



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 'OIHANA O KA LOIO KUHINA

JOSH GREEN, M.D.
GOVERNOR

**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.

<p>JOSH GREEN, M.D. GOVERNOR</p>		<p>MARK PATTERSON CHAIR</p> <p>CHRISTIN M. JOHNSON OVERSIGHT COORDINATOR</p> <p>COMMISSIONERS HON. MICHAEL A. TOWN (ret.) HON. RONALD IBARRA (ret.) TED SAKAI MARTHA TORNEY</p>
<p>STATE OF HAWAII HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION 235 S. Beretania Street, 16th Floor HONOLULU, HAWAII 96813 (808) 587-4160</p>		
<p>May 1, 2023</p>		

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

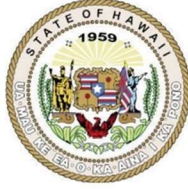
HCCC Commissioner Tour

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



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COMMISSIONERS
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(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/>.



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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.



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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 (Punahale, 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 Punahale had approximately 15 men housed with mattresses on the floor, and the Multipurpose Room 2 “fishbowl” in Punahale 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 Punahale 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 Punahale. 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 Punahale. 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 Punahale 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 Punahale (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
 - 3) Three T-shirts
 - 4) 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.