

GENERAL RECOMMENDATIONS

HAWAII SHOULD REDUCE ITS INCARCERATED POPULATION AND PLAN RESPONSIBLY FOR THE FUTURE.

Building new jails and prisons without fundamentally changing our approach to corrections would be a short-sighted and costly mistake. Replicating the current system in new facilities will only perpetuate poor outcomes for decades.

Instead of building new prison beds, Hawaiʻi should focus on efforts to reduce its correctional population, including: reforming our sentencing laws to reduce prison admissions; and increasing investments in diversion programs.

The HCR 85 Task Force is particularly concerned about the State’s plans to build a new \$525M jail to replace OCCC. Because jails are extremely expensive to build, maintain, and operate, communities across the country are working to reduce their jail populations through bail reform and innovative diversion programs. We should immediately stop the costly planning for a new jail and form a collaborative working group of stakeholders and government officials to plan and design a jail that is smaller, smarter, and less expensive than the one now under consideration.

HAWAII SHOULD TRANSITION TO A REHABILITATIVE CORRECTIONAL SYSTEM.

The HCR 85 Task Force took a comprehensive approach to prison reform and has recommendations in many areas. Our primary recommendation, however, is that Hawaiʻi immediately transition from a punitive to a rehabilitative correctional system. A rehabilitative system drives prisoners to examine, understand, and overcome their negative impulses and poor decision-making. There is a growing national consensus that this type of system produces far better results than punitive ones^{xvi}, and international-ly, well-established rehabilitative systems have achieved two-year recidivism rates as low as 20%^{xviii}.

To achieve a rehabilitative correctional model, Hawaiʻi should provide prisoners with individualized counseling and guidance, more educational opportunities, continuing family integration support, and evidence-based programming that has proven success in reducing recidivism.

HAWAII PRISON REFORM REQUIRES COMPREHENSIVE CHANGE.

A concerted and comprehensive effort is needed from all branches of government to change the course of corrections in Hawaiʻi, rein in costs, and reverse the impacts of mass incarceration on the most vulnerable members of our community. Real change requires us to address the root causes of crime in our communities: poverty, unemployment, homelessness, low educational attainment, and drug use. These systemic social and economic conditions incubate criminal risk, but greater investment in public education and early intervention, housing resources, employment opportunities, drug treatment programs, mental health treatment, and general health-care for disadvantaged communities can strengthen resilience in individuals and families and make communities safer.

CONCLUSION

Reforming our badly broken correctional system will not be quick or easy. It took us forty years to create the many problems we now face, and it will take many years to fix them. But with vision and commitment, we can create a correctional system that is more effective, humane, and just.

KŪLANIHĀKO’I

E Kūlanihāko’i kau maila i luna e hū
A ua maila ua
A kupu maila kupu
A liko maila liko
A lau maila lau
A lālā maila lālā
A kumu maila kumu
A kumu pa’a hina ole
E ho’oulu mai, e ho’oulu mai
A ulu maila e

The legendary Kūlanihāko’i lofty above us, behold it overflows
Behold the rains fall
And the sprouts appear
And the buds show forth
And the leaves unfurl
And the branches extend forth
And the trunk of the tree expands and becomes firm
Until the trunk becomes unable to topple
Make it grow, let it grow
Behold it is grown

This oli speaks of turbulent challenge, life-giving nourishment, acceptance, renewal, growth, and ultimately deeply-rooted resilience and courage. It is chanted by inmates, the haumāna of Kumu Hinaleimoana Wong-Kalu’s Kū Kanaka class sponsored by OHA and offered at Halawa Correctional Facility and OCCC. The class focuses on identity affirmation through exploration of self and heritage, as well as kuleana to oneself, ‘ohana, and community. The haumāna practice providing stability and support to themselves and each other as they acknowledge their challenges and affirm their abilities to overcome them.

The original art featured on the cover of this Executive Summary was developed by inmates in the Kū Kanaka class; it expresses their vision of their own transformations, their aloha and mahalo for opportunities for change, and their determination to ‘auamo their mana to be the strongest people and best leaders they can be. The cover photographs feature inmate members of Kahu Kaleo Patterson’s Native Hawaiian Church observing traditional Makahiki ceremonies celebrating healing, reflection, renewal, and peace.

PHOTOS - Kai Markell
DESIGN - OHA Digital & Print Media



ⁱ Carson, E. Ann and Mulako-Wangota, Joseph. Bureau of Justice Statistics. (Count of total jurisdiction population). Generated using the Corrections Statistical Analysis Tool (CSAT) - Prisoners at www.bjs.gov. (15-Dec-18).

ⁱⁱ State of Hawaiʻi. Crime Prevention and Justice Assistance Division: Crime in Hawaii – Uniform Crime Reports 1975-2016. Accessed Jan 4, 2019. <http://ag.hawaii.gov/cuja/rs/crh/>.

ⁱⁱⁱ Carson, E. Ann and Mulako-Wangota, Joseph. Bureau of Justice Statistics. (Imprisonment rates of total jurisdiction population). Generated using the Corrections Statistical Analysis Tool (CSAT) - Prisoners at www.bjs.gov. (15-Dec-18).

^{iv} Keahiolalo-Karasuda, Raadeen. 2010. "A Genealogy of Punishment in Hawaiʻi: The Public Hanging of Chief Kamanawa II." Hūlili: Multidisciplinary Research on Hawaiian Well-Being 6, no. 7: 147-167. http://kamehamehapublishing.org/_assets/publishing/hulili/Hulili_Vol6_7.pdf.

^v Office of Hawaiian Affairs. Native Hawaiian Justice Task Force Report. Honolulu: Office of Hawaiian Affairs, 2012. 18. https://19of32x2y33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

^{vi} U.S. Census Bureau. 2017. "Community Facts." American Fact Finder. Accessed Dec 21, 2018. <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>.

^{vii} State of Hawaiʻi. Department of Public Safety. System Wide End of Month Data. July 2018.

^{viii} State of Hawaiʻi. Department of Public Safety. End of Month Population Report. November 2018.

^{ix} Carson, E. Ann. 2018. "Prisoners in 2016." U.S. Department of Justice. Last modified Aug 7, 2018. <https://www.bjs.gov/content/pub/pdf/p16.pdf>.

^x State of Hawaiʻi. Department of Public Safety. End of Month Population Report. November 2018.

^{xi} State of Hawaiʻi. Department of Public Safety. End of Month Population Report. November 2018.

^{xii} State of Hawaiʻi. Department of Public Safety. Fiscal Year 2018 Annual Report. Accessed Jan 4, 2019. <http://dps.hawaii.gov/publications/annual-reports/psd-annual-reports/>.

^{xiii} State of Hawaiʻi. Department of Public Safety. Fiscal Year 2018 Annual Report. Accessed Jan 4, 2019. <http://dps.hawaii.gov/publications/annual-reports/psd-annual-reports/>.

^{xiv} Espinda, Nolan. 2018. "Pre-Assessment Consultations – New Medium Security Housing Units at Kauai, Maui, and Hawaii Community Correctional Centers." Department of Public Safety. Accessed Dec 21, 2018. <https://dps.hawaii.gov/wp-content/uploads/2018/07/PreAssess-Consultations-Neighbor-Island-CCC-Housing-7-30-18.pdf>.

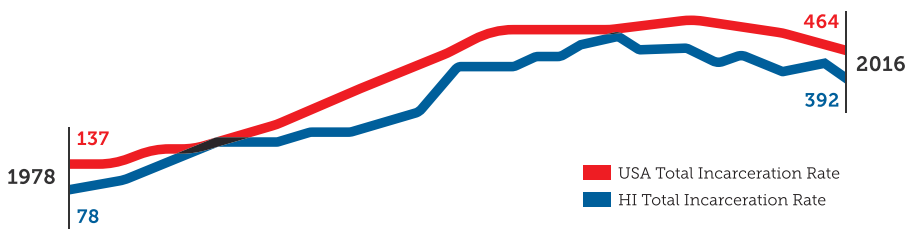
^{xv} Wong, Timothy. 2018. "2017 Recidivism Update." Interagency Council on Intermediate Sanctions. Accessed Dec 21, 2018. <https://icis.hawaii.gov/wp-content/uploads/2018/08/Hawaii-Revidivism-2017.pdf>.

^{xvi} These aggregated time-period recidivism rates include probationer recidivists in addition to parolee and maximum term recidivists. Wong, Timothy. 2018. 2017 Recidivism Update." Interagency Council on Intermediate Sanctions. Accessed Jan 4, 2019. <https://icis.hawaii.gov/wp-content/uploads/2018/08/Hawaii-Revidivism-2017.pdf>.

^{xvii} In the U.S., Alaska and North Dakota are already transitioning to rehabilitative systems, and other states are expected to follow.

^{xviii} Rehabilitative systems have been in place in Western Europe and Scandinavia for over a decade and are achieving recidivism rates as low as 20%. Kristoffersen, Ragnar. 2013. "Relapse study in the correctional services of the Nordic countries. Key results and perspectives." EuroVisa 2, no. 3: 169.

HAWAI'I'S INCARCERATION RATE INCREASED BY 403% FROM 1978 TO 2016.

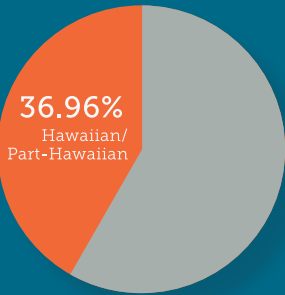


Carson, E. Ann. 2018. "Prisoners in 2016." U.S. Department of Justice. Last modified Aug 7, 2018. <https://www.bjs.gov/content/pub/pdf/p16.pdf>.

Beginning in the 1970s, Hawai'i enacted a series of "tough on crime" laws that resulted in a dramatic increase in our jail and prison populations. From 1978 to 2016, the combined jail and prison populations increased 670%, from 727 prisoners to 5,602.¹ Even accounting for the state population increase of 53% during the same period, our inmate population grew disproportionately.¹¹ In 1978, 78 of every 100,000 Hawai'i residents was imprisoned, but by 2016 this number jumped to 392, a 403% increase.¹¹¹

NATIVE HAWAIIANS CONTINUE TO BE DISPROPORTIONATELY INCARCERATED AND DISPARATELY IMPACTED.

The staggering growth of Hawai'i's incarcerated population has affected all ethnic groups, but its impacts on Native Hawaiian families were devastating and include unique cultural trauma^{1V} and intergenerational incarceration.^{1V} Native Hawaiians are overrepresented in our prison system, constituting just 18% of the State's adult population^{1I} but 37% of the incarcerated population.^{1VII}



State of Hawai'i. Department of Public Safety. System Wide End of Month Data. July 2018.

STATE SPENDING ON INCARCERATION IS AT AN ALL-TIME HIGH AND CONTINUES TO RISE.

On average, the State spends \$66,439 a year to house a prisoner in Hawai'i.^{1XII} The annual corrections budget is over \$220M^{1XIII}; moreover, the State plans to spend \$525M to replace OCCC, \$45M to expand the women's prison, and millions more to expand the prisons on each of the neighbor islands.^{1XIV}



\$182 / DAY

It costs the State roughly \$182 per day to hold an inmate in custody in Hawai'i

U.S. Census Bureau. 2017. "Earnings in the Past 12 Months." Accessed Dec 21, 2018. https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.x.html?_af=ACS_17_1YR_S20016prodType=table.
State of Hawai'i. Department of Public Safety. Fiscal Year 2018 Annual Report. Accessed Jan 4, 2019. <http://dps.hawaii.gov/publications/annual-reports/psd-annual-reports/>.

\$59,500

Annual median earnings of a full-time year-round worker



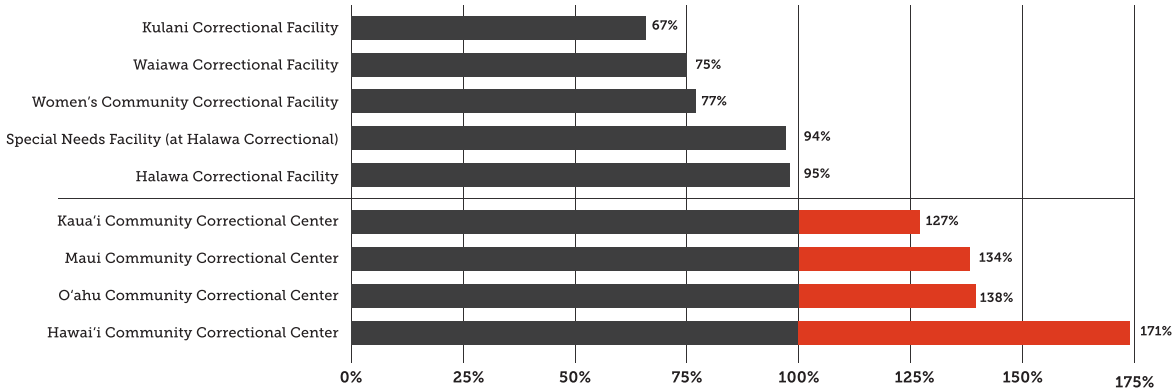
VS.



\$66,500

Annual cost to house one inmate

HAWAI'I JAILS AND PRISONS ARE SEVERELY OVERCROWDED. MANY HOLD POPULATIONS FAR EXCEEDING 100% OF THEIR OPERATIONAL CAPACITIES.



State of Hawai'i. Department of Public Safety. System Wide End of Month Data. November 2018.

In 1995, Hawai'i began sending prisoners to privately operated prisons on the Continental U.S. Hawai'i currently has over 1,400 prisoners at the Saguaro Correctional Center in Arizona^{1XIII} and is one of only five states that has over 20% of its prisoners in private prisons.^{1X} The State also holds roughly 160 additional overflow prisoners at Hawai'i's Federal Detention Center.^{1X} Even with all this outsourcing, many of Hawai'i's State-operated facilities are severely overcrowded, holding more prisoners than either their originally designed or modified operational capacities allow.^{1XI}

OVER HALF OF THE INMATES RELEASED FROM PRISON RECIDIVATE WITHIN THREE YEARS; INCARCERATION IS NOT MAKING US SAFER.

57% recidivate within 3 years of release

53% of Parolees

66% of Maximum-term

Wong, Timothy. 2018. "2017 Recidivism Update." Interagency Council on Intermediate Sanctions. Accessed Dec 21, 2018. <https://icis.hawaii.gov/wp-content/uploads/2018/08/Hawaii-Recidivism-2017.pdf>.



Hawai'i's correctional system costs taxpayers hundreds of millions of dollars a year, but it does not produce acceptable results. Over half of Hawai'i's inmates who are released on parole (53.3%) and over two thirds (66.0%) of those who serve their maximum sentence recidivate within three years of release.^{1XV} Of those who reoffend, 63% do so in their first year, 26% within their second year, and 11% within their third year of release.^{1XVI} These results indicate that reversion to crime is not gradual but immediate, and that time spent in prison does not rehabilitate but merely punishes and incapacitates.

Recidivism = arrest for new offense or revocation of probation or parole

KEY RECOMMENDATIONS OF THE HCR 85 TASK FORCE

CREATE A NEW VISION FOR CORRECTIONS IN HAWAI'I

Issue: Hawai'i's correctional system is not producing acceptable, cost-effective, or sustainable outcomes, and it is not making our communities safe. The State spends over \$226 million a year on corrections but we have a recidivism rate of over 50% and more than 27,000 citizens under some form of correctional supervision.

Recommendations:

1. Transition to a more effective and sustainable correctional system that focuses on rehabilitation rather than punishment.
2. Create and fund an Implementation Commission and Transitional Coordinator position to ensure that the transition to a rehabilitative system takes place in a timely, efficient, and effective manner.
3. Create an Oversight Commission to immediately address prison suicides, sexual assaults, and other unacceptable and unlawful conditions in our prison system.
4. Create an Academy to train correctional workers at all levels in rehabilitative philosophy and practices.

REDUCE THE NUMBER OF NATIVE HAWAIIANS IN THE PRISON SYSTEM

Issue: Native Hawaiians make up about 21% of the general population, but 37% of the prison population. This overrepresentation has existed for decades and has led to intergenerational incarceration for some Native Hawaiian families.

Recommendations:

1. Develop evidence-based, early intervention strategies that are focused on diverting Hawaiian youth away from the criminal justice system and toward pathways for success.
2. Create cultural courts in the criminal justice system.
3. Expand in-prison Native Hawaiian educational and cultural programs.
4. Make culturally relevant reentry programs available to Native Hawaiians.
5. Implement the recommendations of the 2012 Native Hawaiian Justice Task Force consistent with best practices.

EVALUATE, IMPROVE, AND EXPAND EVIDENCE-BASED PROGRAMS

Issue: Evidence-based programs are an essential part of the rehabilitation process and are a cost-effective way to reduce recidivism.

Recommendations:

1. Ensure that every prisoner is functionally literate by the time of release.
2. Expand opportunities for prisoners to take community college courses.
3. Create a prison to college pipeline.
4. Restore funding to the highly successful sex offender treatment program.
5. Prisoners should participate in at least three programs that address criminogenic factors.
6. Expand restorative justice programs.

IMPROVE THE REENTRY PROCESS AND SUPPORT THE DEVELOPMENT OF NEW TRANSITIONAL HOUSING

Issue: Hawai'i does not have an effective support system for prisoners reentering the community.

Recommendations:

1. At the time of release all prisoners should have a decent place to live, gainful employment, health insurance, identification, and access to addiction and mental health services.
2. Amend or eliminate statutes that erect barriers to reentry.
3. Create a unit within PSD to locate housing for difficult to place inmates who are eligible for compassionate release.
4. Designate Leahi Hospital as the default placement for compassionate release prisoners who require intermediate or acute levels of care.
5. Expand and improve transitional housing through partnerships with non-profit organizations.

BUILD A NEW JAIL THAT IS SMALLER AND SMARTER THAN THE JAIL NOW UNDER CONSIDERATION

Issue: The State is planning to spend \$525 million on a new jail on O'ahu, but it has no plans or policies on how to make the pretrial process— from arrest to trial—more fair, just, and efficient, and it has no plans on how to reduce the jail population and ensure that the new jail does not become a warehouse for the poor, the homeless and the mentally ill.

Recommendations:

1. Stop any further jail planning until there is a plan to reduce the jail population through diversion, bail reform, and other means, and ensure that the jail houses only those few individuals who are a danger to society or a flight risk.
2. Build the jail near the courts.
3. Build a jail that uses clustered housing and dynamic security.
4. Do not house the mentally ill, or probation or parole violators in the new jail.

OTHER RECOMMENDATIONS

1. Adopt a rehabilitative vision and mission statement, and rehabilitative goals, objectives, and strategies for the Department of Public Safety.
2. Expand community-based treatment programs as an alternative to incarceration.
3. Expand the drug, mental health, and veteran's courts.
4. Reform the cash bail system to reduce the jail population.
5. Create a Sentencing Reform Commission to review the penal code with the goal of downgrading offenses and shortening sentences.
6. Set numerical goals and a timetable for reducing Hawai'i's prison population.
7. Support federal legislation that would benefit Hawai'i, such as restoration of Pell grants for prisoners.
8. Support the initiative to create a BA and MA program in Criminology/Criminal Justice at the University of Hawai'i at Mānoa.
9. Support a second round of Justice Reinvestment for Hawai'i.