

Future of the Oahu Community Correctional Center

Volume 17 - Plans to Replace OCCC Moving Forward

January 2018

Hawaii Department of Public Safety

The Hawaii Department of Public Safety (PSD) is responsible for carrying out judgments of the state courts whenever a period of confinement is ordered. Its mission is to uphold justice and public safety by providing correctional and law enforcement services to Hawaii's communities with professionalism, integrity and fairness.

PSD operates Community Correctional Centers (CCCs) on the islands of Kauai, Maui, Hawaii and Oahu. Each CCC houses short-term sentenced (felons, probation, and misdemeanor), pretrial (felon and misdemeanor), other jurisdiction, and probation/parole violators. CCC's provide the customary county jail function of managing both pre-trial detainees and locally-sentenced misdemeanor offenders and others with a sentence of one year or less. CCCs also provide an important pre-release preparation/transition function for prison system inmates who are transferred back to their county of origin when they reach less than a year until their scheduled release.

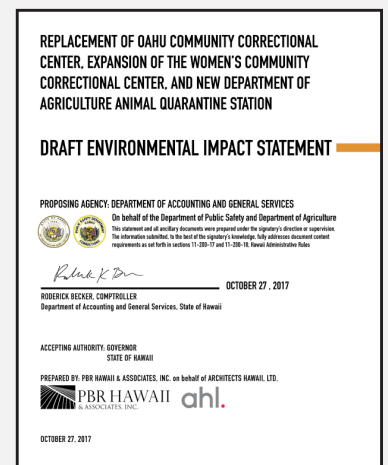
PSD is committed to providing a safe, secure, healthy, humane, social, and physical environment for inmates and staff. However, overcrowded, aged, and obsolete CCCs have limited PSD's ability to provide such environments. In particular, the persistent and severe overcrowding exacerbates basic physical plant operations, contributes to tension among inmates, and diminishes program opportunities. Overall, all jail facilities are operating well above their operational capacities and combined with declining physical plants, undertaking improvements and upgrades are important PSD priorities. Chief among such priorities is the replacement of the existing Oahu CCC (OCCC) with a new facility at the Animal Quarantine Station site in Halawa.

OCCC Draft EIS Public Comment Period Ends

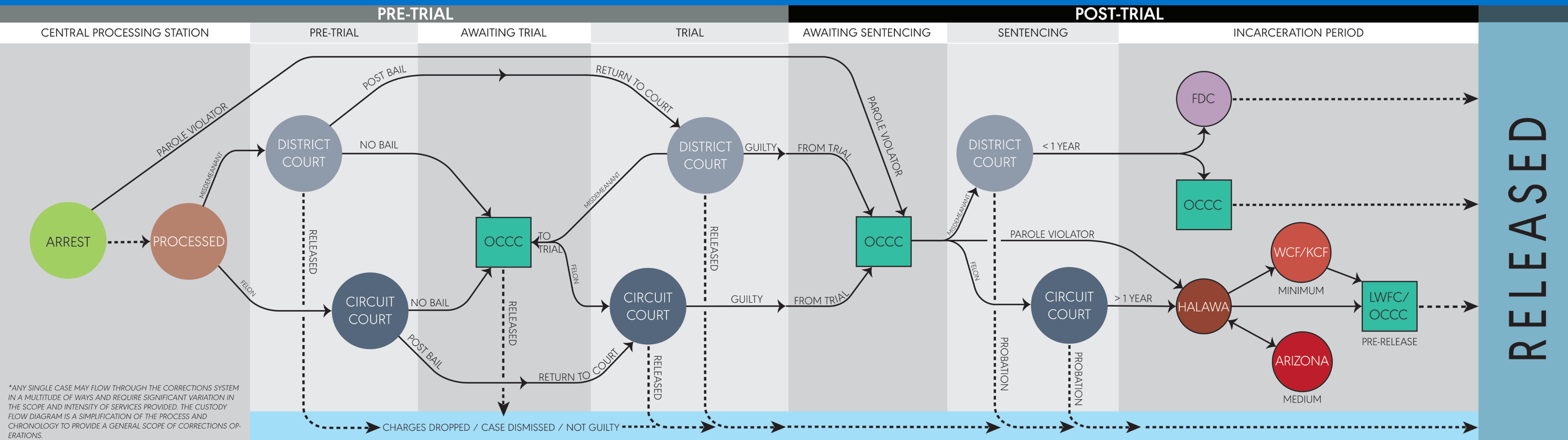
On November 8, 2017, the Draft Environmental Impact Statement (EIS) for the proposed replacement of OCCC was published initiating a 60-day public comment period that ended on January 8, 2018. During that time, PSD hosted a Town Hall meeting on November 29, 2017 which was attended by over 80 individuals.

By the end of the public comment period, approximately 250 individuals, 12 organizations, 15 federal, state and city/county agencies, and 7 elected officials had submitted written comments and questions to PBR Hawaii and the Hawaii Department of Accounting and General Services (DAGS)

concerning the proposed OCCC project and the Draft EIS in addition to comments received during the Town Hall meeting. Since the Draft EIS comment period ended, PSD, DAGS and the consultant team have been preparing the Final EIS which will include responses to comments received on the Draft EIS along with any necessary updates or revisions to technical information contained within the document. Publication of the Final EIS is expected to occur in late Spring/early Summer of 2018.



Cover of the DEIS



Purpose, Function and Operation of Proposed OCCC Jail

Based on the public comments and questions received concerning the OCCC project and Draft EIS, there appear to be misconceptions regarding the important and considerable differences in the purpose, function, and operation of a jail such as OCCC versus a prison such as the Halawa Correctional Facility. To appreciate the necessity for replacing the existing OCCC with a new facility, understanding the differences between the purpose, function and operation of a jail, such as OCCC, and prison is crucial. While the difference between a jail and a prison may seem minor on the surface, those differences are significant in terms of the individuals housed at each, the types of services that are provided to the inmates, and how they are operated.

Simply put, jails such as OCCC, are where individuals (detainees) are held for trial. These may be persons who either did not qualify for bail according to the courts or could not meet their bail. In certain cases, a jail may also house individuals who have been to court, convicted, and sentenced to short-

term incarceration – usually less than a year. The figure above offers a look at how OCCC fits into the greater State of Hawaii criminal justice system, from arrest, to various court appearances, to release or incarceration in one of the State’s jail or prison facilities, to eventual release. It must be emphasized that offenders housed at OCCC are under the jurisdiction of the Courts and not PSD. Detainees in jail can only be released, placed in outside programs, or assigned to other alternatives to incarceration by the Courts.

While most offenders assigned to OCCC are housed for relatively short periods during the pre-trial and trial processes (days or weeks as opposed to the multi-year sentences served at Hawaii’s prisons), they are nonetheless provided with resources and services to address their health care, mental health, and substance abuse needs while detained. This could include structured and enhanced mental health treatments, education classes, volunteer and religious programs, recreation programs, and other services to help detainees.

Among the challenges to the operation of a jail such as OCCC are the unknowns. Many of the detainees may have a chemical dependency or suffer from an as yet undiagnosed mental health issue. In both cases, the detainee is not yet receiving

treatment and it is the responsibility of the jail staff to provide a diagnosis and recommend and implement the appropriate treatment program. However, the relatively short stays at OCCC limit the number, extent and depth of programs and services afforded to detainees. Since most individuals housed in OCCC are undergoing the pre-trial or trial process and have not been convicted of a crime, jails are not able or intended to provide the long-term medical, mental health, or rehabilitation services that individuals convicted of a crime and serving a prison sentence are offered.

On the other hand, a prison or correctional facility is exclusively populated by individuals who have been convicted of a crime and are serving an extended sentence – typically several years. Given the length of most prison sentences, inmates have more time to participate in medical and mental health treatments, on-the-job training and education classes, substance abuse and anger management programs, and other services that are intended to rehabilitate inmates and prepare them for their eventual release and return to the community.

With a jail such as OCCC, because a large portion of the population is undergoing the trial process and has not been

convicted of an offense, individuals are not classified in the same way that they would be if held in a prison. For example, there may be detainees who are being held on very serious charges located in the same unit with detainees accused of less serious crimes. This situation creates challenges for the PSD staff to maintain the safety and security of all detainees. For the safety of all, it is also important that pre-trial detainees are kept separate from sentenced inmates as well. For these reasons, a jail is usually operated so that detainees or inmates remain separated within their housing units with meals, drug treatment, counseling, and even minor medical treatments delivered to them.

Because of services offered at OCCC, by the time individuals arrive at prison to serve their sentence, they will have been diagnosed and likely have begun a treatment program, if necessary. Because of the much longer term of prison sentences, the focus in prison is on vocational training, education, substance abuse and sex offender treatment services, religious practices, and rehabilitation with program offerings involving trades and education that help inmates acquire their GED or secondary degrees.

OCCC Population Update

Statistics concerning the age, gender, ethnicity, crimes, severity, and other relevant characteristics of individuals who were housed at OCCC on January 27, 2017 were previously published to shed light on the composition of this population (OCCC Newsletter Vol. 10). By doing so, it was hoped that the misunderstandings and misconceptions about the OCCC population would be lessened so that a more informed dialogue could occur. Since then, especially from the letters and emails received following publication of the Draft EIS, it appears that some among the public question the necessity for detaining individuals at OCCC.

Commenters assume that most of these individuals are non-violent, have been accused of low-level, misdemeanor violations, and pose little or no risk to public safety and therefore should be released into the community. Those assumptions are simply not accurate with many individuals accused of serious and violent crimes and pose a real risk to public safety. In an effort to shine a light on the composition of the OCCC population and the necessity to detain such individuals (versus release into the community pending trial), PSD is again publishing information concerning the male and female offenders housed at OCCC as of December 2017.

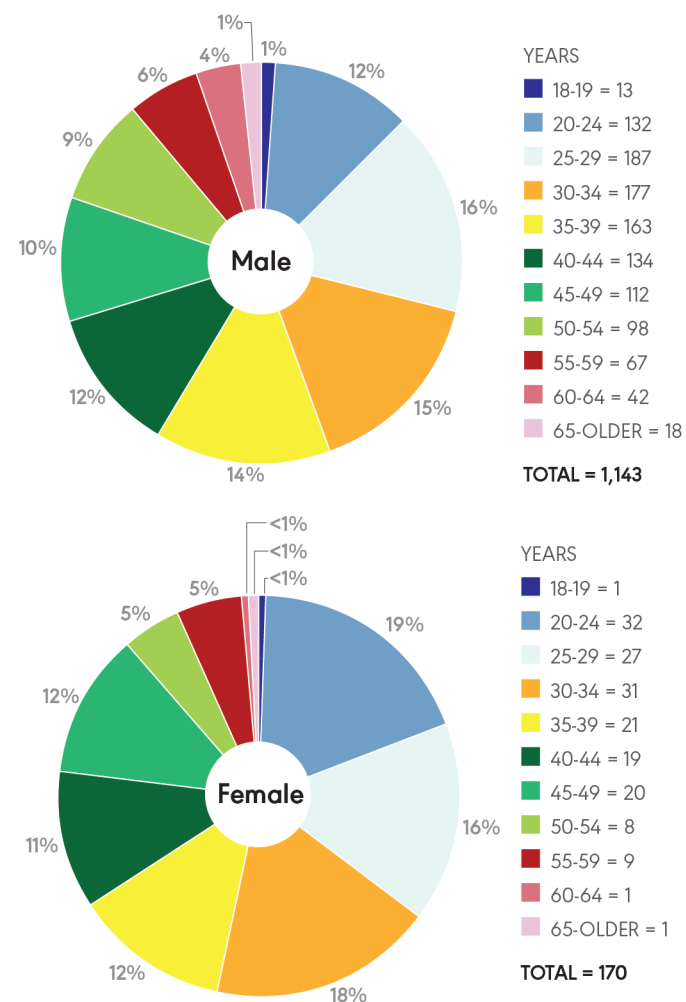
In the time between January and December 2017, the number of females housed at OCCC increased by 14.8% from 148 to 170 while the number of males housed at OCCC declined by 2.4% from 1,171 to 1,143. As a reminder, all offenders housed at OCCC are under the jurisdiction of the the Courts and not PSD. PSD has no authority or ability to release detainees, place them in outside programs, or assigned them to other alternatives to incarceration unless directed to by the Courts.

Age

Males and females housed at OCCC range in age from 18 to over 65 years. For males, a large percentage (45%) are considered young (between 18 - 34 years) with the 25 - 29 year age group comprising the largest portion (16%) of the total male population followed closely by the 30 - 34 year age group (15%). Males aged 35 - 39 years (14%), 20 - 24 years (12%) and 40 - 44 years (12%) comprise the next largest age groups. Only 5% of the male population are aged 60 years and older.

As with males, a large percentage of the female population is considered young with 54% of the total female population aged 18 - 34 years. For females housed at OCCC, the largest group is aged 20 - 24 years, comprising 19% of the population, followed closely those aged 30 - 34 years (18%). Females aged 25 - 29 years (16%), 35 - 39 years (12%), and 45 - 49 years (12%) comprise the next largest age groups. Less than 1% of the female population is aged 60 years and older.

Age Group Classification

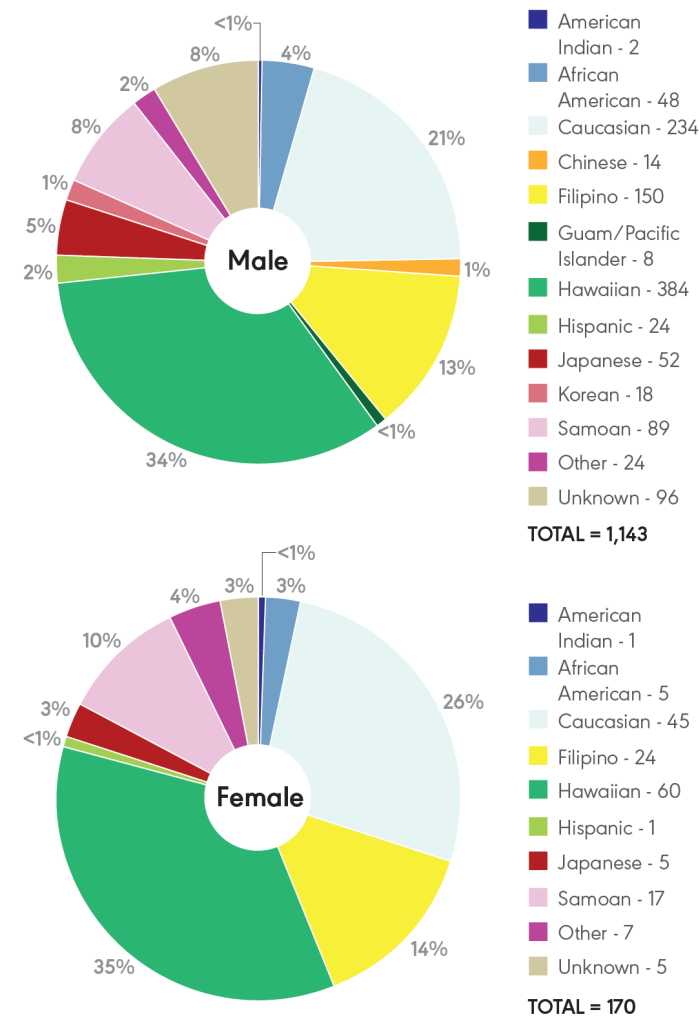


Ethnicity

Individuals housed at OCCC represent 13 categories of race and ethnic origin, with Native Hawaiians comprising the single largest category among the population (male and female). Native Hawaiians constitute over a third of the male population (34%) while males identifying as Caucasian account for 21%, followed by Filipino (13%) and Samoan (8%). The remaining nine groups, totaling 286 inmates, comprise 24% of the male population.

For females at OCCC, the proportion of those reporting Native Hawaiian ethnicity is slightly higher (35%) than males. The percentage of Caucasians is notably higher among the female population (26%) while those identifying as Filipino, the third largest ethnic category, comprise only 14% percent of the female OCCC population. Six groups, totaling 41 individuals, comprise the remaining 26% of the female population housed at OCCC.

Ethnicity Classification

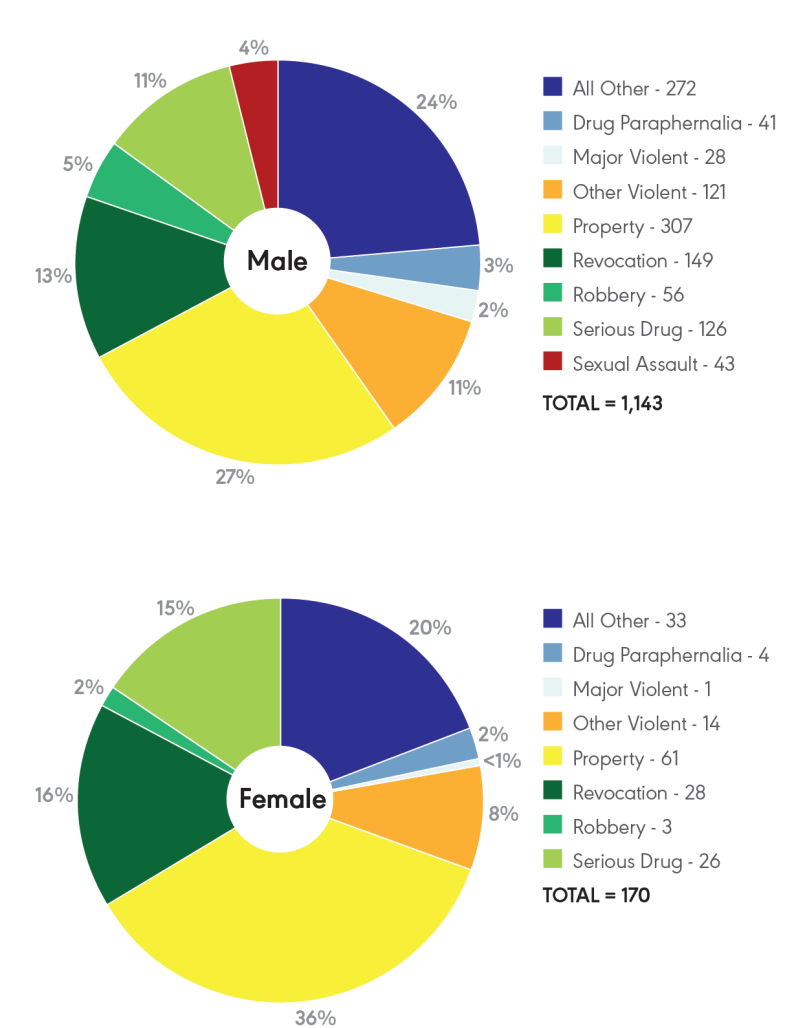


Crimes

Crime classifications for the OCCC population encompass nine categories. Among males, Property crimes (27%) and All Other crimes (24%) represent the largest portion of the population with Revocation (13%), Other Violent crimes (11%), and Serious Drug offenses (11%) the next largest categories. Taken together the most serious crimes, Major Violent, Other Violent, Property, Robbery, Serious Drug, and Sexual Assault, represent 60% of the offenses for males held at OCCC.

Among females at OCCC, a third are being held for Property-related crimes (36%), with All Other crimes comprising an additional 19% and Revocation (16%). Taken together, the most serious crimes: Major Violent, Other Violent, Property, Robbery, and Serious Drug, represent 62% of the offenses for females held at OCCC.

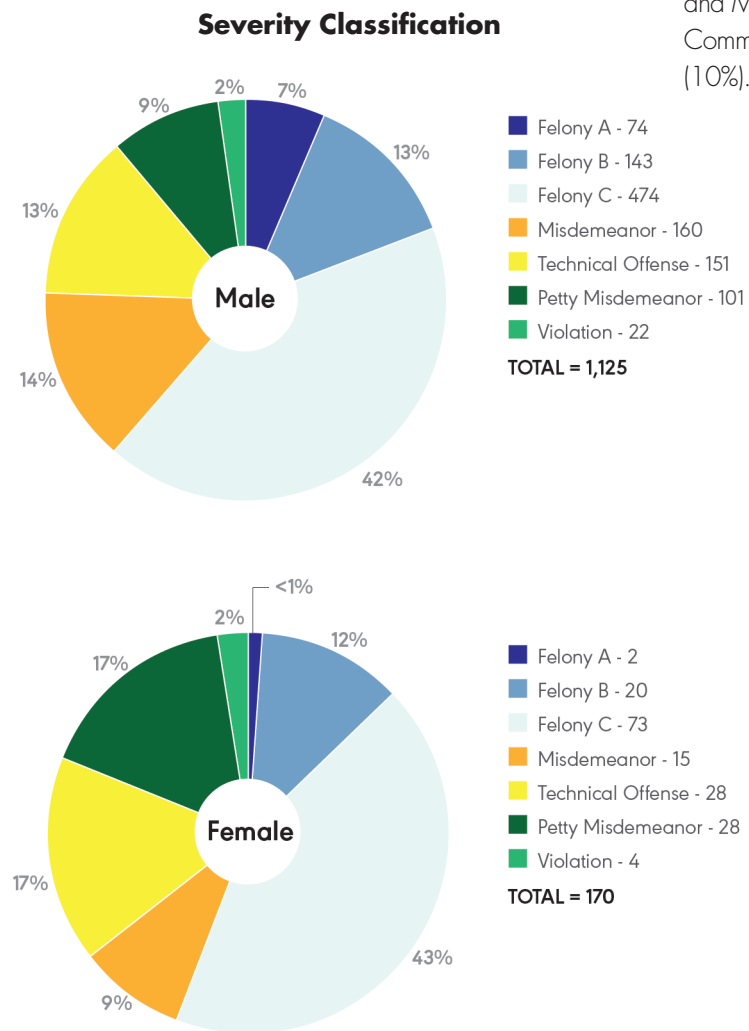
Crime Classification



Severity

Severity of offense among the male population at OCCC is organized among seven categories: Felony A, Felony B, Felony C, Misdemeanor, Technical Offense, Petty Misdemeanor, and Violations. Felony C offenses comprise the largest proportion (42%) of the overall male population while Felony B offenses account for 13%, and Technical offenses account for 13%. Taken together the most serious crimes, Felony A, Felony B and Felony C, represent 61% of the offenses for males held at OCCC.

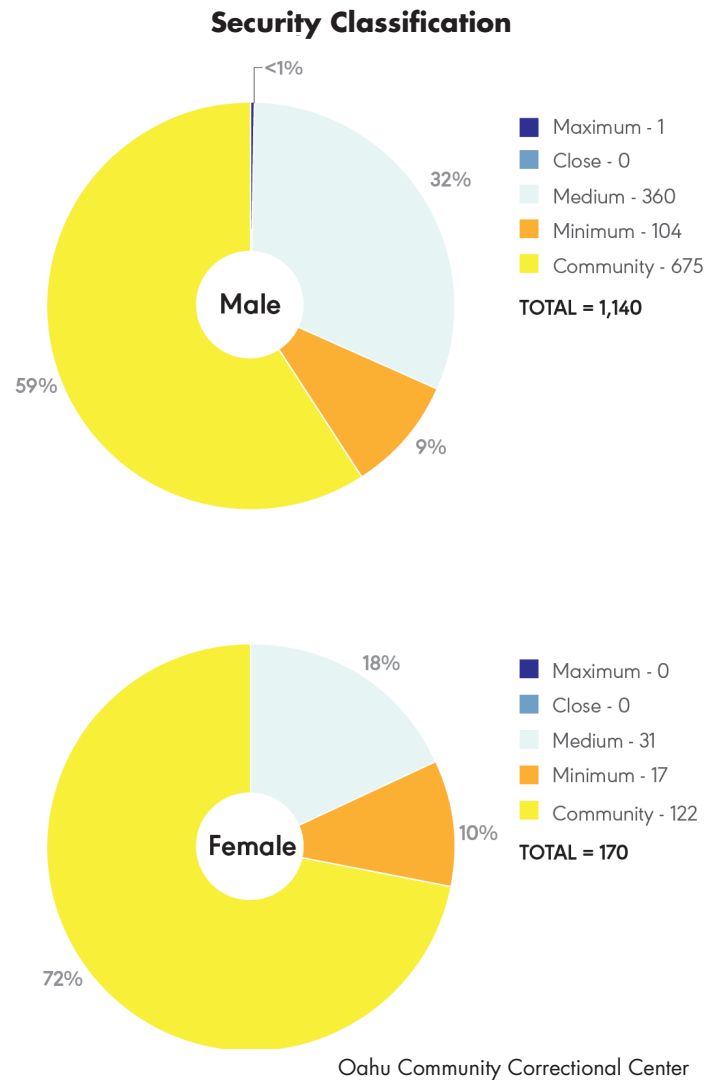
For the female population, Felony C offenses constitute the largest proportion of all offenses (43%), slightly more than that of the male population, while Petty Misdemeanor offenses and Technical offenses each account for 16%. Taken together the most serious crimes, Felony A, Felony B and Felony C, represent 56% of the offenses for females held at OCCC.



Security

Hawaii's classification system comprises five custody levels: Community, Minimum, Medium, Maximum, and Close. Inmates classified as Community are those who have 24 months or less to serve on their sentence and are eligible to participate in furlough programs, extended furlough, or residential transitional living facilities. Those inmates classified as Minimum have 48 months or less until their parole eligibility date; who have demonstrated through institutional conduct that they can function with minimal supervision in a correctional setting, or in the community under direct supervision. Medium is reserved for inmates who have less than 48 months until their parole eligibility date; whose institutional conduct and adjustment require frequent supervision/intervention. Inmates classified as Close have minimum sentences of 21 years or more, are serious escape risks, or have chronic behavioral/management problems while inmates classified as Maximum are chronically disruptive, violent, predatory, or are a threat to the safe operation of the facility.

Of the five classifications, 59% of males housed at OCCC fall into the Community classification followed by Medium security (32%). The remaining 9% of the male population comprise Minimum, Maximum, and Close security settings. The female population housed at OCCC fall within three custody levels: Community, Medium, and Minimum. As with the male inmate population, most females (72%) fall into the Community classification, followed by Medium security (18%) and Minimum security (10%).

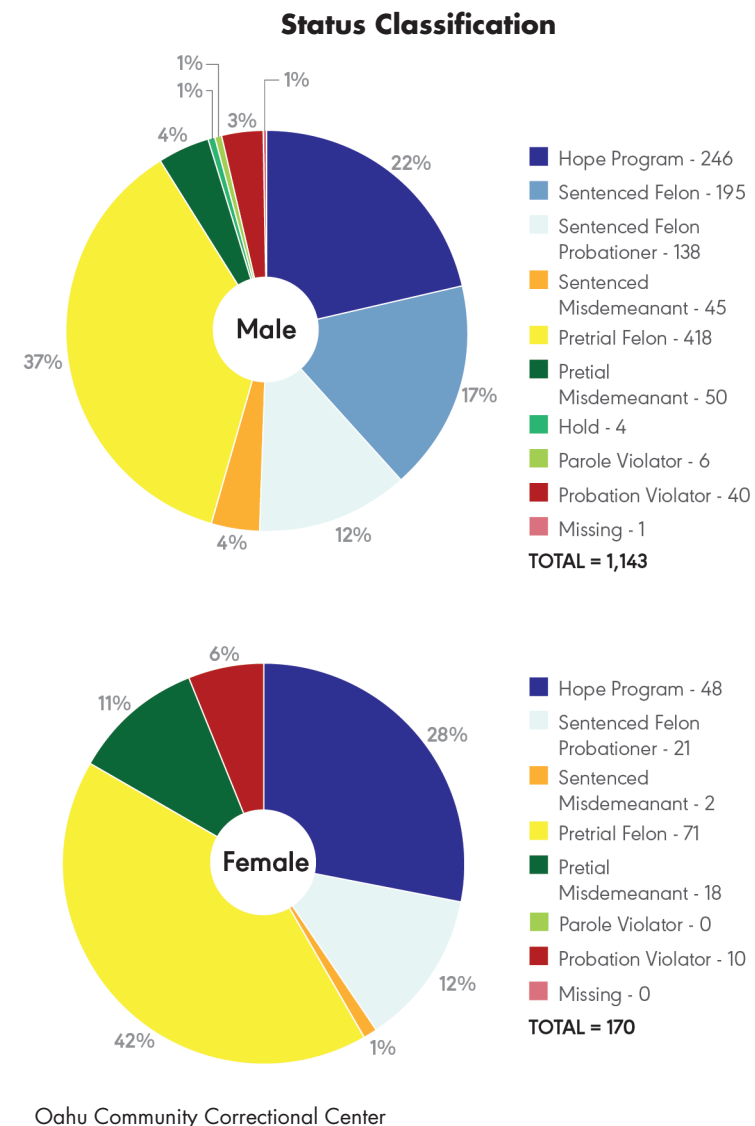


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Status

Status among the male population at OCCC is organized into 10 categories: HOPE Program, Sentenced Felons, Sentenced Felon Probationers, Sentenced Misdemeanants, Pretrial Felons, Pretrial Misdemeanants, Parole Violators, Probation Violators, Hold, and Missing. Pretrial Felons comprise the largest portion of the male population at 37% of the total with lesser percentages classified under the HOPE Program (22%), Sentenced Felons (17%), and Sentenced Felon Probationers (12%). Only 12% of the male population comprise Sentenced Misdemeanants, Pretrial Misdemeanants, Probation Violators, Parole Violators, Hold, and Missing.

Status among the female population at OCCC is organized into eight categories with no inmates classified as Sentenced Felons or Hold. Pretrial Felons also comprise the largest portion of the female inmate population with 42% of the total with smaller percentages classified under the HOPE Program (28%), and Sentenced Felon Probationers (12%), and Pretrial Misdemeanants (11%). The remaining 7% of the female population comprise Sentenced Misdemeanants, Probation Violators, Parole Violators and Missing.



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Public-Private Partnership Legislation Under Consideration

Developing a new OCCC is a complex and expensive undertaking and over the past year consideration has been given as to how to finance construction of a new OCCC. Among the options is use of private-public partnerships (P3).

A public-private partnership is a contractual agreement between a public agency and a private entity that allows for greater risk transfer to the private sector in the delivery and financing of a public project in a way that creates greater value for the public than traditional delivery methods. In a public-private partnership project, the public agency retains ownership and substantial control but transfers responsibility to the private partner under a single contract, which often is a long-term contract involving life-cycle cost risk. The focus of a public-private partnership is to provide the best value and performance in its delivery of assets and services for the benefit of the general public.

With the advent of public private partnerships, local and state governments across the U.S. have become increasingly amenable to leveraging private sector capital and expertise in designing, building, operating, and/or maintaining new public facilities and infrastructure. Although private sector partnering has been most frequently used to finance transportation projects, P3s for other types of public infrastructure has become possible using innovative partnership arrangements.

Recently, two bills were introduced in the Hawaii State Legislature that would authorize the establishment of a state P3 office in Hawaii. The House of Representatives introduced a bill on January 24th that establishes an Office of Public Private Partnership, and the position of State Public-Private Partnership Coordinator within DAGS. The proposed legislation adds Design-Build-Operate-Maintain and Design-Build Finance-Operate-Maintain project delivery methods to Hawaii's procurement code. A similar P3 bill was also introduced in the Hawaii Senate on January 9th that would establish a P3 office within the Hawaii Department of Business, Economic Development and Tourism to manage certain public-private partnerships entered into by the State and associated contracts, proposals, and negotiations. The decision whether to use public or private financing for the OCCC will be driven by various legal, financial, and other factors that will be determined over the months ahead.



Upcoming Activities

OCCC planning is moving forward with these activities during the months ahead:

January 2018	<p>OCCC Draft EIS public comment period ended (January 8) and preparation of the Final EIS for OCCC replacement facility has begun.</p> <p>Continue public outreach, information and engagement program for OCCC; look to PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 17.</p>
February 2018	<p>Preparation of Final EIS for OCCC replacement facility continues.</p> <p>Continue public outreach, information and engagement program for OCCC; look to PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 18.</p>
March 2018	<p>Preparation of Final EIS for OCCC replacement facility continues.</p> <p>Continue public outreach, information, and engagement program for OCCC; look to the PSD/OCCC website for announcements, upcoming events, and activities.</p> <p>Publish Newsletter Vol. 19.</p>

Interested in Learning More?

For additional information visit <http://dps.hawaii.gov/occc-future-plans> or contact:

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