentencing Commissions			$0	
Going Home Hawaii Reentry Summit			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$1,916**	

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 November 16, 2023. The next monthly meeting is scheduled to occur on December 21, 2023, at the Department of Labor and Industrial Relations (DLIR), 830 Punchbowl Street Room 310, Honolulu, Hawai'i 96813 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.



Hawaii Correctional System Oversight Commission

Monthly Oversight Coordinator Report – December 21 2023

Contents

Introduction 2
Death in Custody 2
Correctional Facility Tours 2
National Association of Civilian Oversight of Law Enforcement (NACOLE) 2023 Conference 2
Reentry and Diversion Strategic Plan 3
House Concurrent Resolution 23 Task Force 4
Project Updates 4
Expenses for the Preceding Month – November 6
General Office Information 6
Monthly Meetings 7

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

No deaths in custody this past month.

Correctional Facility Tours

Kulani Correctional Facility (KCF) Tour

In accordance with the Commission's mandate to oversee the State's correctional system, on Thursday, November 16, 2023, directly following the HCSOC public meeting, the Commissioners, Reentry and Diversion Oversight Specialist, and Special Assistant toured the Kulani Correctional Facility (KCF). After the tour, the Commissioners compiled their notes encompassing their impressions and offered recommendations including:

1) Begin Offering In-Person Visitation
2) Increase the Population at Kulani: This is one of the most rehabilitative facilities in Hawaii
3) Remove the Monetary Eligibility Requirement for Furlough Participation at all Furlough Sites
4) Reinstate Transportation Shuttle for Staff

These recommendations will be discussed during the December 21, 2023 public meeting. The full KCF Site Visit Observation report can be found on the Commission's website at: https://hcsoc.hawaii.gov/facility-specific-reports/.

National Association of Civilian Oversight of Law Enforcement (NACOLE) 2023 Conference

Consistent with the Commission's mandate to conduct an ongoing study and investigation of the operation and the administration of correctional system laws in effect in other states or countries, the Commission and staff participated in a national conference hosted by the National Association of Civilian Oversight of Law Enforcement (NACOLE). Stretching over three days from November 12-14, the comprehensive, informative, and inclusive

Annual Conference addressed both skills training and current and emerging topics within corrections and oversight of corrections systems.

Chair Mark Patterson, Commissioner Martha Torney, and Oversight Coordinator Christin Johnson attended the 29th Annual Conference in Chicago, Illinois. Collectively, the three attended the following forums:

- Executive Leadership Training (*specific for the Oversight Coordinator*)
- An Approach to Reform: An Overview of the Chicago Oversight System
- Development of a Complaint Manual
- National Resource Center for Correctional Oversight
- How Collective Bargaining Impacts Oversight: A Case Study on the Road to Independent Investigations
- Comparison of Correctional Oversight Models (*Oversight Coordinator Christin Johnson was a panelist*)
- In Good Conscience: The Art and Science of Getting Fired for Doing the Right Thing
- The Impact of Oversight in Juvenile Justice Systems
- Protecting the LGBTQIA Community in Correctional Facilities
- Opportunities to Improve the Food Environment in Correctional Facilities
- Effective Oversight of the Grievance Process in Jails and Prisons: Key Trends and Recommendations for Change

Additionally, Commissioner Mike Town and Oversight Coordinator Christin Johnson participated in a virtual training forum through NACOLE which took place on December 5 and 6. The trainings modules included:

- Effective Practices for Monitoring Implementation of Laws, Rules, and Directives
- Death in Custody: A Public Health Approach
- What Civilian Oversight Learn Can Learn from College Education Programs in Prisons
- Prison and Jail Litigation
- Expanding Oversight with PREA
- Maintaining the Momentum: Strategies & Lessons for Sustaining Progress in the Growth of Prison Oversight (*Oversight Coordinator Christin Johnson and State Representative Gregg Takayama were panelists*)

Reentry and Diversion Strategic Plan

Consistent with the Commission's mandate to oversee the reentry system and help the Department transition to a therapeutic and rehabilitative system, a Reentry and Diversion Strategic Plan was developed to guide the Commission's work. This document aims to demonstrate how the HCSOC will approach the reentry and diversion work directed by the Commission's mandate, outline the components used to create the plan, and highlight the intention and focus of the HCSOC work in both reentry and diversion.

This Reentry and Diversion Strategic Plan is integrated into the larger HCSOC agency-wide Strategic Plan and broken down into specific priority areas, with reentry and diversion

at the forefront. This plan is a living document and will likely change as the Commission learns more and moves forward with its work.

The plan is available on the Commission's website: https://hcsoc.hawaii.gov/strategic-plan/.

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

- January 11, 9am-12pm
- March 15, 9am-12pm
- 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.

Project Updates

Case Management System

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the Coordinator has been working diligently with Thoughtworks to custom design a case management system to intake, organize, and respond to complaints received by the Commission.

The case management system will not only allow staff to organize complaints received, but it also autogenerates demographic information from those in custody. It will support the Coordinator and staff in prioritizing projects based on specific complaint types at each facility. Additionally, the system enables staff to identify the complaint types and send a response letter with information related to the specific complaint type. The system is being finalized and will launch by the end of the year. The Commission is so grateful for all of the time and work the Thoughtworks team has put into this project.

Staff-Focused Survey and Report

Consistent with the Commission's mandate to investigate complaints at correctional facilities, the HCSOC will be 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 that will be 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. After collecting results, the Commission will hold talk stories with staff to create recommendations for improving health, safety, the work environment, and concerns most important to staff. For the paper surveys, Commission staff will be distributing and collecting paper surveys on the following dates:

- Wednesday January 3 - OCCC
- Thursday January 4 - WCF
- Friday January 5 - OCCC
- Monday January 8 – KCF
- Tuesday January 9 – WCCC
- Wednesday January 10 – MCCC
- Friday January 12 – KCCC
- Monday January 15 - HCCC
- Tuesday January 16 – HCF

The Commission is fortunate to have support for this project from the Department of Public Safety, 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.

Expenses for the Preceding Month – November

	Price/Item	Qty	Total	Notes
Office Equipment and Supplies			**$256**	
Office Furniture			$0	
General Office Supplies			$0	
Staff and Commission Badges			$0	
Staff and Commission Badge Holders			$0	
Cell Phone			$0	
Cell Phone Monthly Plan	$173	1.00	$173	
Wifi Hotspot			$0	
Heroku Monthly Plan - Complaint Management	$65	1.00	$65	
Eleastic Cloud Monthly Plan - Complaint Management	$18	1.00	$18	
Inter-Island Correctional Facility Travel			**$236.29**	
Airfare	$89	1.00	$89	11/16 Commission Meeting
Car Rental	$123	1.00	$123	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking	$24	1.00	$24	
Mainland Correctional Facility Travel			**$536.81**	
Airfare			$0	
Car Rental			$0	
Daily Per Diem	$326	1.00	$326	9/27-9/29 (CMC)
Lodging+Tax	$193	1.00	$193	9/27-9/29 (CMC)
Ground Transportation	$18	1.00	$18	9/27-9/29 (CMC)
Airport Parking			$0	
Memberships + Conferences			**$220.00**	
NACOLE (National Assoc. for Civilian Oversight of Law Enforcement	$110	2.00	$220	Training (Christin Johnson & Michael Town)
National Association of Sentencing Commissions			$0	
Going Home Hawaii Reentry Summit			$0	
Airfare			$0	
Car Rental			$0	
Daily Per Diem			$0	
Lodging+Tax			$0	
Ground Transportation			$0	
Airport Parking			$0	
TOTAL			**$1,249**	

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 December 21, 2023. The next monthly meeting is scheduled to occur on January 18, 2024, at the Leiopapa A Kamehameha Building aka State Office Tower, 235 S Beretania Street, Room 204, Honolulu, Hawai'i 96813 and online via Zoom. More information can be found on the Commission's webpage here: https://hcsoc.hawaii.gov/information/.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

On Thursday, February 16th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Oahu Community Correctional Center (OCCC) collectively as a group. The tour included four of the five Commissioners – Mark Patterson (Chair), Martha Torney, Ted Sakai, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson.

After touring OCCC, the Commissioners chose to have an additional public meeting outside of the normal monthly public meetings to address serious conditions found within the facility. This report encompasses notes from the Commissioners and will be discussed at a public meeting held on March 7th, 2023, at 2pm via Zoom.

FEBRUARY OCCC SITE TOUR OBSERVATIONS

Module 5 (Intake)

Module 5, Intake, was not crowded at the time the Commission visited as transports were completed earlier for the day. The most crowded times are on Mondays or after three-day weekends when defendants who are held in police cell blocks are brought in after their court bail hearings—as many as 50-60 at one time. The male side of the intake gets very crowded on those days. The female side of intake is separate from male side. Commissioners noted that filing appeared to be up to date (not a lot of loose documents were apparent) and a single Adult Corrections Officer (ACO) was entering data into the Department's database, OffenderTrak.

Commissioners were shown the interior of a van used to transport inmates to and from the facility. The van had a place for at least one separatee away from others being transported to prevent possible harm by others or collusion between defendants.

During the visit, neither of the sally port gates outside Module 5 were closed. There simply were too many vehicles parked within the sally port. It is important to note that escapes have occurred when sally port gates were not properly secured – one was from OCCC and one was from the First Circuit Court. Moreover, the Commission observed an even more egregious security violation: **inmates were disembarking from a van when the sally port gates were not secured**. This should never occur. *Please see Recommendation 1.*

Covid-19 Medical Isolation Unit

The Covid-19 Medical Isolation Unit is located in shipping containers outside of Module 5. Newly admitted inmates (male and female) are tested upon admission — if positive, they are moved to the shipping containers. If they are negative, they will be placed in New Admission housing. Any person testing positive post-admission are transferred to shipping containers. If two are placed in one cell, the bed frame is removed and both inmates sleep on mattresses on the floor.

On the day of the visit, two of the nine cells housed inmates. Each cell appeared to have enough space to house up to two inmates. Each cell was equipped with a bunk, had a toilet/sink combo and was air-conditioned. There was one shower outside of the cells. Inmates would have to be escorted to the shower by staff. There was no readily accessible space in the immediate vicinity in which the inmates could exercise. There was no shading provided above the top of the container which has contributed to hot conditions, even with functioning air conditioning.

There are three serious deficiencies that can cause significant risk to the health and safety of inmates who may be placed in these cells:

1) There is no communication system (e.g. intercom) within the cells. An inmate 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.
3) On the day of the visit, there was no staff stationed in the immediate vicinity. Moreover, the key to the cell doors was held INSIDE the facility, in Module 5.

The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. *Please see Recommendation 2.*

Module 19 (New Admissions)

Module 19 houses newly admitted males for assessment and placement determinations. Inmates who have tested negative for COVID-19 upon admission are quarantined in cells with others for at least five days, then retested before being permanently housed. When a new inmate is put in a cell, those already housed there will have their number of days extended to accommodate the new admission's five-day quarantine.

There are 36 cells in Module 19 with an operating capacity of 72, but the unit has held up to 120 inmates which implies all cells would house not less than three inmates, while the (slightly larger) corner cells hold up to five inmates. The cells are designed for one occupant and can hold two occupants under certain conditions.

There is only one bunk bed in each cell leaving the other inmates sleeping on the concrete floor next to the toilet and under a bunk. In the corner units, three inmates slept on mattresses on the floor. The inmates reported that they had very little out of cell time. They even ate meals in their cells, creating the potential for sanitation issues.

Five of the 36 cells were in need of repair and could not be occupied which forced serious crowding in the remaining cells. At least two of the corner cells had five inmates living in them whereas other cells had four. When asked how they decide who gets to sleep on a bunk versus the floor, one inmate replied, "the biggest." *Please see Recommendation 9 and Recommendation 10.*

Medical Unit/Infirmary

The inadequacy of the medical unit has been discussed previously during Commission meetings. Two things seem especially serious and need to be handled as emergencies, and assistance sought from outside the Department:

1) The infirmary is seriously overcrowded, with inmate-patients sleeping in beds in the common space. The nurse reported that at times inmate-patients have to sleep on mattresses on the floor.
2) The lack of electronic health records is a source of serious strain from an already over-burdened staff.

The Medical Unit was very crowded and very small with little space for staff to work. There was a lack of ability to separate patients from one another and *complete lack of privacy* for medical practitioners who interview and examine inmates. Other clerical staff members are able to hear what should be confidential medical communication. The staff pointed out that an enclosed area is needed and that they have made the request for an enclosed area several times. Additionally, the bed space is inadequate as the maximum bed capacity is 5-6 beds. Because the beds are squeezed in the space, the privacy curtains around each bed cannot be used. This infirmary is in a 1,000+ inmate population jail.

The Electronic Medical Records (EMR) system has been down since June 2022, forcing staff to rely 100% on paper records (manually creating and updating medical records). The records area was cram packed with documents, including records for current inmates and those discharged. The Records Clerk is making an effort to scan records that should be archived, but it appears to be a near impossible job. This contributed to a space problem not to mention the inefficiency of such a system. There were files in boxes and on carts.

The infirmary bathrooms are not ADA compliant. ADA patients are housed in Module 2. *Please see Recommendation 3.*

Module 1 (Male Unit for Mental Health/Suicide Watch)
Module 1, a male unit, is for those in need of mental health evaluations and services, and who are on suicide watch. Even those on suicide watch are placed in small cells with one or two others. An ACO is stationed directly across from a bank of suicide cells to provide the regular checks required by policy. In one suicide cell there were only two mattresses but three inmates. The inmate without a mattress informed the Commission that he did not want one.

Suicide Watch cells appear to be extremely punitive. The cells have one large rectangular slab of concrete in the center of the cell to be used as a bed. The cells are full of graffiti and lack any type of therapeutic design for those in a crisis state. *Please see Recommendation 4.*

Module 3 (Female Unit)
Module 3 houses females. Most, if not all, cells had very limited natural light as the windows were covered externally with wood to prevent communication between the women and men who use an outside recreation yard adjacent to Module 3.

Additionally, several areas needed maintenance. A shower in the female quarantine module was not in operation because the light was out. The Commissioners were told this problem was there for a while. There were leaking showers which were inoperable. Commissioners noticed water leakages, inoperable toilets, and graffiti in cells. *Please see Recommendation 5 and Recommendation 9.*

Module 11 (Male Unit)
Module 11, a male unit, had serious water damage in the shower area rendering one of the four showers unusable. The Commissioners were unable to determine the extent of mold damage, but the problem appeared to be in the wall versus the plumbing chase, making access for repairs very difficult. Windows were covered with wood, allowing only minimal (if any) natural daylight into cells. *Please see Recommendation 5 and Recommendation 9.*

Holding Unit
The Holding Unit, built in 1936, did not appear to be overcrowded (Commissioners only observed the first of the three floors). Assigned inmates are allowed one hour of outdoor recreation which takes place in cages about as small as the cells, not allowing for meaningful large muscle movement.

Four inmates requiring protective custody (PC) were held in the Holding Unit, in cells separate from inmates who were on disciplinary lockdown. The PC inmates were subject to the same conditions as the inmates on disciplinary segregation. That is, the PC inmates are held in lockdown with hardly any activity. The Commission knows of no professional standard under which this is acceptable. *Please see Recommendation 6.*

Work Line
The Industry area was closed for the day, but the Commissioners did talk with the supervisor. The Industry work line is responsible for responding to repair work orders generated by the various units. Civilian staffing shortage severely limits the Industry program's ability to make repairs. Getting the right fixtures for repairs is also an on-going problem, in a large part because most orders are to Mainland companies. *Please see recommendation 9.*

Kitchen
The kitchen was being cleaned by the inmate work line during the Commission's visit. For the most part, it appeared to be in good order. The supervisor shared the difficulties they experienced during the Pandemic as no inmates were assigned to the kitchen and paper products used to prevent the spread of COVID-19 were often in short supply. These issues have since been resolved.

The increased cost of some food items, such as eggs, affects the budget. One way the supervisor prepares for possible shortages is to monitor Mainland weather that many impact availability of produce and other foods—changes to the menu are made when these shortages occur.

During the visit to the food service area, meals were being plated for transport to the various living units. It appeared that the food was placed on plates directly from trays that were not on appropriate warmers. No one was observed taking the temperatures of the hot food in the trays, or of the food on the plates at appropriate intervals. This leaves OCCC at risk for a food-borne illness caused by food served at inappropriate temperatures. *Please see Recommendation 7.*

Visiting Area:
The visiting area allows for only non-contact visits, preventing any physical contact between inmates and their loved ones. Please see *Recommendation 8.*

Overall:
Morale: Overall, the staff and ACOs have a high morale considering their working conditions. They are doing the best they can with what they have. A concern is that after staffs' repeated requests for repairs or remedial actions are not addressed, the staff will "give up" and not make any requests.

Overcrowding: There is persistent overcrowding along with the need to keep inmates separated has caused OCCC management to resort to intolerable actions. There appears to be no immediate way to resolve this unacceptable situation. However, comments from staff indicate that a more assertive approach to population management is in order. The Acting Chief of Security described inmates who were held with low bail and who had serious medical or mental health issues who would be better placed in treatment facilities. A medical staff member stated that her "top-of-the-head" best guess was that 90 % of the new intakes are homeless, mentally ill, or active drug users, or any combination thereof. *Please see Recommendation 10.*

Recommendations to be considered by the Department of Public Safety:

1) **OCCC should ensure that vehicles are nor parked in the sally port unless in active use, and that the sally port gates are secured unless a vehicle is entering or leaving.**
The Commission found that the sally port gates were unsecured, even while inmates were being transported in and out of the facility. Sally ports are spaces that are most at-risk of having a security breach due to the direct access outside of the facility's perimeter fences. It is important to note that escapes have occurred when sally port gates were not properly secured – one was from OCCC and one was from the First Circuit Court. Sallyports should always be locked securely unless a vehicle if entering or leaving the applicable gate.

2) **The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.**
The Commission found that the containers outside of Module 5 did not have an ACO in the vicinity. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that OCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.

3) **The medical infirmary needs immediate attention by PSD leadership for various issues directly related to inhumane conditions.**
The Commission found that the infirmary is seriously overcrowded, with inmate-patients sleeping in beds in the common space which also contributes to a serious lack of privacy when discussing federally protected medical issues. The Commission also found that the lack of electronic health records is a source of serious strain from an already over-burdened staff. Lastly, the Commission found that the bathroom located in the infirmary is not ADA-compliant. It is therefore recommended the infirmary receive immediate attention from PSD leadership to find solutions to the:

a. lack of privacy;
b. lack of ADA compliance;
c. lack of appropriate bed space;
d. lack of basic humane conditions experienced by the most vulnerable and medically disabled individuals in the facility; and
e. lack of efficiency caused by a non-functioning medical record system and complete reliance on paper-based system.

4) **Cells that hold individuals on suicide watch should be painted and reconfigured for a more therapeutic environment for those who are in crisis.**
The Commission found that suicide-watch cells were covered in graffiti in addition to having a large metal slab to be used as a bed. Inmates would place their mattresses on either side of the slab. The Commission recommends the slab be removed and the cells receive a fresh coat of paint.

5) **Those housed in Protective Custody status should be allowed all items usually authorized for general population inmates.**
The Commission found that the PC inmates were subject to the same conditions as the inmates on disciplinary segregation. That is, the PC inmates are held in lockdown with hardly any activity. Individuals who are in PC are vulnerable populations that should not be punished for requested additional safety precautions. Individuals on PC should be housed in the least restrictive environment practicable, in segregated housing only if necessary, and in no case in a setting that is used for disciplinary housing. Additionally, PS inmates should be allowed all of the items usually authorized for general population prisoners and provided opportunities to participate in programming and work. PC inmates, similar to general population inmates, should be provided the greatest practicable opportunities for out-of-cell time

6) **Housing unit windows which are covered by wood should be replaced with frosted windows to allow natural light.**
The Commission found at least two housing units where every cell that had a window facing outside had their windows blocked by a slab of wood. 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 to replace the wood with frosted windows to allow natural light.

7) **Food must be served at appropriate temperatures to prevent food-borne illness.**
The Commission found that the food was placed on plates directly from trays that were not on appropriate warmers. No one was observed taking the temperatures of the hot food in the trays, or of the food on the plates at appropriate intervals. This leaves OCCC at risk for a food-borne illness caused by food served at inappropriate temperatures.

8) **Contact visits should be restored.**
The Commission found that OCCC has not offered contact visits in at least three years due to Covid-19. Now that visitors can be tested for Covid-19 and required to wear masks, it is important to allow contact visits. There is extensive research that highlights the importance and rehabilitative factors of contact visits for those in custody. Contact visits allow inmates to feel closer to their loved ones and their community. Noncontact visits are inherently punitive and against therapeutic and rehabilitative practices.

9) **Maintenance should have a prioritized list of items or matters that require repairs and share that list with downtown leadership with specific timeframes of anticipated repair.**
The Commission found various areas where maintenance was needed. This is particularly meaningful for cells that were out of commission due to needed repairs. Given the immense overcrowding OCCC is experiencing, it is imperative that cell repairs happen quickly and efficiently. Staff had noted some areas of repair that had been out of commission for months or years. The Department of Public Safety leadership should be monitoring required repairs closely and ensure timely repairs.

10) **PSD should invite participants in the criminal justice system (police chief, prosecutor, defense bar, judges and the politicians) to visit the correctional facilities.**
The Commission found that much of OCCC's seriously overcrowding is linked to those with low bails, serious mental health issues, those experiencing homelessness, and others who will experience excessive trauma by being incarcerated. The Commission recognizes PSD does not get to choose who they receive, or who can be released. However, a greater effort can be made to work collectively with partners in the criminal justice system to find diversion options.

If PSD finds appropriate, HCSOC will assist in inviting, planning, and facilitating the tours with the support from facility staff for appropriate background checks, scheduling, and guiding the tours.

HCSOC will examine the efforts made by the Department to actively work with the Courts, other justice agencies, and the health and housing agencies to find alternative placements for inmates charged with non-violent crimes. It is noted that on February 13, 2023, 16 male inmates at OCCC were Sentenced Misdemeanants, 60 were Pre-Trial Misdemeanants, and 160 were Probation Violators. It is also noted that 58 of 127 women at OCCC were in these categories.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Kauai Community Correctional Center (KCCC)
March 2023 Site Tour Observations
Date of Report: March 29th, 2023

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

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

General Observations

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

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

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

Ongoing Construction Projects

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

Module A

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

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

Module B

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

Module C

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

Cabins A-C

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

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

Covid-19 Observation Housing

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

Suicide Watch Observation Cells

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

Kitchen

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

Recreation Yard

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

Visitation

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

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

Recommendations to be considered by the Department of Public Safety:

1) **The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.**
   The Commission found that the containers in front of the administration area did not have an ACO in the vicinity or assigned to the post. Instead, the front gate officer needed to assist with opening the cells when Commissioners requested to view inside. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that KCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.

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

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

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

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

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

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

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

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.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Hawaii Community Correctional Center (HCCC)
Follow Up on HCCC August 2022 Site Visit Observations
Date of Report: May 18, 2023

On September 2nd, 2022, a special report was released on the conditions of the Hawaii Community Correctional Center (HCCC) due to serious and immediate concern involving the safety of those who work and live at HCCC. The report encompassed initial observations and impressions from the August 25, 2022, tour of HCCC by the Oversight Coordinator, Christin Johnson and by Commissioner Ted Sakai. Since the report was released, the Coordinator has visited HCCC consistently to work with the Department leadership, the Warden, and facility staff to improve conditions that were within their control.

Some conditions, as noted in the initial report, are a system-failure that were not caused by, and cannot be solved by, the Warden or staff at the facility alone. Additionally, many of the below issues took months or years for the conditions to reach their current state and the Commission recognizes it will take time and potential legislative changes for all the issues, particularly overcrowding, to be addressed.

Below is an update of the current conditions at HCCC and the collective changes that have occurred since the August 22, 2022, tour. The Coordinator wishes to thank Director Tommy Johnson who has consistently taken immediate action when concerns are brought to his attention. The Coordinator also wishes to thank Warden Cramer Mahoe and all HCCC staff for their patience in working closely with oversight, and for their commitment to corrections.

Overcrowding

Overcrowding has been a consistent issue for HCCC. On August 25, 2022, three buildings at HCCC (Punahele, Komohana and Waianuenue) had a head count of 259 while the facility has a design capacity of 126 (205% occupancy rate). Nearly every cell, each originally designed for one person, had three or four individuals housed. The back area of Punahele had approximately 15 men housed with mattresses on the floor, and the Multipurpose Room 2 "fishbowl" in Punahele had approximately 15 men who had mattresses on the floor. The facility has been using the fishbowl as a housing unit even though the area has no access to running water or toilets. This is comparable to a dry-cell.

The head count has varied throughout the months but has dropped significantly since August 2022. On May 15, 2023, HCCC had a headcount of 232. This puts the facility at a 184% occupancy rate, **dropping 21% since August**. Much of this can be attributed to

judges using considerable discretion in refusing to send individuals to HCCC unless deemed necessary.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. Although overcrowding has decreased, it is clear this is still a substantial issue.

---------- IMPROVEMENT ----------

Shipping Container/Covid-Housing Overcrowding

The Coordinator found immense overcrowding within the medical isolation units, also known as the "shipping container." Due to Covid-19 quarantine requirements, the Department purchased various shipping containers for housing individuals entering the jails (new admissions). At HCCC, the container was retrofitted to have four cells and, based on the cell size appeared to be made for two people in custody. However, each cell had a three-tiered bunk bed and a minimum of three to four people inside (where present, the fourth individual had a mattress on the floor). The cells had little circulation, no food slot, and a small window with low visibility for officers to see.

The largest challenge for the facility were the quarantine requirements which left officers with a 4-cell space to house individuals coming into the facility for 10-day quarantine which eventually shifted to a 5-day quarantine. Once the quarantine time was shifted to 5-days, it became significantly less common to find four or more individuals in all cells.

The CDC has released new guidelines which includes removing the quarantine requirement, and it is the Coordinator's hope that the issue of overcrowding these cells will be resolved as they can be utilized for those who have tested positive for Covid-19.

---------- IMPROVEMENT ----------

Housing Women in Dry Cells

During the August 2022 tour, it was clear that HCCC only has two appropriate cells they can use for housing women. Once those cells are full or over capacity, the facility resorts to using dry cells for the additional women. Dry cells are cells that have no toilet, sink, or access to water. Dry cells are meant to be used for a few hours while proper placement is found. Dry cells are designed for temporary holding, never to be used as housing.

Once the two cells are full, there is no plan for housing additional women outside of utilizing dry cells. Therefore, this issue is unresolved.

---------- UNRESOLVED ----------

Suicide/Safety Watch Concerns

During the August 2022 tour, individuals on Suicide Watch were found to be housed inappropriately. HCCC does not have a proper mental health unit or a proper space to house those deemed on Suicide or Safety Watch. Therefore, staff resorted to using the "dayroom"

space behind a door in Punahele in front of four cells for those on suicide or safety watch. This was of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions.

However, the Oversight Coordinator has not found individuals in these space since January 2023. Additionally, facility staff have verified that the facility no longer uses the "dayroom space" in Punahele. Instead, the facility uses one of the two dry cells in the Medical Corridor where medical and mental house staff have workstations. Although this is not an ideal outcome due to the lack of bathroom access, the Commission recognizes staff have very little options without a proper mental health unit.

---------- **IMPROVEMENT** ----------

Padlocks on Cell Doors

During the August 2022 tour, padlocks were found on nearly every cell door in Punahele. Padlocks on cell doors add significant delay in reaching people in custody if there is an emergency (assault, fight, medical emergency, fire, etc.). A combination of staffing shortages, lack of visibility, and padlocks on the cell doors was of grave concern for how often individuals are being checked on and monitored. All doors were fixed within three months of the initial report being released with standard correctional grade supplies.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13th, tour, the Oversight Coordinator witnessed staff remove the padlocks and the Coordinator has not witnessed padlocks on cell doors since.

---------- **RESOLVED** ----------

Lack of Visibility through Cell Windows

During the August 2022 tour, 10 cells in an L-shape in Punahele were in horrendous condition. It was impossible to have a clear view inside the cells as nearly every glass panel was shattered and badly damaged. This was particularly concerning since staff could not see into the cells during their normal rounds. Since the initial report, all windows and doors were replaced with standard correctional grade supplies.

---------- **RESOLVED** ----------

No Bedframes or Bunkbeds in Cells

During the August 2022 tour, one unit of cells in Punahele (G-Unit) did not have any bunkbeds or bedframes at all – only mattresses on the floor. The Coordinator found that staff removed the bedframes in an attempt to get individuals to stop flooding their cells. The frames were immediately placed back into the cells after the Coordinator addresses the issues with staff during the initial tour.

---------- RESOLVED ----------

Visitation

During the August 2022 tour, it became apparent that visits were not being afforded. Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is still unclear when in-person visits can occur, but it is clear that visits have not been afforded in years.

Video visits do not suffice as a visiting option due to the cost alone. It is 25 cents per minute to have a video visit, which many people in custody and their families cannot afford.

---------- UNRESOLVED ----------

Access to Clothing and Bedding

Although not reported in the initial September 2022 report, during the February 2023 visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite.

During the March visit, the Oversight Coordinator found that blankets and sheets were distributed in addition to bras for women.

However, basic services continued to be an issue. In addition to people in custody not having access to t-shirts, underwear, or jumpsuit uniforms, staff informed the Oversight Coordinator that medical staff had to resort to **giving women adult diapers during menstruation** due to a lack of underwear and lack of menstrual pads to attach to said underwear. Department leadership claimed that women were taking advantage of menstrual pads by wearing them daily, therefore creating a shortage for those who need them. The Department also confirmed that it is the business office making the decision to limit the menstrual pads.

The Oversight Coordinator recommended that medical staff should be the ones distributing menstrual pads and ensuring the facility does not run low. The HCCC Warden agreed and made that change. Additionally, the HCCC Warden went to a local Walmart and bought all underwear that was in stock while they awaited an incoming shipment of underwear, t-shirts, and jumpsuits. The HCCC Warden confirmed that the shipment of clothing arrived on Friday, March 10, 2023, and the facility began to distribute appropriate clothing on March 13, 2023.

According to Department policy COR.17.03:

> All inmates shall be adequately clothed during their period of incarceration. At a minimum each inmate shall be issued the following items:
>
> a. Male uniforms
>
> 1) Three pants
> 2) Three shirts
> 3) Three T-shirts
> 4) One pair slippers
> 5) Three pair underwear (boxer/brief)
>
> b. Female uniforms
>
> 1) Three pants
> 2) Three shirts
> 2) Three T-shirts
> 3) Three brassiere
> 4) Three underwear (brief)
> 5) Pregnant inmates - appropriate attire

Since addressing the issue with Department leadership, access to clothing and bedding appear to be resolved.

---------- **RESOLVED** ----------

Outdoor Recreation

During the August 2022 tour, it was made very clear that individuals were not being afforded their outdoor recreation. This was due to a mix of the overcrowding, lack of staffing, and Covid-19 protocols. However, the facility released a new recreation schedule, and it has been consistently reported that individuals have been let outside for recreation on a daily basis. One individual reported to the Oversight Coordinator that before the August 2022 tour, they had not been let outside in over two years. This issue appears to be resolved.

---------- **RESOLVED** ----------

Conclusion

Overall, the Coordinator is impressed with the number of improvements that have occurred in the past seven months since the initial tour with Commissioner Ted Sakai. Although there are still improvements to be made at HCCC, the Coordinator believes that HCCC is more in line with the other jails throughout Hawaii. At this time, the Coordinator will transition to touring at least every two months in order to ensure there is time to tour all correctional facilities consistently.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Maui Community Correctional Center (MCCC)
May/June 2023 Site Tour Observations
Date of Report: July 20, 2023

On Thursday, May 18th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Maui Community Correctional Center (MCCC) collectively as a group. The tour included four of the five Commissioners – Martha Torney, Mike Town, Ted Sakai, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson and Special Assistant, George Choe. Unfortunately, the timing of the tour was very limited as the meeting directly before the tour went longer than expected, leaving only an hour and a half to see the facility. Due to lack of time, the Commission decided to have two Commissioners and staff head back at a later date to MCCC to complete the tour.

On June 6th, 2023, Commissioners Ron Ibarra and Ted Sakai, Oversight Coordinator, Christin Johnson and Reentry and Diversion Oversight Specialist, Cara Compani completed a tour of MCCC. This report encompasses notes from the Commissioners and will be discussed during the July public meeting held on July 20th, 2023.

MCCC SITE TOUR OBSERVATIONS

General Observations

The Warden, Liane Endo, is a great leader with immense compassion. Staff were very welcoming and friendly. The educational instructors are very passionate and ready to expand opportunities for people in custody.

Commissioners saw people in custody with laptops who were working on different programming/classes. They were able to bring their laptop or tablet back to their cells to continue programming outside of the education area. Additionally, MCCCs court booths were in working order for virtual court appearances or virtual funeral visits.

The Law Library has the Hawaii Revised Statutes and Hawaii Reports. People in custody also have access to LEXIS to work on legal research. Information on entering Drug Court and practices were available which is important because Drug Courts focus on rehabilitation. There were also other non-legal books. The space was more than adequate and staffed by an experienced librarian.

Physical Plant

Overall, the facility was very clean, however, the facility is in clear need of updates and proper funding for those updates. Below are some of the most notable areas in need of maintenance or construction:

1. Staff dining room – part of the floor was missing, the space needs better lighting, and there was mold on the ceiling vent.

2. Dorms 6 & 7 Bathroom – the bathroom needed serious updating. The wall by the sinks was completely deteriorating and, in some areas, missing. Floor pieces by the showers were also missing. Many of the toilet bowls were broken and inoperable, and the smell was terrible. Mold was also present throughout the bathroom.
3. Module A – water was leaking through the ceiling tiles.
4. Hallway near Kitchen – ceiling tiles were missing and there was water leaking from the ceiling.
5. Holding cell – Heavy graffiti was throughout the cell.

Some Parts of the Facility are Badly Overcrowded.

The official capacities for all of Hawaii's facilities were set in 2001 by the Corrections Population Management Commission (CPMC). The capacities were based on the American Correctional Association Standards. The functions of the CPMC were transferred to the HCSOC. The Commission adopted the capacities set by the CPMC (except as modified for pandemic conditions) because the ACA Standards for housing have not changed significantly in the intervening years. The official capacities take into consideration a variety of factors, such as the level of out-of-cell time afforded to people in custody; the number of toilets, sinks and showers; and amount of dayroom space. Below are clear examples of overcrowded spaces:

1. Modules A and B each have an official capacity of 48. On June 6, the headcount in Module A was 75 (156% capacity), and the count in Module B was 78 (163% capacity). Three and four people in custody were housed in cells designed for two.
2. Dorms 1 and 2 have a total capacity of 40. 16 double bunks are placed in each dorm (160% capacity.
3. Dorm 3 has a capacity of 12. There appeared to be about 20 women housed there. (~167% capacity).

Unacceptable Level of Idleness in Several Areas of the Facility.

The official capacity limits assume a prescribed level of activity within the housing unit. For Modules A and B, the capacity limits assume that the people in custody spend no more than 10 hours per day in their cells. For Dorms 1 and 2, the capacity limits were based on the size of the day room available in the building. The capacity limit for Dorm 3 was generously set at 12 because of the specific program that was operating in that unit at the time.

The level of idleness in these units is unacceptable. In Modules A and B, people in custody are allowed out of their cells for two hours in the morning and two hours in the afternoon or evening, plus 20 minutes per meal period. They spend 19 hours a day in their overcrowded cells. With this level of lock-up time, conditions in Modules A and B are closer to that of restrictive housing than general population.

Restrictive Housing Units Practices Need to be More Closely Examined

Module C houses people in custody in administrative segregation. Module D houses people in custody in disciplinary segregation. In Module C, people in custody are allowed to be out of their cells for two hours per day. In Module D, people in custody are allowed out of their cells for one hour per day. Meals are served in the cells. There was one ACO in the control center observing Modules C and D.

The Commission did note several immediate problems in Module D:

1. The log entries were made by the ACO in the control station, not by the person making the visit. This needs to be corrected. For example, if a nurse visits a person in custody, the nurse should make the entry and affix their initials. Likewise, the ACO who actually serves the meal should affix their initials.

2. The times of the visits were not noted. This is an important piece of documentation that must be recorded in real time.
3. People in custody who are placed in these units do not have ready access to the grievance system. In these modules, people in custody must ask for a grievance form and may be asked to state what the grievance is regarding. In Module D, the locked grievance box is placed outside of the secure door which means that people in custody must ask an ACO to drop the grievance on their behalf.
4. In Module D, the Medical Request box is also placed outside the secure door. All 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

Further, in accordance with PSD policy, individual in-cell observation should occur at least once every 30 minutes at irregular intervals. This is the *minimum*, with more frequent observation when necessary.[1] During the tour, the one ACO in the control center could not see inside the cells from the post, and it became clear that individual cell checks are done every hour.

This same hourly in-cell check occurs for the females separated in the holding cells in the intake area. However, the cell window in the intake cell was small, couldn't be seen from the ACO post, and was difficult to see in even when standing in front of the cell. The Commission is concerned that people housed in these restrictive areas are not being checked in accordance with policy.

Additionally, people in custody housed in Module D, disciplinary segregation, for more than 60 days will do 60 days in disciplinary segregation, get a day or two break, and then go back into segregation for the remainder of the time (e.g., 30 more days). There are additional PSD policy requirements when segregation exceeds 60 days, including the written approval of the IDA.[2] The Commission has two main concerns with this practice:

1. It is apparent that the one-to-two-day break is being utilized to get around the restrictive housing policy which limits segregation to 60 days.
2. Even if all policies are being adhered to, more than 30 days in segregation is detrimental to physical and mental health and overall well-being. Disciplinary segregation beyond 30 days should be used rarely and sparingly. There is significant research regarding the impact of segregation on a person's health, particularly since 2014 when this policy was implemented. The policy needs to be updated to reflect federal and ACA standards.

<u>Intake Unit is Highly Inadequate</u>

The intake unit was designed and built in the 1970's, when MCCC first opened. At the time, the facility was designed to hold 20 people in custody. It is clearly inadequate for today's needs for the following reasons:

1. The unit has few cells to hold people in custody being received into or processed out of the facility.
2. On the day of the Commission's second visit, three of the cells were occupied by people in custody with serious medical conditions. There were no medical staff present during the tour of the unit.
3. One of the cells is designated for suicide watch. Staff assigned to suicide watch would be able keep constant observation only by standing directly outside of the cell. A sitting officer would not be able to see into the cell.

[1] Hawaii Department of Public Safety, Corrections Administration Policy and Procedure, *Administrative Segregation and Disciplinary Segregation Policy*, COR.11.0, dated 11.2014; Federal Standards—Standard 7.05 Supervision of Inmates—and also ACA Standards state the same 30-minute requirement.

4. The ACO on duty told us six or seven intakes at the same time would overwhelm the unit. They would not be able to properly secure the new people in custody. The practice in such a situation is to shackle some people in custody and have them wait in the sally port that leads to the outside.

Serious Fire Safety Issues in Dorms 1 and 2

Dorms 1 and 2 are contained in a wooden structure. The exit doors at the end of Dorms 1 and 2 are chained and padlocked. According to an ACO, this is done to prevent people in custody from leaving the dorm, which would present a security problem. However, this practice creates a serious fire safety issue. These doors are designed to afford an emergency exit for the occupants of the dorms. If there is a fire – especially a fire near the front of a dorm or in the common area between the dorms, the people in custody would not be escape until someone unlocked the padlocks. The padlocks need to be removed immediately. The doors should be equipped with alarms that sound every time they are opened.

It is further noted that the fire escape plan for Dorms 1 and 2 is on an 8" by 10" laminated sheet placed near the front entry. When Commissioners and staff reviewed the plan, they were unable to discern the escape routes. Because of the density of wooden structures in the area immediately surrounding Dorms 1 and 2, it would be difficult for a person in custody to navigate their way to the area of refuge. If staff are not doing it now, the facility would be well-advised to conduct regular fire drills and briefings so that the people in custody are familiar with procedures in case of fire.

Inadequacy of the Medical Unit

The issues described in the above section on the Intake attest to the severe limitations of the medical unit. It is the Commission's understanding that a new medium security housing unit is being constructed. When this is completed, some of the units housing women will be converted to be utilized by the health care staff. Hopefully, this will provide the facility with more adequate suicide watch and infirmary cells. The Commission intended to discuss this with the health care staff during the visit, however, they were in an all-hands meeting during the visit.

The Commission identified several system-wide issues that MCCC cannot address alone:

1. MCCC needs better support for staff, especially after potentially traumatic incidents (e.g., suicide, assaults, unwell colleagues). PSD should provide professionals for staff to confidentially speak with, at low to no cost to staff, including therapists and PTSD treatment providers.

2. The length of time spent in jail pre-trail is too long. The Commission spoke with several people in custody who were pre-trail for more than two years. This contributes to facility overcrowding and is detrimental to rehabilitation and other reentry efforts. Prisons are better suited to house people in custody long-term and offer the programs and services needed for rehabilitation. Jails do not have the same capacity, resources, or directive. Jails are intended to house people awaiting trial—presumed to be innocent—and those in transition, either back to the community after one year or less or to prison for longer sentences.

3. Lower security level modules are under capacity, while higher security level modules are over capacity.
    - For men in custody, the more secure settings—Modules A and B—were generally overrated capacity (with four people for each cell designed for one or two people at the most), while the less secure settings were generally under rated capacity (with

open beds). It is important to break down rated and current capacity by module and correlated security level to see the whole picture.
    - The furlough module is underutilized. There were three males on the furlough module, with a dozen more men on furlough living in the community under the custody of PSD. This module has a capacity for more than 20 people. Furlough placement and classification is not a decision made at the facility level but a custody and classification issue based on PSD policy.

4. Women in the jails need equal access to services and programs. Women and men are both housed at MCCC, and women represent the minority. Therefore, most programming, movement, and access have been designed with men in mind. Federal standards require that women and men in custody have equal access to services and programs.[3]
    - For example, movement for women is minimal because they must be separated from the male population at all times, limiting access to programming and other services outside of their actual housing unit. The facility is doing its best with space limitations, however, there needs to be designated space for women, not just to sleep but to support programming, recreation, healthcare, and the other needs of the population.

Recommendations to be considered by the Department of Public Safety:

1) **Officers need immediate policy refresher training on unit management.**
Officers should be reminded how to properly manage their logbooks in accordance to policy. This should include accurate timestamps of every individual who enters the unit. Further, officers should be reminded about 30-minute checks within restrictive housing as it was apparent that hourly checks were being conducted.

2) **Grievance and medical forms and drop boxes should be inside the modules.**
In Modules C and D, grievance forms, the grievance request box, medical request forms, and the healthcare request box should be placed and available in the module where people in custody have easy and daily access without asking staff. Officers should also be reminded of confidentiality of grievances and healthcare requests.

3) **Restrictive Housing policies need to be updated to align with federal standards.**
There is significant research regarding the impact of segregation on a person's health, particularly since 2014 when PSD's policy on restrictive housing was implemented. The policy needs to be updated to reflect federal and ACA standards.

4) **Fire Safety needs to be prioritized.**
The chains and padlocks off of Dorms 1 and 2 need to be removed immediately, and the doors should be equipped with alarms that sound every time they are opened. Additionally, if staff are not doing it now, the facility would be well-advised to conduct regular fire drills and briefings so that the people in custody are familiar with procedures in case of fire.

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

[3] Federal Standards for Prisons and Jails, Chapter 1. Inmate Rights, p. 8 to 9

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Women's Community Correctional Center (WCCC)
September 2023 Site Tour Observations
Date of Report: October 19, 2023

In accordance with Hawaii Correctional System Oversight Commission (the Commission, HCSOC)'s mandate to oversee the State's correctional system, on Thursday, September 21, 2023, the Commission toured the Women's Community Correctional Center (WCCC) collectively as a group. The tour included two of the five Commissioners – Martha Torney and Ron Ibarra in addition to the Oversight Coordinator and Reentry and Diversion Oversight Specialist. The Commission had unfettered access to staff and the facility. There were three new buildings under construction: Building A (secure housing), Building B (intake), and Building C (administration). The Commission visited Building A, Ka'ala Cottage, Maunawili Cottage, and Ho'okipa Cottage. The Commission did not visit Building B, Building C, Olomana Cottage (built 1952) or Akahi Cottage (built 1999).

This report encompasses notes from the Commissioners and will be discussed during the Commission's monthly public meeting held on October 19, 2023.

General Observations

The Commission was most impressed with Warden Guillonta and the staff they encountered. Warden Guillonta is the first woman to be designated as Warden in WCCC's history. The Commission commends Director Tommy Johnson for hiring Warden Guillonta as she has over 30 years of correctional experience, is undoubtedly a compassionate leader, and has a clear vision for WCCC and all who live and work there.

Staff interactions with the women were relaxed and generally respectful. Many of the women had books in their area to read at will. Although the Commission did hear complaints about the living conditions, the women seemed to know that the staff were doing what they could to alleviate the concerns. The facility is not overcrowded, unlike other correctional facilities, and the Commissioners were impressed with the general condition of the facility even though there is still work that needs to be completed.

WCCC is one of the only facilities in Hawaii offering in-person visitation options for people in custody. However, people in custody shared that in-person visitation is occasionally canceled, even at the last minute, due to a lack of staff.

Overall, Commissioners were concerned about the lack of outdoor recreation areas with grass and trees.

Building A (new housing under construction)

Building A is a secure housing unit that is currently being constructed and is slated to open in February 2024. Once the housing unit is opened, PSD plans to transfer all women who are currently incarcerated at the Oahu Community Correctional Center (OCCC), which is a men's jail, to WCCC for more appropriate gender-specific housing. PSD estimates the jail population will be moved during March or April 2024 and is already planning the logistics of the transfer. Building A is currently designated for the incoming jail population, but Warden Guillonta wants to consider using it for the prison population.

Building A has two separate living units, with one side designed with open bays and the other cells. Each side is two stories with a centralized day room and officer station on the first floor. Beginning with the open bay side – There were eight open bays per floor, with each bay containing four double bunks attached to the walls (capacity=128). Four desks will be placed in each bay. Unfortunately, this design does not provide any sense of privacy. There was a closed-in recreation yard with cement walls, cement flooring, and plans for metal mesh-covered windows. Metal mesh coverings allow for airflow and a view of the surrounding area. If the sun is directly overhead of the recreation yard, there is no shaded area provided. There is no provision for a larger grassy outdoor recreational area, as so much of the property is now covered with buildings.

The bathrooms were located at the end of the bays on each floor, and the first-floor bathroom was ADA compliant. The shower will have partial privacy shields (not walls) at each shower head. As described, the shields will cover the legs from the knees up and the torso with no privacy shield at the front. Toilets will have similar privacy shields separating each toilet, but no privacy shield or door in front. Again, the lack of privacy was very evident in this newly constructed space.

Shifting to the cell side of the unit – The cell-based housing area was separated from the open bays by a corridor with offices and limited rooms for programming. There were 24 cells designed to house two people per cell, and 12 on each floor. There was at least one ADA-compliant cell on the first floor. The showers are individual, allowing for more privacy, and an ADA-compliant shower was available. There was a day room on the first floor with a smaller recreation yard for outdoor recreation. This yard was also a closed-in recreation yard with cement walls, cement flooring, and plans for metal mesh-covered windows for airflow.

The lack of program space in the newly built unit is of concern to the Commission. Additionally, the color choices of the paint were extremely disappointing. Evidence shows the importance of both warm (red, yellow, orange) and cool (blue, green, white) paint colors in rehabilitative and therapeutic spaces. When color is used properly in prisons and jails, it can lessen overall tension and make a facility a better place in which to live and work. However, the unit was painted white with deep brown paint throughout the unit and doors.

Additionally, Commissioners do not understand why a new kitchen and medical/infirmary were **not included** in the new construction projects. These essential areas must be replaced. The condition of the kitchen and medical/infirmary does not meet the needs of the current population, let alone the influx of the female Oahu jail population in the near future. It was clear that staff have long been concerned about the kitchen and infirmary, yet no plans are in the works.

Ka'ala Cottage (housing)
Ka'ala Cootage is one of the original housing units from 1952, when the facility opened as the Ko'olau Boys Home. It is in dismal condition and must be replaced. A large square outdoor recreation area had dorms on one side, cells on another, and a combination day room and mess hall on another. Staff offices and limited program space were also available. The recreation area itself was badly in need of rehabilitation, with cracks throughout.

The living area, made up of two separate dorms with bays, had two double bunks in each with heavy plastic containers between the bunks for personal belongings. The bays were small, approximately 6' x 9.5', with no room for a desk or a chair. One of the dorms was the site of a newly formed "honor dorm" designed by a lieutenant at the facility. The honor dorm provides residents with additional privileges and requires good behavior as a condition of being part of this specific dorm community. There was no real dayroom space in these dorms, although the facility did squeeze in a TV with limited seating. The Commission commends this innovative undertaking of creating an honor dorm, even with space limitations, by the leadership and staff at WCCC.

Everything in the bathroom needs to be updated. Each dorm bathroom had four sinks, toilets and showers but many facilities were not working. In the dorm visited, two toilets were down, one sink was down, and fixtures in one shower were falling off the wall. Although there were mirrors above the sinks, you could not see your reflection. The cell area was in equally bad shape and some cells were occupied. The Warden informed us that renovations have been funded, and a preconstruction meeting will be held at the end of the month. It is the Commissioners hope that construction will be quick.

The mess hall and program areas were cleaner and more orderly than the dorms.

Maunawili Cottage (recreation, programming, medical, kitchen)
Maunawili is another of the original 1952 buildings but has not been used as housing for decades. It contains the education/programming space, library, infirmary and medical, isolation cells, and the kitchen. Each specific location in Maunawili Cottage is detailed below.

Recreation
The outdoor recreation area in the center of the unit had been converted into a grassy field where women were participating in a kickball game during the tour, thoroughly enjoying themselves. There was a beautiful mural designed and painted by the women on one of the walls surrounding the recreational area. The Commission extends a special thanks to the Women's Prison Project, the Department, and WCCC for leading and supporting the mural project.

Programming/Classroom Spaces
There were at least two classrooms that were adequately sized and staffed. People in custody had a range of access to different programs, could pursue their GED, or earn credits towards a college degree. This is an important step towards rehabilitation.

Law Library
The Law Library provided both legal references and an abundance of recreational books with more than adequate space. The recreational books are donated, while the law books are budgeted. The law books consist of Hawaii Revised Statues, Hawaii Digest, Hawaii Session Laws, Appellate Reports, Hawaii Reports and law on Search and Seizure. There was a legal form book to assist the women in formatting their legal pleadings. The women also have access to LEXIS in conducting their legal research. Women who are incarcerated can also access legal resources through tablets found in the living units.

The Law Library was well organized and staffed with a very caring and knowledgeable full-time librarian. The Law Library is open five days each week from 8am until 4pm, and the librarian assists the women in conducting legal research which averages two to three women a month. Women in custody sign up with the librarian for in-person use. If the request is approved, the librarian will compile a list of the women with the appointment times. The librarian sends the lists to the dormitories Sergeants, who inform the women of their appointments.

When specifically asked whether individuals show up to their appointments, a Commissioner was informed that sometimes the women do not show up for their appointments, and when later asked why, they claim that no one told them of their appointments.

The Commission was also informed that women occasionally ask for names of attorneys, but the librarian is not familiar with the Criminal Defense Bar.

Medical/Infirmary
The medical unit, though neat, was small and inadequate for the size of the population assigned to WCCC. Records appeared to be properly stored. The infirmary within the medical unit was in appalling condition and should not be used, but it is all they have. Half of the rooms could not be used due to ceiling leaks from the AC unit on the roof, with the floor covered with pails and towels. The other half had two beds, one that was occupied long-term by an elderly woman who recently had knee surgery and was confined to a wheelchair chair. The smell indicated there was a serious mold problem.

In addition to the infirmary, there were three to four cells for safety and suicide watch, plus quarantine cells for those returning from court. The officer assigned to the area sat opposite to one cell and had the others on camera. The Commission was informed that officers regularly visually check all the cells.

Kitchen
The kitchen is in abysmal condition. All food is prepared there and delivered to the living units. The sinks were filled with dirty pots and pans, dishes, and utensils. The ceiling air vents were very dirty, there was water pooling by one of the floor drains, and there were rat traps with peanut butter scattered on the floor. There was no one in the area, yet a large pot of something was boiling on the stove.

One Commissioner looked in the refrigerator, which felt warm, but could not locate the temperature gauge. There was only one person, a cook, on duty that day, who was delivering food

at the time the Commission arrived, so there was no kitchen staff available to speak with. This is another example of how staff shortages cause dangerous conditions.

Ho'okipa Cottage (furlough under construction)
Ho'okipa Cottage at one time was the home of the Ko'olau Boys Home superintendent and had many other uses over the decades. It was last used as a living unit for the Hawaii Youth Correctional Facility but was abandoned about a decade ago.

The space is now being completely rebuilt and reimagined as the community workline and furlough program for WCCC. Nothing is remaining of what the space used to be. Still under construction, it contains areas with bays of different sizes and some former cells that are being converted into individual rooms with their own bathroom, including a private shower. The toilet and sink are steel, but privacy will make a huge impact in this space.

The intention is to move women to smaller, more private rooms as they progress through the program. There was also a large, covered lanai that will be used for recreation and visitation. Overall, the space was beautiful. The Department utilized bright, restorative colors, and it had a kitchen space where ideally, women will be able to prep some of their own meals and begin gaining independence and confidence before release.

Recommendations to be considered by the Department of Public Safety:

1) **Review new construction plans for Building A (secure housing) and implement as many therapeutic and rehabilitative spaces as possible.**
    a. Consider adding doors, curtains, or some partition that allows for privacy while women in custody shower or use the restroom in the dorm areas.
    b. Prioritize re-painting the interior brown color with different colors that support rehabilitative and therapeutic spaces. The facility workline could be utilized for this painting project if it is too difficult to change the work order with the current vendors. Additionally, the facility should consider asking the women in custody about their color preference for the living space.
    c. Become creative and identify or create opportunities for programming space and an outdoor recreation area beyond the current closed-in cement recreation yard already in place. The women will need space for programming and to be outside, as is available in the other housing modules.

2) **Secure desperately needed funding for facility updates.** As outlined throughout this report, current conditions are unhealthy, dangerous, insufficient for the influx of new residents from OCCC, and could, in some cases, amount to violations of regulations and legal standards. They are not fit for living or working conditions.
    a. Funds must be allocated, and timely construction must be prioritized for facility updates to the kitchen, medical/infirmary, and bathrooms.
    b. Funds must be allocated for cameras to support the safety of staff and people in custody.

c. Facility should consider adding turf to recreation area to create a more rehabilitative space, and consider creating a larger dayroom space for Ka'ala Cottage.
d. Ensure the Commission is updated on the process of funding the above requests.

3) **Ensure appropriate access to the Law Library, and ease of access to defense attorney information.**
    a. Review the Law Library callout process and ensure proper operation is in place for people in custody to have timely access to the law library. Additionally, ensure that dormitory Sergeants and staff are reminded of the policy to inform people in custody of their Law Library appointment.
    b. Request the Bar Directory from the Hawaii State Bar Association to ensure women in custody have access to defense attorney contact information, as needed. The Bar Directory lists all of the lawyers in the state including a list of Criminal Defense attorneys. This is of particular importance with the incoming jail population.

4) **As the Department of Public Safety plans new facilities or housing units, the design should be consistent with the rebuilt and reimagined Ho'okipa Cottage.** The design, materials, and sentiment support healing and success and exemplify the transition to a rehabilitative and therapeutic model.

5) **Continue and further the current trajectory of leaders at WCCC.** Warden Guillonta, Ms. Candace Beale, WCCC Offender Services Administrator, and several of the correctional staff the Commission toured with, and other dedicated staff members are in the early stages of truly transitioning to a rehabilitative model of corrections. This is clear through their humanizing and innovative practices, programs, and mindset. Additionally, Warden Guillonta recently traveled to Las Colinas, a model jail in San Diego County, with Commission staff to gain insight and ideas. Overall, the Commission recognizes WCCC's accomplishments and simultaneously knows there is more work to do.
    a. The Commission hopes and recommends that Warden Guillonta and leadership continue to move the facility forward and implement additional ideas and framework for change.
    b. The Commission recommends Warden Guillonta, WCCC facility leadership, and WCCC staff connect and communicate with other wardens and their facility leadership on how to continue to implement innovative practices, programs, and move the Department forward in the transitions to a therapeutic model of corrections. This transition must start through innovation and change at facilities and even units and include extensive training which WCCC has prioritized.

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

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Halawa Correctional Facility (HCF)
October 2023 Site Tour Observations
Date of Report: November 16, 2023

On Thursday, October 19, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Halawa Correctional Facility (HCF) collectively as a group. The tour included two of the five Commissioners – Mark Patterson (Chair) and Martha Torney, in addition to the Oversight Coordinator and Reentry and Diversion Oversight Specialist. On the day of the tour, there were 835 individuals housed at Halawa, with approximately 19% comprised of parole violators.

This report encompasses notes from the Commissioners and will be discussed at a public meeting held on November 16, 2023.

General Observations

Commissioners first met with Warden Shannon Cluney, who has been with the facility for nine months after a 30-year career with the Idaho Department of Corrections. Warden Cluney clearly has the knowledge and experience for the job, and Commissioners appreciated that Warden Cluney accompanied them on the facility tour.

Individuals housed at Halawa are still wearing striped uniforms that were commonly used in prisons in the 19th century. However, Commissioners were informed that the striped uniforms would be replaced, and new uniforms had already been ordered. The new uniforms will be different solid colors that designate classification. Commissioners were very pleased to hear that the striped uniforms will no longer be used.

The facility is old and has not been updated properly. As such, there were a lot of maintenance issues and the speed at which facility issues are fixed is an issue. For example, at the time of the tour, there was an electrical outage that affected about 20% of the cells, leaving individuals in darkness. Additionally, the perimeter fencing needs updating to prevent potential risk to public safety. At some point, there used to be an electrical and plumbing workline that helped keep the facility maintained. The electrician union previously came to the facility and trained people for the workline, and then people leaving prison would have an income-generating trade and connections to the unions and jobs in high demand. However, that program has not existed for some time.

Special Needs Facility

The Special Needs Facility is no longer in use while the Department of Public Safety considers the cost of repairs. The Special Needs Facility originally opened in 1962 as the Honolulu Jail under

the control of the Honolulu Police Department, was transferred to the State in 1977, and was extensively renovated in the early 1980s. Its condition has deteriorated significantly over the decades and was no longer appropriate for housing. As a result of this closure, staffing shortages at the main facility are reduced, resulting in less mandatory overtime for staff and more posts filled at the main facility.

Correctional Industries

By the time the tour began, the Correctional Industries was closed for the day (around 2pm). The Hawaii Correctional Industries (HCI) is not as robust as it used to be. Halawa's HCI focuses on commissary for the State, but no specific training on skilled trades that would lead to gainful employment (plumbing, electrical work, welding, etc.). The number one product/service of HCI, according to their website, is, "a productive contributing member of society." The Warden would like to expand HCI to 300 people and update the skills provided to link to gainful employment upon release.

Learning Center

Education is open Monday through Friday and runs from 8:30-10am, 11:30am-1:30pm, 2:45-4:15pm, and 6:30-8:15pm (*late classes not available on Fridays*). HCF offers GED and college classes through Chaminade University and Windward Community College. The first associate degree graduation from HCF occurred on May 17, 2023. Although the Learning Center was closed during the afternoon while Commissioners toured, it was clear that the Learning Center and adjacent library are well used for programming. The main room in the Center was set up with desks and desktop computers where people in custody could work towards a GED or access other online educational programs. Surrounding classrooms allowed for group classes. The library was adequate, with both legal references and recreational books.

Education has one full-time staff member who runs education for the entire facility. There is also one person in custody on the education workline. Education is down three full-time teachers and one secretary, and two workline positions. It was reported that there have been fewer class cancellations due to security staff shortages lately.

Kitchen

The kitchen was clean and very orderly. A worker assembly line was preparing food, packing food, and cleaning the dishes. One Commissioner reviewed the refrigerator and pantry areas, which were in very good order with visible temperature gauges above each refrigerator door. One of the steamers was overflowing with water and was scheduled to be fixed within the next day or two. There was also a sink pipe leaking water continuously toward the back of the kitchen. While there were some tiles missing on the floors and walls, the kitchen was overall clean. The Commission did not hear major complaints about the food during the tour.

Medical/Mental Health Infirmary

The infirmary was made up of two units – one for the medically ill and the other for the mentally ill with 13 cells in each of the units. The cells on the medical side had two people per cell, while on the mental health side, people are single-celled. On the day of the tour, there were 26 people on the infirmary side of medical and 12 on the mental health side. The infirmary is for people who need full-time medical care, similar to the care provided in a hospital or nursing home. The

population on the mental health side is similar to those in a State Hospital in terms of psychiatric care and observation.

The medical side was overcrowded, and it was hard to believe that any of the men are still considered a threat to the public based on their conditions and state of mind. Some of the medically ill individuals were long-term residents of the infirmary, with one individual informing the Commission that he had been there for five years (unconfirmed by staff). Many of the mentally ill individuals will remain in the unit, single-celled in individual suicide-proof cells, for extended periods of time as well.

Nursing staff conduct sick calls in the modules, with those needing follow-up referred to the medical unit. Staff told Commissioners that healthcare staffing is "always a struggle," and that weekends are particularly difficult. A large percentage of the staff are traveling nurses. The medical records backlog is getting smaller, but there is still a significant backlog.

Special Holding Unit (SHU)

The Special Holding Unit, made up of 44 cells broken down into smaller sections separated by glass, is used for disciplinary segregation, protective custody, and the seriously mentally ill. During the visit, eight cells were assigned to individuals in protective custody who also identify as gang members. Even with multiple uses, not all cells were occupied, implying that there was adequate restrictive housing space available to the facility.

Four cells in the Special Holding Unit (SHU) were used for the serious mentally ill. Those housed in the SHU are visited by the mental health staff several times during the day, participate in individual and group therapy, and have access to individual outdoor recreation.

Four small recreation yards were available, and individuals are offered two hours a day of recreation if they so choose. However, the recreation yards had no covering, leaving them to be very hot in the direct sunlight. Additionally, the recreation yards are required to be utilized on an individual basis, and there was no weight equipment, hand balls, or other items within the recreation yards that people could occupy themselves with. There is not enough recreation space for each person in the SHU to individually recreate for one hour per day, which is a correctional standard. Lastly, the yards were surrounded by cement with no access to view nature or greenery.

Module 1

The facility has four modules of the same design with 124 cells broken down into two blocks with four quads of 15 to 16 cells each. Security staff are in boxes separated from the incarcerated population by glass and then bars and communicate with people in custody through a muffled microphone. Unfortunately, this structure does not allow as much face-to-face contact and communication with the incarcerated population.

One of these quads was designated for a mental health population that didn't require 24-hour care or supervision but also couldn't operate safely in the general population unit. The facility added mental health offices right off the quad so mental health staff can be close to the population.

The Commissioners were informed that there was one Unit Team Manager and two social workers assigned to each module. However, the facility has eight (8) social work vacancies which results in high caseloads (80+ people per social worker) for the existing social workers. It was discouraging to Commissioners to see a note on the Unit Team Manager's door that read in bold letters, "**DO NOT ENTER**." It was unclear if that message was meant for staff, people in custody, or both.

The module was generally clean, and the people in custody were fairly quiet. Some of the upper-level cells have not been used for housing in years as leaks from the roof shortened the electrical systems. Commissioners did speak to a few people who informed them that they were out of their cells for most of the day, either interacting with each other, watching TV, or playing board games. However, idleness was still a problem for many who were not assigned worklines, in correctional industries, or participating in Learning Center programs.

There were two outdoor recreation yards in each module - small yards made of concrete with little more than a basketball net. Although there is a very large grassy outdoor recreation area on the mauka end of the facility, it has rarely (if ever) been used for that purpose since the facility first opened in 1987 and is not currently used.

Recommendations:

1) **Increasing non-security staffing must be a priority for transitioning to a rehabilitative and therapeutic system.**
   The two main staffing shortages that the Commission learned about were in the Learning Center and social work. Education has one full-time staff member who runs education for the entire facility with assistance from one individual from the workline. Education is down three full-time teachers, one secretary, and two workline positions. Additionally, the facility has eight (8) social work vacancies which results in high caseloads (80+ people per social worker) for the existing social workers.

   According to the Department of Human Resources Development (DHRD) website,

   > *Social Workers and Human Services Professionals seek to improve the overall quality of life of people within the context of their environment through the remediation and prevention of their problems, and by improving accessibility, accountability and coordination of service delivery among a variety of professionals and/or agencies tasked with providing appropriate services to clients. These professionals come from a variety of interdisciplinary bases, establish working relationships of mutual respect and trust with the clientele served, and utilize a variety of helping interventions to enable these clients to function as effectively as possible.*

   The facility cannot fulfill the essential mission and purpose of the Department of Public Safety and forthcoming Department of Corrections and Rehabilitation without staff in these crucial roles. The Learning Center and social work positions are imperative for rehabilitative and therapeutic services.

The Department should not only prioritize filling these vacancies but work directly with DHRD to lessen the amount of time it takes to go through the interview and hiring processes.

2) **Permanently close the Special Needs Facility.**
Since the temporary closing of the Special Needs Facility, staffing shortages have eased, resulting in less mandatory overtime. The Special Needs Facility is extremely restrictive, does not have a functioning outdoor recreation space, and is not a conducive or healthy environment for staff to work in. Additionally, it appears that Halawa does not need the additional space that the Special Needs Facility provided. Repairs will be extremely expensive as the Special Needs Facility, and at this point, could be considered unnecessary.

3) **Prioritize and expedite Capital Improvement Projects to repair electricity and the perimeter fence.**
The lack of updated perimeter fencing poses a danger to the safety of the community. Similarly, the absence of electricity in at least 20% of cells poses a danger to the safety and well-being of those in custody and puts the Department at considerable risk of litigation. Both are out of step with correctional and safety standards. These updates should be prioritized, funded, and expedited.

4) **Expand the Correctional Industries worklines to include specific training in skilled trades that would lead to gainful employment after incarceration.**
At some point, there used to be an electrical and plumbing workline that helped keep the facility maintained. The electrician union previously came to the facility and trained people in custody, and then people leaving prison would have an income-generating trade and connections to the unions and jobs in high demand. However, that program has not existed for some time. It would benefit the Department to work with skilled trade unions to train individuals in plumbing, electrical, welding, HVAC, etc. This would not only create opportunities for individuals to earn gainful employment upon release, but also help the facility with desperately needed maintenance concerns. Correctional Industry worklines can assist in upkeeping the facilities while learning skills that are at the core of the Hawaii Correctional Industry work.

5) **Increase training and support for uniformed staff.**
To expedite and stay current on uniformed staff training, consider placing or training certified instructors to be onsite full-time at Halawa. This would allow the facility to train staff more efficiently in a way that corresponds to the facility's schedule and specific needs. Also, consider updating the training academy curriculum to better prepare staff for their actual roles onsite at facilities.

6) **Increase training and support for case/unit managers to better meet the population's needs upon release.**
Related to recommendation one above, the role of social workers and unit managers is vital to successful rehabilitation and reentry for people in custody. The Commission is aware that many people in custody are released to the community from Halawa. Here, it would be helpful to identify and offer additional training to support the critical role these staff

members assume. Staff should stay current on local and national best practices in their field. The crucial role of these staff members and the importance of a mindset dedicated to supporting people in custody and their success should be included in the training.

7) **The Department should support legislative efforts towards Compassionate Release or transfer to a more appropriate medical setting for the severely ill.**
People housed in the infirmary need intensive medical and/or psychiatric services and would be better served in a different setting other than a prison. Most individuals on the medical side are not in a physical state to potentially cause harm to another and do not appear to cause a risk to public safety. Additionally, the care for these individuals is particularly expensive for the Department, staff-intensive, and causes strain on the facility overall.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Kulani Correctional Facility (KCF)
November 2023 Site Tour Observations
Date of Report: December 21, 2023

On Thursday, November 16, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured Kulani Correctional Facility (KCF) collectively as a group. The tour included three of the five Commissioners – Mark Patterson (Chair), Ronald Ibarra, and Martha Torney – in addition to the Reentry and Diversion Oversight Specialist and Special Assistant.

This report focuses on and encompasses notes from the Commissioners and will be discussed at a public meeting held on December 21, 2023.

General Observations

Commissioners first met with Acting Warden Benjamin Catriz, the Lieutenant, and Acting Correctional Supervisor. The Commissioners appreciated that all three accompanied them on the facility tour.

The Kulani Correctional Facility has an operational capacity of 160, according to the Corrections Population Management Commission 2001 Annual Report, which set capacities for all State correctional facilities. Kulani was closed in 2009 under the Lingle administration and reopened in 2014. Since then, the Department of Public Safety has listed the operational capacity at 200. At the time of the Commission's visit, 88 people in custody were housed at Kulani. With a rated capacity of 160 people, the population of 88 represents 55% of facility occupancy. When calculating this occupancy rate utilizing the operating capacity of 200, the facility is at 44% of operational capacity.

In terms of staffing, of the 50 authorized Adult Correctional Officer (ACO) positions there are nine vacancies. The Acting Correctional Supervisor is currently the only Social Worker at the facility.

Kulani houses men with a custody status of minimum or lower. The Commission found that although Kulani is classified as a minimum, it is managed and run like a medium security-level facility. The Commission found that facilities operating at a higher security level than their designation are true system-wide for the state of Hawaii. For example, Halawa is a medium, yet it

is managed as a maximum. To learn more about the Hawaii Department of Public Safety Classification system policy, please see Chapter 18, Classification.[1]

The focus of the facility is work and programming, along with preparation for furlough and returning to the community. About 80% of people in custody have work line assignments. This is one of the most rehabilitative facilities in Hawaii, and the Commission believes the facility is being underutilized—especially with the impending transition to the Department of Corrections and Rehabilitation—and can be more of a contributor to the overall mission of the Hawaii Prisons.

It appears that staff treat people in custody with respect, and people in custody respond with respect toward staff also.

Furlough Limitations

The Commissioners were very surprised to learn that people in custody must have $300 saved to be eligible for participation in Hawaii Community Correctional Center's (HCCC) work furlough program at Hale Nani. Work lines can range from two to six hours a day and pay $.25 per hour. **If a person in custody worked 6 hours a day, five days a week, it would take 40 weeks or 10 months, to earn that amount**:

- $300 divided by $.25 cents/hr.=1200 hrs.
- 1200 hrs. divided by 6 hrs./day=200 days
- 200 days divided by 5 days a week=40 weeks

This calculation would exclude using any earnings to satisfy restitution orders, purchase necessities through store order, or send money to families. HCCC requires the greatest amount of savings to move to furlough. While OCCC requires $100, MCCC requires $50, and KCCC requires zero. The Commission finds the need to have savings to enter some furlough programs thwart progress towards reentry.

Maintenance

The facility is well kept despite its age. The staff were courteous and professional and seemed responsible. It was clean, and the bathrooms and shower areas were well-maintained. The facility has working CCTV cameras. The site of the facility is spacious as it is set on over 250 acres.

Medical

Medical staff described the Kulani population as one with stable health. To be housed at Kulani, people in custody must be able to work and not have any health problems that would require regular access to physicians or could be exacerbated by altitude. Two staff are assigned to medical during the weekdays, with mixed use of state employees and agency nurses to fill these positions. After 3:00 PM and on weekends, phone consultations with a state doctor will address any medical problems.

The space in the medical unit is adequate, orderly, and clean. People in custody who require suicide-watch are transported to HCCC for that purpose.

[1] Available at: https://dps.hawaii.gov/policies-and-procedures/pp-cor/

Library

Recreational Library

The recreational library was well-stocked, orderly, and open three hours a day, three days a week. Recreational reading books were cataloged and well organized. People in custody may take up to five books and three magazines back to their dormitory and exchange them for new reading material as needed. When the Commission visited Dorm 6 (see description below), it was evident that most people in custody take advantage of having books and magazines available to them in their living units.

There is a high demand for trade books, such as agriculture, automotive, animal husbandry, carpentry, cooking, etc. People in custody are exploring possible work opportunities when released.

Law Library

The law library was spacious, clean, and orderly. Law books were adequate for post-conviction relief, including Rule 40. The law library provides access to Hawaii Revised Statutes, Hawaii Digest, and one book on prisoner rights information. The librarian utilized a form to schedule appointments for use of the law library and had about three to four uses per month. The librarian certainly was very interested in helping people in custody and providing resources. Copies cost $.25 per page.

Mess Hall

The mess hall was a large room adjacent to the kitchen. It was neat and clean. The room can also be used for viewing videos, including informative videos on subjects such as PREA requirements.

Kitchen

The kitchen was spacious and well-equipped with appliances in working order. People in custody were cleaning the kitchen at the time the Commission arrived. The refrigerator and freezer built-in temperature gauges no longer worked but were replaced with interior gauges—temperatures were appropriate. The kitchen was well stocked, and the fresh vegetables were inviting.

Dorm 6

The Commission visited Dorm 6, one of the original lava rock living units from the 1940's. Since Kulani's population is less than 50% of the operational capacities, not all dorms were in use, and Dorm 6 was not crowded.

The Commissioners spoke with two people in custody watching TV in the day room who had different opinions about Kulani. One had transferred from Halawa Correctional Facility and liked the freedom of movement at Kulani but would prefer more opportunities to work. The other had recently returned from Saguaro Correctional Center and found Kulani lacked the level of activities he participated in on the Mainland. There was too much idle time at Kulani from his point of view.

Many people in custody were in the bunk area, some playing games or reading, others having conversations. The bedding was adequate and kept the men warm at night.

In the group shower, the floor tiles were missing, and there was a smell that could indicate mold. The showers could be upgraded.

Visitation

Visitation takes place in a large separate building near the entrance gate. The visiting schedule is extremely limited – Saturday and Sunday from 8am-9am or 12pm-1pm. At the beginning of Covid, contact visits were terminated and have yet to be restored. Staff and leadership informed the Commission that this cessation continues today as a security measure to keep contraband out. Although, the Commissioners were also told that a recent incident involving over ten people in custody stemmed from drugs left outside the perimeter wall, not through the visiting room.

The Commission is concerned about the lack of in-person visits and the visitation procedure—including the effect of these policies on families and children, and limiting connection with the community, especially as people in custody are nearing release.

Over the past month, the HCSOC has received numerous calls from community members whose family members and loved ones are incarcerated at Kulani. The concerns expressed by the community focused on limited opportunities for connection with people in custody:

> *Family members and loved ones expressed frustration that visits cannot be scheduled in advance due to the limited number of visitors who are accepted. HCSOC staff were told that if there are more than five people in custody with visits, all subsequent visitors who arrive to the facility are turned away until a later time slot (8am can be changed to noon). Also, Commission staff has been told that visitors, including children, are not allowed to use the restroom during visitation. If someone needs to use the restroom, visitation will end.*
>
> *Additionally, Commission staff were told that people in custody are allowed one phone call per day in the evening, not to exceed 15 minutes, and people in custody are entitled to a maximum of one paid video visit or one non-contact visit (not both) per weekend. There are no video visits or in-person visits during the week.*

Having no-contact visits and limited opportunity for phone calls at a minimum-security facility contradicts successful rehabilitative and reentry practices. Many of these individuals spend years incarcerated in medium security facilities on Oahu and Arizona to then come back to the Big Island in the final stages of a sentence and are still not able to have contact visits. The Commission finds this problematic. At this time, very few visitors come up to the facility. The Commission believes that non-contact visits discourage families from coming to the facility.

Minimizing contact visits to stop the flow of contraband into the facility with no evidence is not a good enough reason to cancel all in-person visits. Other measures should be enacted as a counterstrategy to combat prison contraband rather than eliminating all in-person visits.

Industrial Areas and Work Line

Due to time constraints, the Commission did not have the opportunity to tour the industrial areas, but instead drove by. There was a lot of heavy equipment available and a large automotive maintenance area.

There was not enough time to discuss in depth the type of work lines and industries available. However, Kulani Correctional Facility did provide us with written information about the work lines available. According to that information, work line is a major focus at Kulani and offers people incarcerated there the opportunity to learn additional skillsets. Work lines include janitorial, food service, agriculture, education, garage, housing, recreation, laundry, utility, conservation, and orientation. Additionally, there is a Zoo work line to assist with cleaning and maintenance.

Farm

The facility grows its own produce and, as a result, provides fresh produce for all of Kulani and most of HCCC. This is a great utilization and cultivation of the farm, and the produce was clearly a source of pride for both the staff and people in custody.

Due to time constraints, the Commissioners did not visit the farm or the agriculture program on this most recent visit. However, HCSOC staff did recently tour the Agricultural/Horticultural program. **HCSOC Staff found the agriculture program to be one of the most impressive and rehabilitative programs** and aspects of the facility and the Hawaii Department of Public Safety overall. The farm manager—who holds a Ph.D. in this field and serves as a teacher and mentor to the student workers—also shared that this work aligns with the State's sustainability initiative to support the environment and land and serves as a cost-savings mechanism.

People in custody, who are student-workers on the farm, learn skills that can be replicated after release—including hydroponics, harvesting, poultry management, and much more—and this program and working with the land provides an opportunity for healing and hope.

According to the farm manager, last year they:

- Grew almost 15 tons of food, harvested nearly 17,000 eggs, and diverted an equivalent amount of facility-generated waste through composting;
- Had no incidents or misconduct reports and have low recidivism rates among student-workers;
- Had four student-workers attain their GED as a result of applying the math skills they learned through their work on the farm; and
- Customized farm-to-table menus and created routines/rotations for diverse crops that coincide with the mess hall menu.

The Kulani farm also serves as a research farm, testing, recording, and perfecting existing crops.

This program is about the food and the impact on the student-workers individually and as a group. Furthering this program and sentiment can assist with the Department-wide transitions to Corrections and Rehabilitation, as this program serves as an example of a genuinely rehabilitative model.

Education and Programming

Due to time constraints, the Commissioners did not have the opportunity to visit the education and programming space. However, the Commission was informed that the facility does offer GED classes, Sex Offender Treatment Programs (SOTP), and college classes, among others. At the time of the Commission's visit, no visible programs were operating, giving a sense of dead or idle time.

Recommendations:

1) **Begin Offering In-Person Visitation and Expand Access to Phone Calls**
   People housed at Kulani are approaching their release dates and a time of transition back to the community. This timeframe is critical for success, and contact visits and connections support a rehabilitative humanizing approach and successful transition. According to a 2021 report from the Prison Policy Initiative, *In-person visitation is incredibly beneficial, reducing recidivism and improving health and behavior*.[2]

   The Commission recommends that Kulani reinstate in-person visitation with secure and humane security guidelines that can simultaneously aid rehabilitation and decrease contraband. The Commission also recommends Kulani offer additional opportunities for people in custody to access phone calls. Both can significantly support people in custody, their family members, friends, children, and facility staff.

2) **Increase the Population at Kulani as Kulani is One of the Most Rehabilitative Facilities in Hawaii**
   Kulani is one of the most rehabilitative facilities in Hawaii and sits around 50% capacity. As of November 2023, there are 240 people in custody at Halawa Correctional Facility (HCF) and Saguaro Correctional Facility in Arizona (AZSC) with a custody status of minimum or below. Minimum or below is the custody status necessary for Kulani and Waiawa (see the green highlighted sections in the chart below).

	Hawaii Male Prison Security Classifications						
Male Prison	*Community*	*Minimum*	*Medium*	*Close*	*Maximum*	*Unclassified*	**Total Population**
AZSC	--	53	455	369	--	--	877
HCF	4	183	435	187	2	11	822
WCF	27	154	--	--	--	--	181
KCF	24	61	--	--	--	--	85

Source: Hawaii Department of Public Safety Roster, Dated Nov. 13, 2023

Although some of the 240 people may not be suitable for Kulani due to reasons beyond custody classification, it is reasonable to believe that most would be transfer eligible. The Commission recommends that the Department transfer eligible individuals at Halawa and

[2] Leah Wang, Prison Policy Initiative, *Research roundup: The positive impacts of family contact for incarcerated people and their families*, Dec. 21, 2021, available at: https://www.prisonpolicy.org/blog/2021/12/21/family_contact/

Saguaro, with minimum custody or below, to Kulani and Waiawa Correctional Facilities. Due to the rehabilitative and therapeutic nature of the Kulani, this facility could be better utilized at a consistent capacity close to 100% and certainly over 90%.

In addition to this recommendation supporting better rehabilitative outcomes, this is also a cost savings mechanism as higher security level facilities are more costly. Currently, the state is paying for beds in Arizona and utilizing beds in Halawa—both facilities designed for medium and higher security-level individuals—who could be housed at a lower or no cost at Kulani and Waiawa. Additionally, the Hawaii Paroling Authority prefers to see people step down through minimum facilities and then furlough because it increases the likelihood of success upon release.

3) **Remove the Monetary Eligibility Requirement for Furlough Participation at all Furlough Sites**
The monetary furlough eligibility prerequisite, requiring up to $300 in a person's inmate account—in addition to other furlough requirements—limits the ability of people in custody to participate in furlough programs. The Commission finds this requirement thwarts progress towards reentry and therefore recommends that this financial eligibility requirement be removed.

4) **Improve System-wide Movement Through Correctional System**
All of the Hawaii male furlough sites are well below capacity—see the *Furlough* chart below. Relatedly, 24 people in custody at Kulani are in community custody status, the status required for furlough—highlighted in blue in the *Security Classification* chart above.

The Commission understands that the furlough sites currently have different eligibility requirements regarding funds and length of time until the parole eligibility date. To improve system movement and opportunity for successful reentry, the Commission recommends that the Department increase furlough participation. This will mean a corresponding policy shift including eliminating any type of financial requirement to participate in furlough.

Facility	*Furlough Location*	*Population*	*Rated Capacity*	***Occupancy Rate***
HCCC	Onsite	32	100	32.00%
MCCC	Onsite	14	32	43.75%
OCCC	Onsite	120	176	68.18%
	Extended Furlough	15	--	--
	Total	135	176	76.70%
KCCC	Onsite	8	0*	--
	Extended Furlough	9	--	--
	Total	14	0*	--

Source: Hawaii Department of Public Safety Roster, Dated Nov. 13, 2023

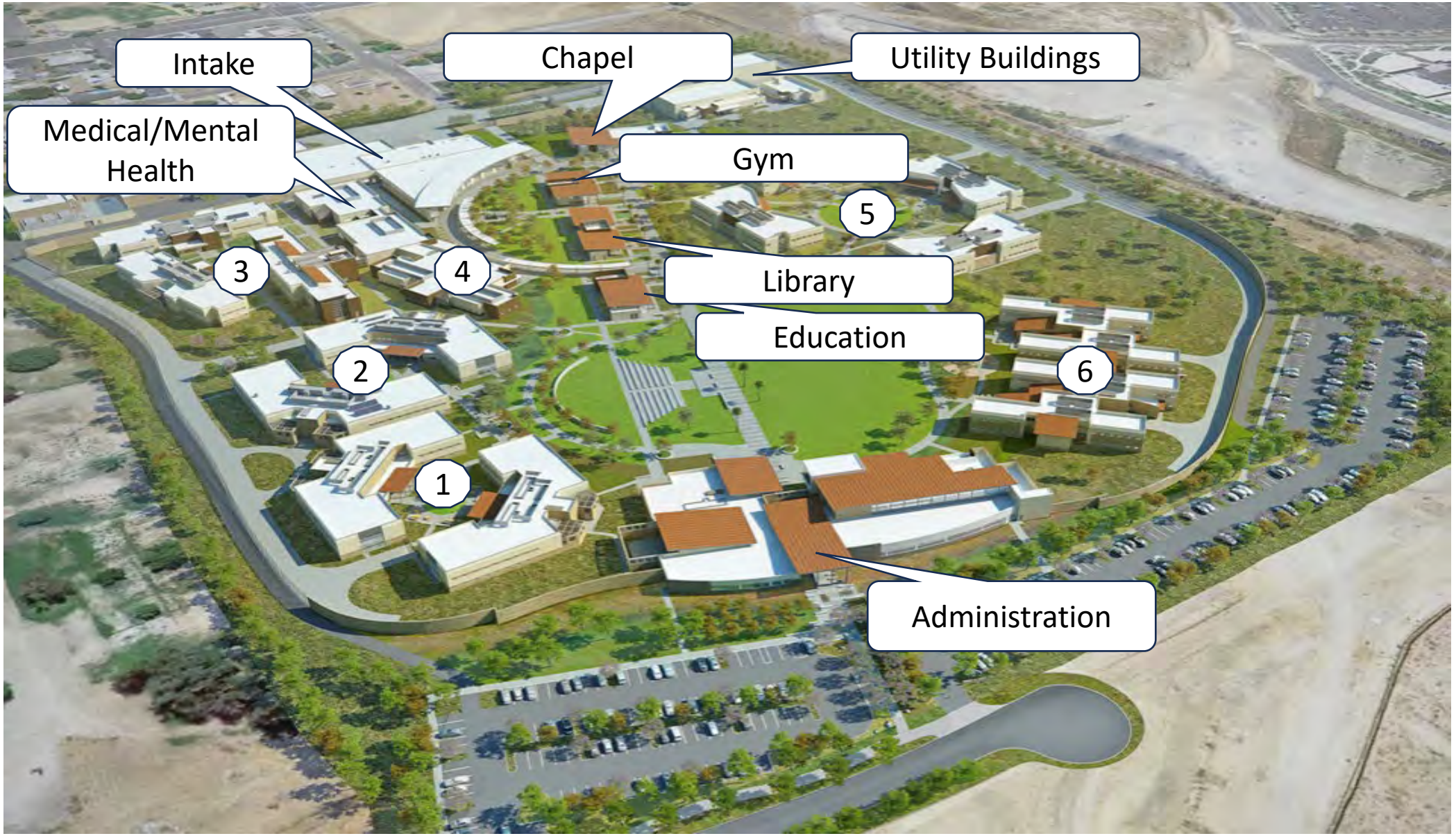
Note: KCCC furlough housing does not have an official capacity, therefore, the occupancy rate cannot be calculated.

5) **Reinstate Transportation Shuttle for Staff**
Before Covid, a transportation shuttle for staff sponsored by the Department eased the cost and lengthy travel to Kulani. The Commission recommends that Kulani and the Department connect with staff to determine if this shuttle would still be beneficial; if so, the Commission recommends it be reinstated to better support staff, their retention, and hiring.



Las Colinas Women's Detention and Reentry Facility

San Diego County, California



- The facility works with six classification levels—one through six. One through three are walking, meaning they can have free movement during designated times throughout the facility.
- Out of the approximately 500 IPs, about 160 (32%) were security level 4, 5, or 6.

ENTRANCE



LOW SECURITY HOUSING



DAY ROOM



DINING ROOM



CLASSROOMS



MEDICAL CARE













PROGRAMS

- College Classes
- Hydroponics
- Culinary Program
- Industrial Sewing
- Job Fairs held at Facility
- Shakespeare Program
- Outdoor Movies
- Yoga Classes







Culinary Program

Other Notable Points

- Telephone calls are free
- Remote video visits are free
- Open Intake
- Child friendly contact visits
- Outdoor time for all incarcerated persons
- Book club hosted by women judges
- Cable TV
- DVDs and video games in low security day rooms
- Extensive library
- No longer use the word “inmate”
- Soft drink vending machines in day rooms
- Picnic tables outside of day room
- Staff provided with at-cost lunch and coffee to order
- Staff have “respite room” to relax, chill out and full wellness program



Mahalo, Las Colinas!

YEAR IN REVIEW

Marking one year since the Hawaii Correctional System Oversight Commission gained staff.

Christin M. Johnson
Oversight Coordinator
July 20, 2023

Contents

Introduction 2
Year in Review – One Year Since the Commission Gained Staff 2
Expanding the Commission's Capacity 3
Elevating Legislative Priorities 4
Publishing Reports 6
Elevating the Commission's Work Through Media 8
Increasing Accountability by Tracking Issues 8
Building Local Community and Nationwide Partnerships 12
Securing Partnerships 14
Moving Forward with Strategy 15
Conclusion 20

Introduction

The state's first Oversight Coordinator of the Hawaii Correctional System Oversight Commission, Christin Johnson, was appointed by Governor Ige and started with the Commission on July 11, 2022. Since that time, the Commission has published significantly more reports and has taken a more active role in the community, the legislature, and with various stakeholders. To memorialize this work and ensure the Oversight Coordinator's efforts are aligned with the Commission's mandate, Mark Patterson, Chair of the Commission, requested a report highlighting the work that completed during the Oversight Coordinator's first year.

The Coordinators' work is a direct contribution to the Commission's dedication and commitment to a more rehabilitative and therapeutic correctional system.

Year in Review – One Year Since the Commission Gained Staff

The Hawaii Correctional System Oversight Commission (the Commission, HCSOC) was created by Act 179, Session Laws of Hawaii 2019, to "ensure transparency, support safe conditions for employees, inmates, and detainees, and provide positive reform towards a rehabilitative and therapeutic correctional system." The establishment of the Commission was a result of recommendations provided by the Task Force on Prison Reform to the Hawaii State Legislature. Part I of Act 179, 2019 (codified in Chapter 353L, Hawaii Revised Statute), not only established the HCSOC, but also consolidated two existing commissions into HCSOC: the Reentry Commission and the Corrections Population Management Commission. The HCSOC's five members are appointed by the Governor, the President of the Senate, the Speaker of the House, the Chief Justice, and the Office of Hawaiian Affairs Board of Trustees Chairperson.

The Commission's mandate includes four core functions:

1. Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;

2. Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;

3. Work with the Department of Public Safety 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. The Commission may make recommendations to the Department of Public Safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and

4. 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.

These four functions guide all priorities of the Commission (oversight, rehabilitation, population limits, and reentry) to ensure best practices for an effective correctional system.

Expanding the Commission's Capacity

For the first three years before having staff, the Commission continued to bring attention to issues they were familiar with throughout the facilities. Since having staff, the Commission has been able to be the "eyes and ears" inside the facilities and bring unprecedented transparency to an otherwise closed off system.

Facility Tours Conducted

1. Oahu Community Correctional Center (OCCC) – July 25, 2022
2. Halawa Correctional Facility (HCF) – August 2, 2022
3. Waiawa Correctional Facility (WCF) – July 10, 2022
4. Women's Community Correctional Center (WCCC) – August 16, 2022
5. Kulani Correctional Facility (KCF) – August 25, 2022
6. Hawaii Community Correctional Center (HCCC) – August 25, 2022
7. Maui Community Correctional Center (MCCC) – August 29, 2022
8. Hawaii Community Correctional Center (HCCC) – August 31, 2022
9. Kaui Community Correctional Center (KCCC) – September 6, 2022
10. Saguaro Correctional Center – CoreCivic private facility in Eloy, Arizona – September 8 and September 9, 2022
11. Hawaii Community Correctional Center (HCCC) – September 21, 2022
12. Hawaii Community Correctional Center (HCCC) – October 6, 2022
13. YWCA O'ahu Fernhurst Residence (PSD contracted reentry program) – October 11, 2022
14. Hawaii Community Correctional Center (HCCC) (unannounced) – October 15, 2022
15. Maui Community Correctional Center (MCCC) – October 18, 2022
16. Hawaii Community Correctional Center (HCCC) – October 28, 2022
17. Oahu Community Correctional Center (OCCC) – November 3, 2022
18. Oahu Community Correctional Center (OCCC) – November 14, 2022
19. Hawaii Community Correctional Center (HCCC) – November 15, 2022
20. Hawaii Community Correctional Center (HCCC) – December 12, 2022
21. Halawa Correctional Facility (HCF) – December 28, 2022 (*grievance meeting*)
22. Hawaii Community Correctional Center (HCCC) – December 12, 2023
23. Hawaii Community Correctional Center (HCCC) – December 29, 2022
24. Hawaii Community Correctional Center (HCCC) – February 7, 2023
25. Hawaii Community Correctional Center (HCCC) – February 13, 2023
26. Kauai Community Correctional Center (KCCC) – March 16, 2023
27. Hawaii Community Correctional Center (HCCC) – March 22, 2023
28. Halawa Correctional Facility (HCF) – April 14, 2023
29. Oahu Community Correctional Center (OCCC) – April 14, 2023
30. Hawaii Community Correctional Center (HCCC) – April 20, 2023
31. Hawaii Community Correctional Center (HCCC) – May 11, 2023
32. Oahu Community Correctional Center (OCCC) – May 16, 2023
33. Halawa Correctional Facility (HCF) – May 17, 2023
34. Hawaii Community Correctional Center (HCCC) – May 11, 2023

35. Maui Community Correctional Center (MCCC) – May 18, 2023
36. Oahu Community Correctional Center (OCCC) – May 25, 2023
37. Kauai Community Correctional Center (KCCC) – May 31, 2023
38. Maui Community Correctional Center (MCCC) – June 6, 2023
39. Hawaii Community Correctional Center (HCCC) – June 8, 2023
40. Halawa Correctional Facility (HCF) – June 14, 2023
41. Women's Community Correctional Center (WCCC) – June 15 and 16, 2023
42. Kulani Correctional Facility (KCF) – June 22, 2023
43. Waiawa Correctional Facility (WCF) – June 23, 2023
44. Saguaro Correctional Facility – June 27, 28, and 29, 2023

Elevating Legislative Priorities

The Commission supported 30 bills opposed five bills related to public safety. Five public safety-related bills passed the Third Reading in the House of Representatives and the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023. Those are:

1) HB823 HD2, Relating to Deaths within the Correctional System
    a. Signed into law on April 19, 2023, as ACT 022.
2) SB210 SD2 HD1 CD1, Relating to Criminal Justice Data Sharing
3) SB712 SD2 HD1 CD1, Relating to Corrections
4) HB68 HD1 SD1 CD1, Relating to Criminal Justice
5) HB451 HD1 SD1 CD1, Relating to Incarcerated Individuals

Increasing Support during Legislative Session

On March 8 2023, the House Committee on Finance (FIN) received 49 pages of testimonies in support of the HCSOC. This came from 15 local and national agencies and 17 concerned citizens totaling 32 testimonials. Additionally, on March 23, the Senate Committee on Ways and Means (WAM) received 38 pages of testimonies in support of the HCSOC. This came from 14 local and national agencies and 12 concerned citizens totaling 26 testimonials. This was in part from a massive effort made by the Oversight Coordinator to gain as much written support as possible. The Commission is so incredibly grateful for the ongoing support while the office continues to grow and build on this important work. Those who submitted testimony include:

- Criminal Justice Research Institute - Dr. Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Health & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards

- American Civil Liberties Union (ACLU) of Hawai'i - Carrie Ann Shirota
- Dan and Lee Curran, Makaha Community Members
- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wendy Gibson-Viviani Kailua Community Member
- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Pu'a Foundation - Toni Bissen
- 'Ekolu Mea Nui - Jamee Miller, EdD, LSW
- Robert K, Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- George Choe, Community Member
- Corinne Apana, Community Member
- Catherine Lampton, Community Member,
- Carolyn Eaton, Community Member
- Cathy Tilley, Community Member

On March 14, 2023, the House of Representatives recommended the Commission receive $534,388 and on April 11, 2023, the Senate recommended the Commission receive $406,288. The Commission was recently notified that there was an error in the budget worksheets in that it should read, "Legislature **Does Not** Concur." There was no agreement in conference, and the HCSOC was not funded.

Monday, May 15, 2023 3:36 pm LEGISLATIVE BUDGET SYSTEM Page 107 of 1070
BUDGET COMPARISON WORKSHEET

Program ID: ATG100 LEGAL SERVICES
Structure #: 110301000000
Subject Committee: JHA JUDICIARY & HAWAIIAN AFFAIRS

	HB300 CD1							HB300 GM						
		FY24			FY25				FY24			FY25		
SEQ #	Perm	Temp	Amt	Perm	Temp	Amt		Perm	Temp	Amt	Perm	Temp	Amt	
104-001							A	4.00		534,388	4.00		534,388	A

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).
****
LEGISLATURE CONCURS.

DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

EXECUTIVE REQUEST:
ADD POSITIONS AND FUNDS FOR LEGAL SERVICES (ATG100/EB).
****
DETAIL OF GOVERNOR'S REQUEST:
(1) PERM OVERSIGHT COORDINATOR (#124094; 1.00; 175,056)
(1) PERM SPECIAL ASSISTANT TO THE OVERSIGHT COORDINATOR (#124096; 1.00; 60,000)
(1) PERM REENTRY SPECIALIST (#992408; 1.00; 71,016)
(1) PERM RESEARCH AND POLICY ANALYST (#124095; 1.00; 71,016)
INTRA-STATE TRAVEL (25,000)
OUT-OF-STATE TRAVEL (21,000)
MEMBERSHIP AND DUES (7,100)
SPECIAL PROJECTS AND CONSULTATION (100,000)
TELEPHONE (2,000)
OFFICE SUPPLIES (2,200)

However, Governor Josh Green graciously stepped in to ensure the Commission will function for at least another year. The amount confirmed by the Governor's Office for the Commission for FY24 funding from the Governor's discretionary funds will be $413,388. This includes staff

salaries, intra-state travel, membership and dues, telephones, and office supplies. This does not include out-of-state travel (Saguaro) or special projects/ consultation (population limit study).

The Commission is incredibly grateful for Governor Green for funding the important work of the Commission.

Legislative Symposium

The Commission, the Correctional Reform Working Group, the University of Hawaii Manoa School of Architecture, and the Department of Public Safety are collectively planning a legislative symposium to bring national and worldwide experts to Hawaii to examine the current correctional system and discuss the importance of culture and design when considering new jail or prison structures. The symposium is slated to happen sometime in October, and the public will be updated as more information becomes available.

House Concurrent Resolution 23 Taskforce

House Concurrent Resolution 23 (HCR23) was passed in the 2023 legislative session. This resolution requires 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.

Publishing Reports

Since the hiring of the Oversight Coordinator, the Commission has published an additional nineteen public reports that expand transparency and accountability over the Department of Public Safety. Much of those reports, if not all, have garnered media attention highlighting the public interest in public safety and more specifically what is happening in the jails and prisons.

Annual Reports

In accordance with §353L-6, the Commission shall submit an annual report to the governor and the legislature no less than twenty days before the convening of each regular session. The annual report shall include a full and complete statement of actions taken by the Commission for the preceding years, and recommendations, including any proposed legislation, that the Commission deems necessary or desirable.

- 2022 HCSOC Annual Report
- 2021 HCSOC Annual Report
- 2020 HCSOC Annual Report

Oversight Coordinator Monthly Reports

In accordance with §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.

2023

- June 2023 Oversight Coordinator Report
- May 2023 Oversight Coordinator Report
- April 2023 Oversight Coordinator Report

- March 2023 Oversight Coordinator Report
- February 2023 Oversight Coordinator Report
- January 2023 Oversight Coordinator Report

2022
- December 2022 Oversight Coordinator Report
- November 2022 Oversight Coordinator Report
- October 2022 Oversight Coordinator Report
- September 2022 Oversight Coordinator Report
    - HCCC August 2022 Site Visit Observations
- August 2022 Oversight Coordinator Report

Facility-Specific Reports

Below are facility-specific reports that encompass observations made by Commissioners after touring the applicable facility.

- HCCC May 2023 Follow Up from August 2022
- HCCC April 2023 Site Visit Observations
- KCCC March 2023 Site Visit Observations
- OCCC February 2023 Site Visit Observations
- HCCC August 2022 Site Visit Observations

Strategic Plan

The Commission's first strategic plan was released in January 2023 and sets the priorities for the oversight office for the next twelve months. The plan and priorities are not meant to replace or overshadow the important work that government and community stakeholders have already focused on and put substantial work into. Instead, this plan is meant to build on and encompass that work, including the recommendations from the 2019 House Concurrent Resolution 85 Task Force on Prison Reform report.

This strategic plan is one of the first priorities set by the Oversight Coordinator. Included in the plan is setting the foundation for a new oversight office to explain what oversight is, why it is beneficial, and to highlight future plans for the oversight office. Read it here: 2023 Strategic Plan.

Other

The Commission and Oversight Coordinator highlighted and shared other reports that were helpful and important for the public.

- 2023 Recommended Reading on Correctional Reform
- 2022.10.4 Report from Correctional Reform Working Group: Getting It Right – Recommendations and Action Plan for a Better Jail
- 2021 PSD Community Resource Guide
- 2021 PSD Programs Services Inventory
- 2019 House Concurrent Resolution 85 Task Force on Prison Reform
- 2018 House Concurrent Resolution 134 Task Force Final Report
- 2001 Corrections Population Management Commission (CPMC) Report

Elevating the Commission's Work Through Media

The Oversight Coordinator designed and published a new website specifically for the Commission. Before, the Commission's information was embedded in the Attorney General's website, and it was difficult for the public to easily find information. Now, information surrounding the Commission members, staff, reports, meetings, applicable news, and jail and prison regulations are easily accessible.

Additionally, the Coordinator launched social media pages for the Commission, including Facebook, Instagram, YouTube, and LinkedIn.



Instagram Facebook YouTube Website



The Commission's meetings are live streamed via Facebook and YouTube to ensure the public can participate as much as possible. Additionally, recordings of the meetings are available and referenced in the meeting minutes for individuals to tune in.

With the additional resources published, the Commission's work has been noted in the news over 75 times since 2019. All applicable media reports are tracked and also published on the Commission's website.

Increasing Accountability by Tracking Issues

Priority Incidents

The Oversight Coordinator receives notification of any and all Priority One incidents that occur in the Department of Public Safety. Priority One incidents are the most serious incidents that occur in a facility, and the Department of Public Safety defines them as:

1) Death of an inmate/detainee/resident/custody, employee or civilian, when occurring on facility grounds or in connection with PSD operations, including when the AED is used to revive inmate/detainee/resident/custody. In addition to the Priority Notification made by the Watch Commander, the facility Health Care staff shall provide notification to its clinical, medical and mental health service administrators, Including the Division Health Care Administrator.

2) All Escapes including furlough walkaways (failure to return or not present). The Deputy Director of Corrections is responsible for forwarding and tracking the status of all incidents and reports sent to the Attorney General's Investigations Office.

3) Sabotage, actual, or suspected, resulting in major property damage, which renders a living unit or support service (to include a courtroom) area unusable.

4) Assault, aggravated, by or to an employee, inmate/detainee/resident/custody or civilian resulting in injuries requiring a hospital transport. In addition to the Priority Notification made by the Watch Commander, the facility Health Care staff shall provide notification to its clinical, medical and mental health service administrators, including the Division Health Care Administrator.

5) Any significant discovery of contraband, including a significant amount of drugs, weapons, or firearms discovered at the work site.

6) Any felony, misdemeanor, or arrest of an employee or others to include visitors, volunteers, contractors, or civilians occurring at the work site. Incidents involving staff off duty and/or not at the work site refer to other departmental notification directives.

7) A disturbance Involving three (3) or more inmates/detainees/residents/custodies or others (visitors, volunteers, contractors, or civilians) that Is not brought under control within ten (10) minutes.

8) Any discharge of a firearm by an employee, while on duty. This includes any accidental discharge of a firearm.

9) Any hostage or barricade situations.

10) An attempted suicide by an inmate/detainee/resident/custody involving death or significant injury requiring a hospital transport. In addition to the Priority Notification made by the Watch Commander, the facility Health Care staff shall provide notification to its clinical, medical and mental health service administrators, Including· the Division Health Care Administrator.

11) Any incident or emergency that has jeopardized the safety of a Dignitary, while under the protection of PSD's Law Enforcement Division.

12) Any High Speed or High Risk Motor Vehicle Pursuit involving PSD.

13) A bomb threat or unattended/receipt of a suspicious package.

14) Any Prison Rape Elimination Act (PREA) reported Incident of Sexual Abuse or criminal incident of Sexual Harassment (usually involves a threat).

In October 2022, the Oversight Coordinator began including in-custody death announcements in every Monthly Oversight Coordinator Report. The reports include the demographics of the individual who had died in addition to preliminary information surrounding the death. This aligns with national standards of oversight and transparency.

Since October 2022, there have been 18 deaths in custody. The Oversight Coordinator receives all preliminary information regarding the incident that occurred in addition to death investigations completed by the Department of Public Safety Internal Affairs.

Conditions of Confinement

After touring all of the correctional facilities and reviewing Priority One incidents, the Oversight Coordinator has diligently reported out on conditions of confinement in addition to publicly speaking on the conditions. The following issues are present at all correctional facilities on island and are the main focus of the Commission:

1) Evident staffing shortages:
    a. Mandatory overtime for 16- and 24-hour shifts potentially affecting officer safety and safety of the incarcerated population.
    b. Limits out-of-cell time for people in custody (in unit and outdoor recreation).

2) Unacceptable level of overcrowding in the jails contributing to inhumane conditions.

3) Extremely old buildings and infrastructure creating dangerous conditions for staff and people in custody.

4) Classification Concerns:
    a. Nearly 80% of people in custody are in secure settings. Average rate across the country is 40-50%.
    b. Serious lack of movement and out-of-cell time for those in custody.

Additionally, the Oversight Coordinator has worked closely with the Commission to track, monitor, and resolve more specific issues as highlighted below.

Saguaro Correctional Center Limited Legal Call Schedule

On November 22, 2022, the Hawaii Correctional System Oversight Commission (the Commission) received a written complaint from the Hawai'i Innocence Project regarding a limited legal call schedule at the Saguaro Correctional Center. According to the Hawai'i Innocence Project, the current schedule only permits legal calls Tuesday-Thursday from approximately 7:30am-12:00pm Hawaii Standard Time which does not allow for regular and timely communication with their clients.

The Commission sent a letter to the Department of Public Safety on November 29, 2022, requesting that changes be made to the Saguaro policy to allow for legal calls during normal Hawaii Standard Time business hours and, if needed, after hours and weekends.

The Department of Public Safety responded on December 19, 2022 and reported that the legal call schedule had been expanded to Monday-Friday from 6:00am-1:00pm HST. The Department has also committed to make accommodations for after-hour client call requests from attorneys.

Electronic Medical Record (EMR) Down since June 2022

On August 10, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. The Coordinator explained that this is a crisis for those in custody because:

1) Patient safety and health is at risk without a functioning EMR.
2) EMRs are necessary to ensure consistency in care across multiple providers.
3) EMRs ensure medications are appropriately administered and documented to lessen risk to patient's health and tracking of medication used, especially when being transferred across facilities.
4) From a cost perspective, EMRs reduce time spent on documentation as there are often templates and order sets to improve efficiency.
5) Additionally, this is massive liability for the Department.

The Coordinator was assured that the EMR was back up and running by August 24, 2022, and publicly addressed this matter. However, the Coordinator learned on December 10, 2022, that the EMR was only working for two weeks before completely failing again. The Department confirmed that they purchased new servers, but they were not successful in fixing the issues as the EMR system is old (purchased in 2008) and outdated. The Coordinator asked if there was any plan for a new EMR, and although the Department is looking into a new system, there is no timeframe for when a new system might be implemented.

The Coordinator respects that the Department has been working diligently on this issue, however, it is unacceptable to have a non-functioning EMR for six+ months. Medical staff are becoming increasingly burnt out by not having the tools they need to effectively treat patients and give the best care.

On December 30, 2022, the Commission sent a letter to the Department of Public Safety stating "If the EMR cannot be fixed, the Commission recommends immediate purchase and implementation of a new medical record system. Additionally, the Commission is requesting to be kept up to date and informed on all matters related to the EMR including specific plans and timelines for this issue to be resolved."

On January 6, 2023, Director Tommy Johnson responded that PSD shares the Commission's concerns and has been working with the vendor to address this matter, and PSD has also been meeting weekly internally to do whatever they can to get the system up and running. Director Johnson included various updates to restore the current system, and search for another vendor to secure a new system.

After many attempted fixes and various upgrades to the system, the EMR went live on February 10, 2023. Although there are still some issues within the system (certain bugs, corrupted tables, etc.) that are currently being worked on, the Commission is glad to know the EMR is back up for medical and healthcare staff to utilize.

Hawaii Community Correctional Center (HCCC) Conditions

On September 2, 2022, a special report was released on the conditions of the Hawaii Community Correctional Center (HCCC) due to serious and immediate concerns involving the safety of those who work and live at HCCC. The report encompassed initial observations and impressions from the August 25, 2022, tour of HCCC by the Oversight Coordinator, Christin Johnson, and by Commissioner Ted Sakai. Since the report was released, the Coordinator has visited HCCC consistently to work with the Department leadership, the Warden, and facility staff to improve conditions within their control. An additional report was released on May 18, 2023, which followed up on HCCC's initial site visit observations and included statuses of improvement on each area of concern:

- Overcrowding – *Improvement*
- Shipping Container/Covid Housing Overcrowding – *Improvement*
- Housing Women in Dry Cells – *Unresolved*
- Suicide/Safety Watch Concerns – *Improvement*
- Padlocks on Cell Doors – *Resolved*
- Lack of Visibility Through Cell Windows – *Resolved*
- No Bedframes or Bunkbeds in Cells – *Resolved*
- Visitation – *Unresolved*
- Access to Clothing and Bedding – *Resolved*
- Access to Outdoor Recreation – *Resolved*

Overall, the Coordinator is impressed with the number of improvements that have occurred in the past seven months since the initial tour with Commissioner Ted Sakai. Although there are still improvements to be made at HCCC, the Coordinator believes that HCCC is more in line with the other jails throughout Hawaii.

Building Local Community and Nationwide Partnerships

Facility Tours with Stakeholders

The importance of transparency and accountability within jails and prisons goes beyond the Commission itself. Many of the issues plaguing the corrections system have been systemically built by various government partners spanning decades. Therefore, it is imperative to invite stakeholders into the facilities. The Oversight Coordinator has toured with public defenders, prosecutors, district judges, supreme court justices, and legislators to ensure that concerns within the correctional facilities are addressed in a holistic and systemic fashion.

Justice-Involved Homeless Intergovernmental Collaboration

The Going Home Consortium consists of more than 50 public and private entities and their representatives, with a network of over 300 state and national partners. Going Home Hawai'i is a 501(c)3 nonprofit organization and the governing fiscal body for the Hawai'i Island Going Home Consortium. The Oversight Coordinator has consistently attended the Going Home Consortiums and has participated in justice-involved homeless intergovernmental collaboration meetings.

The collaborative meetings align with lessening the overcrowding in HCCC by supporting efforts from various local, community, and state stakeholders in a consortium to find solutions for the justice-involved homeless community. Going Home Hawaii has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in April 2023.

Mana Wahine Ekolu 2022

From November 28-30, 2022 the Coordinator attended Mana Wahine Ekolu hosted by the Pu'a Foundation. The Pu'a Foundation actively engages, facilitates and serves communities and their efforts to build a resilient society and improve upon their quality of life through healing and reconciliation efforts that address consequences of the 1893 overthrow. Mana Wahine Ekolu is a female empowerment conference for all focusing on trauma, healing, & justice. The Mana Wahine Gathering has a unique dual approach in that we seek to strengthen the capacity of those who support community members impacted by system-involvement, all the while enhancing the wellness of each participant.

The Coordinator wishes to thank the Pu'a Foundation for the invitation and the opportunity to learn more about Hawaiian history andculture, and to connect with community members.

National Association of Civilian Oversight of Law Enforcement (NACOLE) 2022 Conference

The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a nonprofit organization that brings together individuals and agencies working to establish or improve oversight of police and corrections in the United States. Since NACOLE's first event in 1995, the organization has worked to put together a comprehensive, informative, and inclusive Annual Conference that addresses both skills training and current and emerging topics. Stretching over four days, the conference provided a forum where the growing community of civilian oversight practitioners, law enforcement officials, journalists, elected officials, students, community members, and others can meet to exchange information and ideas about issues facing civilian oversight of law enforcement.

The 2022 Conference was held in Fort Worth, Texas from September 11 – 15. The Chair of the Commission, Mark Patterson, attended the conference and participated in many of the panels, particularly the panels specific to corrections oversight including:

- A Gender Responsive Approach to Corrections
- The Fine Line Between Oversight and Operations
- Violence in Jails and Prisons: Strategies for Oversight and Prevention
- The Value of Comparative Prison Oversight Across State Boundaries: Lessons from Illinois, New York, and Pennsylvania
- Starting a New Prison Oversight Body: A Conversation with New Jersey's Correctional Ombudsman

The Chair was also invited to be a part of the panel, "A Gender Responsive Approach to Corrections" to highlight his work with the juvenile girls in the state of Hawaii.

Criminal Law Forum 2022

On Friday, October 7, 2022, the Oversight Coordinator participated in the Criminal Law Forum hosted by the Hawaii State Bar Association. The Coordinator presented on the current state of the Hawaii jails and prisons within the Prison Reform panel. This forum was attended by 81 attorneys, 32 judges, and 11 other guests (including court administrators and law clerks).

Prison and Jail Innovation Lab 2023 Conference

From February 3-4, the Oversight Coordinator attended a national conference put on by the Prison and Jail Innovation Lab at the University of Texas at Austin. There were four main sessions: the first was focused on "The Depths of Deliberate Indifference," with case studies of four different corrections agencies (Rikers, Alabama, Arizona, and Texas); the second examined "The Levers of Change," and asked about the tools available to turn a prison or jail around, even after a win in the courts; the third presented some rare examples of innovations in prisons that seek to change institutional culture; and the fourth asked whether meaningful change is truly possible and whether there is hope for reforming America's prisons and jails. The program for this event can be found here: https://pjil.lbj.utexas.edu/cruel-and-not-unusual-conference-program.

Securing Partnerships

Thoughtworks

In July 2022, shortly after starting with the Commission, the Oversight Coordinator connected with a company called Thoughtworks in hopes of procuring a case management system for receiving and managing complaints and Priority One incidents. Thoughtworks is a leading global technology consultancy that integrates strategy, design, and software engineering to enable enterprises and technology disruptors to thrive. For over 30 years, they have been at the forefront of digital innovation and have vast experience creating adaptable technology platforms, designing world-class digital products and harnessing the power of data, and AI to unlock new sources of value.

Thoughtworks has been diligently designing a case management system that will fit the Commission's unique needs. All of this is at no cost to the Commission or the State of Hawaii.

UCSF Amend

In April of 2023, Dr. Brie Williams from UCSF Amend agreed to work in partnership with the Commission to present to the Department of Public Safety in addition to various stakeholders in Hawaii and focus on decarceration, jail design, and culture within the corrections system. Amend at UCSF is a public health and human rights program that works in prisons to reduce their debilitating health effects on residents and staff, while also joining policy makers and community leaders to advance decarceration strategies and a better, new system of accountability and healing in the US. Amend prioritizes health-focused culture-change initiatives, staff training, public education, advocacy, and policy-oriented research.

Amend will be presenting during the Legislative Symposium scheduled for October, 2023. The University of Hawaii will be assisting with travel costs for Amend staff. However, Amend waived all of its fees in support of the Commission and the people of Hawaii.

Council of State Government

In June 2023, the Council of State Government agreed to work in partnership with the Hawaii Correctional System Oversight Commission on House Concurrent Resolution 23. The Council of State Governments (CSG) Justice Center is a national, nonprofit, nonpartisan organization that represents state officials in all three branches of government. Their mission is to provide research driven strategies to increase public safety and strengthen communities.

The HCR 23 task force is required to do the following:

- Study whether parole system models used by other states might be suited for Hawai'i.
- Examine and compare the minimum sentences issued by the HPA and, in certain instances by the courts, to determine whether there are significant differences.
- Recommend whether the administration of justice may be better served by removing the responsibility of setting minimum sentences from the HPA.

How the CSG Justice Center Will Assist:

1. Provide context about parole systems across the United States.
2. Conduct a comprehensive analysis of Hawai'i's criminal justice data.
3. Review existing corrections, court, and other criminal justice policies and procedures.
4. Engage and collect input from a broad range of state and local stakeholders in the criminal justice system.
5. Present findings from the analyses to the task force and begin developing policy options.
6. Produce a report summarizing the analyses and policy options and present the report as requested.

This is at no cost to the Commission or the State of Hawaii.

Moving Forward with Strategy

On January 1, 2023, the Oversight Coordinator released the Commission's first Strategic Plan to guide operations, time, and financial investments. The strategic plan was one of the first priorities set by the Oversight Coordinator to explain what oversight is, why it is beneficial, and to highlight future plans for the oversight office.

The plan is divided into four functions that will guide all strategic priorities (oversight, rehabilitation, population limits, and reentry) to ensure best practices for an effective correctional system.

Oversight

Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities.

Objective 1: Fully equip the Office of the Hawaii Correctional System Oversight Commission to serve the state of Hawaii.

Strategies:

1. Determine and seek appropriate funding for staff hires, travel for on-site facility monitoring, staff development, and basic office needs.
2. Develop standard training for staff that encompasses the history, organization, and changes within the Department of Public Safety in addition to the history, culture, and concerns of the communities served by the Department of Public Safety.
3. Develop and adopt rules, office policies, and standard operating procedures to ensure consistency and efficiency.

Objective 2: Create and finalize investigative and monitoring procedures for investigating complaints at correctional facilities.

Strategies:

1. Partner with a pro-bono company to assist in designing an internal (and forward-facing) case management system. Members of the public must be able to access the demographic and high-level data regarding types of complaints we receive, when we receive them, and from which facilities the complaints are reported.
2. Develop training standards aligned with national standards for best practices while touring facilities, speaking to staff, and speaking to those in custody to ensure the utmost professionalism in addition to the development of an investigative manual to ensure consistency, efficiency, and thoroughness in all investigations.
3. Hire a Jail Monitor and a Prison Monitor to complete investigations and monitoring at their respective facilities.

Objective 3: Increase engagement and transparency related to public safety and corrections.

Strategies

1. Promote and maintain a strong digital presence by social media and the HCSOC website to ensure information is easily accessible and understandable.
2. Adjust meeting logistics, including but not limited to, location, virtual capabilities, and structure in order to increase community participation and elevate resident voice.
3. Ensure that public information is released in an easily understandable format, in addition to creating an automatic emailing list for those interested in office updates.

Rehabilitation

Facilitating a correctional system transition to a rehabilitative and therapeutic model.

Objective 1: Evaluate current Department of Public Safety policies, practices, and procedures for increased innovation and focus on rehabilitation.

Strategies:

1. Using key recommendations from the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies, evaluate which recommendations have been implemented into the Department of Public Safety policies and practices, which are in progress, and which have not been implemented.
2. Regularly evaluate trends in complaints received, the findings of those complaints, the Department's grievance system processes to assess current policies and to submit solid policy recommendations.
3. Regularly tour correctional facilities, announced and unannounced, to monitor conditions, hear from staff, and speak to those in custody, in addition to completing specific tours relevant to data collection or systemic analysis.

Objective 2: Conduct ongoing research studies of the operation and administration of correctional system laws in other jurisdictions and locally.

Strategies:

1. Partner with local colleges and universities to create opportunities for students to be involved in academic research and policy change through an internship program.
2. Partner with local and national nonprofit organizations to assist in conducting research studies of other jurisdictions with the goal of transitioning Hawaii to a more effective and sustainable correctional system that focuses on rehabilitation instead of punishment.
3. Hire a minimum of two researchers to assist with investigative studies, policy, and legislative changes that are vital to creating a more effective correctional system.

Objective 3: Create opportunities to work in partnership with community, government, and nonprofit stakeholders to design and recommend changes that support rehabilitation and safer communities.

Strategies:

1. Reinvest in recommendations that existed prior to Act 179 from community partners that include but are not limited to the HCR 85 Taskforce report, the Reentry Commission Strategic Plan, and other relevant studies.
2. Engage with community organizations, County officials, and other stakeholders who are focused on reentry and rehabilitation efforts.

3. Advocate for federal and state resources to fund community efforts towards reentry and rehabilitation to create safer communities.

Population Limits

Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Objective 1: Support legislative changes that lead to more equity and safer communities while reserving incarceration for those who truly need to be detained.

Strategies:

1. Partner with local agencies to draft and/or publicly support legislation proven to safely lower inmate populations without jeopardizing public safety.
2. Use data and statistical analysis to evaluate public safety practices and publicly release information specific to inmate demographics for a better understanding of the population.
3. Meet with various stakeholders and legislators regarding inequities behind cash bail, counterproductivity behind state imprisonment for lower-level crimes, and having state sentences be more proportional to crimes.
4. Partner with local agencies to find solutions in preventing the criminalization of homelessness and individuals experiencing mental health crises, many of whom are incarcerated in the jails specifically.

Objective 2: Establish maximum inmate population limits for each correctional facility.

Strategies:

1. Review the Corrections Population Management Commission's 2001 Annual Report and the Commission's Infectious Disease Emergency Capacities 2020 report to ensure inmate population limits are appropriate, particularly after Covid-19 restrictions begin to ease, by aligning with national standards.
2. Work with the Department of Public Safety to update all measurements of cells, dorms, and spaces used for housing, as many spaces have been changed or converted since 2001.

Objective 3: Formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility.

Strategies:

1. Work in partnership with the Department of Public Safety and appropriate unions to ensure policies and procedures are written, taught, and exercised to keep the population at appropriate levels in each facility, including reviewing transfer policies.
2. Develop and sustain relationships with the Judiciary, Department of Health, Department of Human Services, Department of Labor, Family Services, and the Taskforce on Homelessness to formulate policies that assist with lessening the inmate population.
3. Ensure the current assessment instruments, classification system, individual program planning, and corresponding reentry programming is properly being utilized to fill pre-transitional beds.

Reentry

Work with the Department of Public Safety 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. The Commission may make recommendations to the Department of Public Safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and 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.

Objective 1: Familiarize the public with requirements set in 353H regarding the Offender Reentry System in addition to the Department of Public Safety Reentry Commission Strategic Plan.

Strategies:

1. Prepare and present information specific to the offender reentry process which includes mapping of the state's systems and programming efforts that are a reflection of current reentry practices of the Department of Public Safety.
2. Explain and present the current processes of each separate facility and county to ensure consistency across the state.
3. Host various Listening Sessions to receive feedback from community members, people in custody, families, Department staff, and other stakeholders. These Listening Sessions will be hosted publicly in addition to privately (within the correctional facilities) so the Commission can gather effective feedback.

Objective 2: Monitor and review the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative

services, inter-facility transfer processes, parole preparation programs, work furloughs, and the Hawaii paroling authority's oversight of parolees.

Strategies:

1. Strategize and publicly post an oversight plan to assess and review all programming rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees.
2. Request specific data sets that encompass all reentry programs in addition to the data and analysis that shows success of each program.
3. Create a set of standards that programming should meet to lessen recidivism and ensure program efficiency and effectiveness.

Objective 3: Ensure the timely release of inmates on parole when the minimum terms have been served instead of delaying the release for lack of programs and services.

Strategies:

1. Host various Listening Sessions to receive feedback from programming staff, people in custody, facility administrators, and other stakeholders. These Listening Sessions will be hosted privately so the Commission can gather feedback within each correctional facility.
2. Use data and analysis to pull each individual's earliest release date and compare those who are considered, "Chair to Set" to find individuals waiting on programing or housing needs before being released.

Hiring of Staff

The Oversight Coordinator has hired two staff in the past year:

- October 2022 – George Choe, Special Assistant to the Oversight Coordinator joined the team to assist with daily clerical tasks, preparation for the Commission meetings, organization of testimony and hearings during the legislative session, travel to each of the neighbor-island and mainland facilities, and so much more. George is the "heartbeat" of the office and keeps everything moving smoothly.

- June 2022 – Cara Compani, Reentry and Diversion Oversight Specialist joined the team to assist with the Commission's priorities to diversion and reentry, and specifically to the Commission's mandate covering reentry efforts. Cara brings over a decade of experience in correctional oversight and reform on the local, national, and system-wide levels.

Conclusion

Although this last year has been successful in terms of setting up the State of Hawaii's first oversight office, the Commission and Oversight Coordinator recognize there is still significantly more work to be done to have a successfully functioning oversight office. The Oversight Coordinator is honored to do this work and will continue to work diligently for the people of Hawaii.

Mark Patterson
Commission Chair

Christin M. Johnson
Oversight Coordinator

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

Hon. Ronald Ibarra (ret.)
Commissioner

Hon. Michael Town (ret.)
Commissioner

Martha Torney
Commissioner

Theodore Sakai
Commissioner

December 30th, 2022

Mr. Tommy Johnson
Director
Department of Public Safety
Keoni Ana Building
1177 Alakea Street
Honolulu, HI 96813

Re: Electronic Medical Record System

Dear Director Johnson,

On August 10th, 2022, the Oversight Coordinator learned that the Electronic Medical Record (EMR) had been down since June 14, 2022, causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with you and the former Director of Public Safety, Max Otani, with clear urgency. The Coordinator explained that this is a crisis for those in custody because:

1. Patient safety and health is at risk without a functioning EMR.
2. EMRs are necessary to ensure consistency in care across multiple providers.
3. EMRs ensure medications are appropriately administered and documented to lessen risk to patient's health and tracking of medication used, especially when being transferred across facilities.
4. From a cost perspective, EMRs reduce time spent on documentation as there are often templates and order sets to improve efficiency.
5. Additionally, this is massive liability for the department.

The Coordinator was assured that the EMR was back up and running by August 24th, 2022, and publicly addressed this matter. However, the Coordinator learned on December 10th, 2022, that the EMR was only working for two weeks before completely failing again. The Department confirmed that they purchased new servers, but they were not successful in fixing the issues as the EMR system is old (purchased in 2008) and outdated. The Coordinator asked if there was any plan for a new EMR, and although the Department is looking into a new system, there is no timeframe of when a new system might be implemented.

The Commission and Coordinator respects that the Department has been working diligently on this issue, however, it is unacceptable to have a non-functioning EMR for six+ months. Medical staff are becoming increasingly burnt out by not having the tools they need to effectively treat patients and give the best care.

If the EMR cannot be fixed, the Commission recommends **immediate** purchase and implementation of a new medical record system. Additionally, the Commission is requesting to be kept up to date and informed on all matters related to the EMR including specific plans and timelines for this issue to be resolved.

Respectfully,



Mark Patterson
Chair
Hawaii Correctional System Oversight Commission

JOSH B. GREEN, M.D.
GOVERNOR

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Teresita Fernandez
Acting Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William Oku
Acting Deputy Director
Law Enforcement

No. 2023-50

January 6, 2023

Mr. Mark Patterson, Chairperson
Hawaii Correctional System Oversight Commission
235 S. Beretania Street, 16th Floor
Honolulu, Hawaii 96813

RE: Electronic Medical Record System

Dear Mr. Patterson:

This is in response to your letter dated December 30, 2022, regarding the electronic medical records system used by the Department of Public Safety (PSD). In your letter, you acknowledge PSD's diligence in working to restore the electronic medical records system and reiterate previously stated concerns regarding the system.

Please note, as previously informed, PSD shares the Commission's concerns and have been working with the vendor to address this matter and we have also been meeting weekly internally to do whatever we can on this end to get the system up and running. As requested, the following update is provided:

1. Server Upgrade Project: In November 2022, the vendor completed the Pre-Check session reviewing the newly procured servers. The first available date for Final Migration, provided by the vendor, was not until January 2023. The department continuously pressed the vendor to move the date of action forward. On December 28, 2022, the vendor started the Final Migration process. The estimated timeframe to completion is dependent on the occurrence of errors in the process. **In Progress.**

2. v10 Test environment: The setup for the v10 Test environment was completed by the vendor in October of 2022. v10 testing is pending completion of the new server upgrade project. **Pending completion of Final Migration, which is currently In Progress.**

"An Equal Opportunity Employer/Agency"

3. Move to Cloud (MTC): The vendor is still doing their "Interface Discovery" to determine if we can Move to Cloud or not – the vendor informed the department that they will need 3 weeks to get an answer back to us on this (which would have been early October 2022). The department followed up multiple times with the vendor on MTC. The department has yet to receive the final outcome on whether MTC is an option. **As of December 28, 2022, the department is working to schedule a meeting with the vendor.**

4. Corrections Collaboration Project: In October 2019, the department started a collaborative project with other state agencies, DHS and DOH, on a shared eMR system, but the federal funding was derailed by the pandemic. In July and August 2021, the department sought federal and state funds to replace the current eMR. In October 2021, the department initiated a RFI for the Corrections Collaboration Project to replace the existing electronic offender management and medical records systems. In February 2022, the RFP for the Corrections Collaboration Project was posted. The estimated contract start date for the Corrections Collaboration Project is April 2023. The estimated "go live" date for the Corrections Collaboration Project is December 2025. **In Progress.**

5. NASPO Value point Cloud Solutions: In August 2022, the department simultaneously initiated pursuit of alternative eMR procurement, through SPO VL 17-18, to explore the possibility of an expedited "go live" with a replacement cloud-based eMR. The department is currently in the process of obtaining ETS approval for the procurement. **In Progress.**

PSD will continue its diligent and purposeful efforts to completely restore the current system, but we have also begun the process of searching for another vendor to secure a new system as it may be necessary to do so. I want to thank the Commission for its patience and for following up on this matter. Should you have any questions, please don't hesitate to contact my office at 808-587-1350.

Sincerely,

Tommy Johnson
Director

JOSH GREEN, M.D.
GOVERNOR

STATE OF HAWAII | KA MOKU'ĀINA O HAWAI'I
DEPARTMENT OF PUBLIC SAFETY
Ka 'Oihana Ho'opalekana Lehulehu
1177 Alakea Street
Honolulu, Hawaii 96813

TOMMY JOHNSON
DIRECTOR

Melanie Martin
Deputy Director
Administration

Michael J. Hoffman
Acting Deputy Director
Corrections

William Oku
Deputy Director
Law Enforcement

No. _____

February 3, 2023

Mark Patterson, Chairperson
Hawai'i Correctional System Oversight Commission
235 S. Beretania Street, 16th Floor
Honolulu, Hawai'i 96813

Aloha,

In 2022, Department of Public Safety (PSD) initiated a partnership with the University of Hawai'i Community Design Center (UHCDC) to engage stakeholders and community members around Oahu regarding alternative visions for the proposed new Oahu Community Correctional Center (OCCC). Through this partnership, we are researching programs and practices in corrections aimed at rehabilitation, proven reentry strategies, and restorative justice, especially for Indigenous and/or other racial/ethnic populations. Our goal is to collectively define a cross-jurisdictional pathway toward criminal justice reform and a continuum of care and support in Hawai'i.

UHCDC will be reaching out to schedule a meeting with you or your designee(s) to gather your agency's perspective. On behalf of PSD, we kindly ask for your time and participation in this process to discuss paths forward.

If you would like to designate someone to attend, please provide name(s) and email contact(s). Should you have any questions, please feel free to reach out to Wayne Takara, our Chief Planner at wayne.j.takara@hawaii.gov.

Very truly yours,

Tommy Johnson
Director

"An Equal Opportunity Employer/Agency"

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

February 7, 2023

MEMORANDUM

TO: The Honorable Glenn Wakai, Chair
House Committee on Public Safety, Intergovernmental, and Military Affairs

FROM: Martha Torney, Commissioner
Hawaii Correctional System Oversight Commission

SUBJECT: PERIODIC REVIEWS OF DETAINEES IN COMMUNITY CORRECTIONAL CENTERS

Thank you for convening the Informational Hearing on Pretrial Release with Amber Widgery, Esq., of the National Conference of State Legislatures. Ms. Widgery's presentation was very germane to the mandate of the Hawaii Correctional System Oversight Commission (the Commission) and we are grateful beneficiaries of the information and sources shared.

The purpose of this memo is to bring to your attention Senate Bill 1392, Relating to Reviews of Detainees in Community Correctional Centers, introduced as part of the Governor's Package (House Bill 1094 is its companion). The Department of Public Safety proposes to delete Section 353-6.2, HRS, Community correctional centers; periodic review of pretrial detainee, which was included in Act 179/SLH 2019 as part of the Hawaii State Legislature's response to House Concurrent Resolution No. 134 (2017) regarding criminal pretrial practices and procedures.

The purpose of Section 353-6.2 is to "afford pretrial detainees greater and continuing opportunities to be released…" (Act 179, Section 22, page 31) by allowing additional reviews for release consideration once incarcerated. According to the preamble of Senate Bill 1392, the Department claims such reviews were to no avail—of 1,244 conducted, only ten pretrial detainees met the criteria for releases, of which only three were released by the courts.

To be clear, the Department conducted over 1,200 reviews but referred only ten to the courts, claiming that the remaining defendants did not "meet the criteria for pretrial release." The courts did not have an opportunity to consider these cases for release.

According to Ms. Widgery's presentation, many jurisdictions have successfully implemented "second look" pretrial programs that significantly impact the number of pretrial detainees kept in jail for extended periods. I believe the Department of Public Safety did not invest the time or

effort into learning how to develop and implement such a program. And the Department had the resources to do so.

Act 179 provided the Department with $305,138 in FY 2019-2020 and $502,476 in FY 2020-2021:

> to provide intake service centers with necessary funding, personnel, training, facilities, access, information, and technical support to meet current and projected future responsibilities in conducting timely risk assessments, efficiently disseminating bail reports, and supervising pretrial defendants. (Act 179, Section 31, Page 45)

The funds resulted in nine new positions to support the intent of Section 22 of Act 179. In 2022 the Department requested these positions become permanent, claiming in their budget justification "[w]ithout the appropriate staffing and sufficient funding, PSD will be unable to manage the Pretrial Bail Reform objectives of Act 179." Even with the funding, the Department was clearly not able to achieve the objectives of Act 179.

The Commission will continue to meet its mandate to "formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility." (Section 353L-3(b)(2)) This includes addressing the pretrial population.

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16TH Floor
HONOLULU, HAWAII 96813
(808) 587-4160

May 1, 2023

Robert K. Merce, Chair
Correctional Reform Working Group
851 Fort Street Mall #400
Honolulu, Hawaii 96813

Re: Getting It Right: Recommendations and Action Plan for a Better Jail

Dear Mr. Merce,

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) was created to oversee the State's correctional system with a focus on facilitating a correctional system transition to a rehabilitative and therapeutic model, managing correctional facility population limits, and monitoring reentry efforts.

During the December 2021 Commission meeting, you presented, *Getting It Right*: *Better Ideas for a New Jail,* and during the October 2022 Commission meeting, the Correctional Reform Working Group presented, *Getting It Right: Recommendations and Action Plan for a Better Jail.* Both reports align with the Commission's mandate and goal of supporting safe conditions for employees, inmates, and detainees, and providing positive reform towards a rehabilitative and therapeutic correctional system.

The design and physical structure of correctional facilities are imperative to forming and building on culture that uplifts and supports therapeutic and rehabilitative practices. Therefore, the Commission thanks you and the Correctional Reform Working Group for publishing both groundbreaking reports and for sharing them with the Commission and public. The Commission whole heartedly supports your mission and vision, as set out in the two *Getting It Right* papers, to plan and design a transformative jail based on best practices.

We thank you for your work and will support you to the best of our abilities moving forward.

With aloha,

Mark Patterson

JOSH GREEN, M.D.
GOVERNOR

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

May 4, 2023

Dear Chief Justice Recktenwald,

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 Commission published a report based on their observations and had a public meeting to address conditions of the facility, which I have attached for you.

One issue the Commission heard about during the tour, is a lack of access to attorneys due to people in custody not knowing who their attorney is. 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 on the document. Unfortunately, correctional facilities do not keep a list of the attorneys either.

The Commission has made recommendations to the Department of Public Safety to have facility staff write the attorneys name on the notice and for the facility to keep the notice on file. It was 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 Commission recommended that the list 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 if necessary.

Respectfully, the Commission recommends amending Notice to Appear documents to include the defense attorney's name. This would make it easier for facility staff to assist those in custody who have forgotten their attorney and ensure that people in custody are able to get ahold of their legal counsel in a timely manner.

Thank you for considering this recommendation and for all of your dedication and work at the Judiciary.

With aloha,

Mark Patterson
Chair

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

December 5, 2023

ELECTRONIC TRANSMISSION

Tommy Johnson, Director
Department of Public Safety
1177 Alakea Street
Honolulu Hawai'i 96813

RE: Proposed Action Item for the Department of Public Safety Inspections and Investigations Office

Dear Director Johnson,

Please see the proposal and corresponding rationale for strengthening the Department of Public Safety (Department of Corrections and Rehabilitation) Inspections and Investigations Office outlined below. It is the Commission's duty to identify and investigate serious issues within Hawaii correctional facilities that are dangerous or out of alignment with applicable laws and standards if they come to our attention; However, the main focus of the Commission must be on our clearly mandated responsibilities, as clearly delineated in HRS 353. Moreover, it is not the responsibility of the Commission to operationally fix the issues that are found, although we will continue to follow up on the specific issues that come to attention. Therefore, it is imperative to strengthen the protocols in the IIO and ensure proper training is conducted on a consistent basis to allow the Department to address issues of immediate concern efficiently and effectively.

Proposal:

It is strongly recommended that the Department of Public Safety should take immediate action to fully staff and strengthen its Inspections and Investigations Office (IIO). In particular, the IIO needs to be robust in:

- Implementing laws, standards, policies and procedures, and protocols in the area of safety and sanitation in all correctional facilities;
- Developing and implementing an ongoing training program for employees at all correctional facilities, from Wardens to line staff who work in each facility; and
- Developing and implementing an ongoing program of inspections and audits, conducted by each facility on a regular (monthly) basis and by a Department-level team independent of each facility on a quarterly or semi-annual basis.

In addition, the Department must ensure that leadership within the IIO has a strong working familiarity with laws and standards governing safety and sanitation in correctional settings, including OSHA and the National Fire Safety Protection Association, and with inspection and audit methods.

Rationale:
The HSCOC's focus should be areas defined by the HCSOC's mandate (HRS 353L):

1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model;
2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
3) Work with the department of public safety 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. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
4) 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 minimum terms have been served instead of delaying the release for lack of programs and services.

During the HCSOC tours of correctional facilities, Commissioners and staff observed more than a few safety and sanitation violations. As an official state agency on official business, the Commission has a duty to identify those that the Commission considers to be serious violations. These include:

- Fire safety violations at MCCC;
- Restricted access to medical housing areas at OCCC;
- Lack of staffing for container-cells at OCCC while inmates were housed within;
- Potential rodent infestation at WCCC;
- Dysfunctional temperature gauges at WCCC (also seen at Halawa and Maui);
- Food handling violations at OCCC (lack of temperature control for plated foods).

It is not the function of the HCSOC to operationally fix these kinds of issues. However, if these issues are not addressed and attended to, they will detract from the overall mission of the Department and may lead to litigation for individual incidents and potential conditions of confinement.

The Commission thanks the Department for their immediate attention to this recommendation and looks forward to their response.

Respectfully,

Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

JOSH GREEN, M.D.
GOVERNOR

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN (ret.)
HON. RONALD IBARRA (ret.)
TED SAKAI
MARTHA TORNEY

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

December 8, 2023

TO: Mr. Tommy Johnson, Director
Department of Public Safety
1177 Alakea Street
Honolulu, Hawaii 96813

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

Re: Letter of Support for the Waiawa Correctional Facility Plan Review Use and Special Use Permits

Dear Director Johnson:

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) supports the Department of Public Safety in obtaining a Plan Review Use (PRU) and Special Use Permit (SUP) for the Waiawa Correctional Facility (WCF). The HCSOC recognizes that obtaining the PRU and SUP is essential for the Department of Public Safety's continued operation of WCF.

The Department of Public Safety operates four state jails and four state prisons, and WCF is an integral part of the state correctional system as a whole. WCF is a 334-bed, minimum-security prison for sentenced males. WCF provides an environment that helps individuals successfully re-enter the community from prison as everyone must participate in education or substance abuse treatment programming. WCF is essential to the corrections system as it is one of two minimum-security facilities which allows individuals to flow through the correctional system as they prepare for release. WCF ensures that individuals have the opportunity to be thoroughly re-entered into society to lessen recidivism.

Without WCF, the Department of Public Safety would be severely limited in correctional spaces they can utilize for a more rehabilitative and therapeutic environment. For these reasons, the Commission supports the Department of Public Safety in obtaining a Plan Review Use and Special Use Permit for the Waiawa Correctional Facility.

Respectfully,

Mark Patterson
Chair