

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

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

January 3, 2025

The Honorable Josh Green, MD
Governor, State of Hawaii
Executive Chambers
State Capitol
Honolulu, HI 96813

Members of the Hawaii State Legislature
State Capitol
Honolulu, HI 96813

Re: Urgent Call for a System-Wide Plan Before Proceeding with New Jail Construction

Dear Governor Green and Esteemed Members of the Hawaii State Legislature,

The Hawaii Correctional System Oversight Commission (HCSOC, the Commission) writes to express both its conditional support for a new jail on Oahu, contingent upon adherence to the University of Hawaii Community Design Center's (UHCDC) *Breaking Cycles: An Alternative Model for Rehabilitation & Restorative Justice* report, and the Commission's profound concern about the Department of Corrections and Rehabilitation's (DCR) narrow focus on constructing a facility without addressing critical deficiencies in the broader correctional system.

While the Commission acknowledges the pressing need to replace the outdated and inadequate O'ahu Community Correctional Center (OCCC), we believe this can only be successful if situated within a comprehensive, system-wide plan that aligns with evidence-based rehabilitative practices. The *Breaking Cycles* report offers transformative recommendations for facility design, but these must be integrated with a robust operational strategy that addresses Hawaii's long-standing systemic challenges, including statewide diversion efforts, homelessness, mental health care, medical services within the facilities, and programs promoting rehabilitation, reentry, and reintegration.

Reasons for a Strategic Pause in Jail Planning

1. System-Wide Gaps in Rehabilitative Practices:

For the past two years, the Commission has continuously presented issues that have yet to be addressed by the Department. Specifically, the Commission is concerned regarding the lack of programming space in all jails, lack of adequate mental health treatment and care, lack of compassionate healthcare services, and lack of programs, services, and recreation that provide out-of-cell time. A new facility alone will not resolve systemic issues without incorporating statewide:

- Evidence-based and culturally competent rehabilitation programs that encourage out-of-cell time.
- Mental health and medical services tailored to Hawaii's population.
- Reintegration programs that include correctional industries, vocational training, and life skills education.
- Faith-based and social engagement opportunities that promote community reintegration including ample in person, contact visitation opportunities with friends and family.
- Robust partnerships with community service providers and volunteers to enhance in-reach services, mentorship, and post-release support.

Additionally, the Commission continuously hears from the community that many do not believe the DCR can create the rehabilitative type of facility outlined in the *Breaking Cycles* report, as there is no track record to inspire confidence in the Department's ability to deliver on these transformative goals.

2. Inadequate Alignment with *Breaking Cycles* Recommendations:

The *Breaking Cycles* report emphasizes trauma-informed design, restorative justice principles, and culturally relevant programming. The Department, however, has not committed to embedding the *Breaking Cycles* recommendations into all planning processes. Instead, during community meetings, the Department has given a half-hazard commitment to going through the report and pulling pieces that *might* work with current plans. Proceeding without fully embedding these recommendations into facility planning risks replicating the failures of the current system and wasting taxpayer funds.

3. The Need for a Holistic Approach to Corrections and Justice System Reform:

Constructing a jail without simultaneously reforming the corrections system perpetuates a reactive approach to incarceration. Hawaii needs a proactive plan that incorporates diversion programs, robust reentry strategies, and services and treatment addressing the underlying issues that lead to incarceration. Hawaii's juvenile system is a key example of the need for proactive reform.

System-wide initiatives, including the collection and sharing of data, are essential to support effective diversion efforts. Collecting data on key issues, such as the prevalence of homelessness and mental health challenges among the DCR population is critical for serving the population, identifying needs, forming partnerships with service providers, and addressing gaps in resources. This data is not only vital for guiding resource allocation and facility planning but also for ensuring that the new facility is appropriately sized.

Additionally, system-wide efforts should prioritize decreasing pretrial detention times, particularly for individuals held for extended periods. Data from the Commission's 2024 tour of OCCC revealed that of the 563 individuals held pretrial on felony charges, 220 had been in custody for more than six months, accounting for approximately 23% of the facility's 954-bed capacity. Reducing pretrial detention times to six months or less for these individuals could lower the number of beds needed by nearly one-fourth, significantly easing overcrowding and improving overall system efficiency.

Conditional Support for New Jail Construction

The Commission supports the construction of a new facility only if it follows the design and operational guidelines set forth in the *Breaking Cycles* report while also addressing systemic issues noted above. Therefore, the Commission advocates for a pause in planning to ensure that the DCR develops a comprehensive system-wide plan addressing the following:

Immediate Implementation of Rehabilitative Practices

Begin implementing a rehabilitative paradigm now rather than waiting for a new facility. Efforts to demonstrate commitment to these priorities must start immediately, before moving forward with plans for a new facility, even within the constraints of limited space and outdated facility designs, to show the State and community that meaningful change is possible and underway.

For example, the following recommendations from the most recent Commission report on OCCC highlight actionable changes that can be implemented immediately without requiring new construction:

- Allow natural light by removing wood coverings from all cell windows,
- Restore contact visits,
- Expand programming opportunities,
- Expand furlough utilization at OCCC,
- Install shade for recreation cages in the holding unit,
- Investigate and address concerns raised by people in custody at OCCC, including roaches in cells and difficulties accessing bail calls, and
- Ensure regular access to books, reading materials, legal calls, mail, and recreation for those in the holding unit, including individuals in disciplinary segregation.

These initiatives do not require a new facility and can significantly improve conditions and outcomes in the interim, demonstrating the DCR's commitment to meaningful reform and its ability to effect meaningful change within its current capacity. Additionally, DCR must fully integrate the recommendations outlined in the *Breaking Cycles* report into all planning processes, facility design, and outcome measures.

Recommendations from Breaking Cycles Report into Jail Planning Process

Fully integrate the recommendations outlined in the *Breaking Cycles* report into all planning processes, facility design, and outcome measures. This includes the following system-wide recommendations:

- **Mental and Physical Health Care:** Embedding accessible, high-quality care for individuals in custody, including trauma-informed approaches.
- **Programs, Education, Job Training, and Services:** Embedding evidence-based rehabilitation programs, vocational training, recreation, faith-based initiatives, and social engagement to facilitate successful reintegration that are in *all* facilities, not only low-level prisons.
- **Incorporate Hawaiian Cultural-Based Programs:** Ensuring Hawaiian cultural-based programs are integrated into all facilities to support culture, healing, and community reintegration.
- **Train All Staff in Rehabilitative Practices and Trauma-Informed Care:** Providing training to support the Department's transition to a rehabilitative model, fostering a more compassionate and effective correctional environment aligned with the goals of a therapeutic model of corrections and healing.
- **Enhance Preparation for Successful Release and Transition to the Community:** Providing individuals in custody with the skills, resources, and support necessary for successful reintegration into the community.

Data Collection and Analysis

Collect and report data on the prevalence of homelessness and mental health issues among the incarcerated population at least monthly to inform diversion efforts and service provision. This data will help determine the size and scope of the new facility and identify gaps in community-based resources necessary for successful diversion.

Collaborative Efforts to Reduce Pretrial Detention

Work collaboratively to increase participation in Oahu diversion programs to reduce reliance on incarceration and address root causes, with opportunities to expand beyond current efforts by implementing new and innovative diversion initiatives. This could be done, for example, by having DCR initiate collaboration with justice-system partners beginning on Oahu, including the Judiciary, Public Defender, Prosecuting Attorney, and defense attorneys, to decrease pretrial detention times to six months.

Community-Based Alternatives

Enhance diversion programs and community partnerships to reduce reliance on incarceration. Integrating health, housing, and social services into correctional planning will mitigate recidivism and promote public safety.

Conclusion

The Commission strongly urges the Governor and Legislature to direct the DCR to pause its current planning process until a comprehensive system plan is in place. This pause will ensure that Hawaii's corrections system transforms into one that truly rehabilitates and reintegrates individuals while upholding the values of equity, safety, and community well-being.

The Commission remains steadfast in our commitment to supporting solutions that address the needs of all stakeholders, and we believe this approach represents the most effective path forward. The *Breaking Cycles* report provides the vision, but systemic reform requires intentional planning and execution. We urge you to act decisively to ensure these critical steps are taken.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Patterson', with a long horizontal line extending to the right.

Mark Patterson
Chair