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GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

December 18, 2018

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

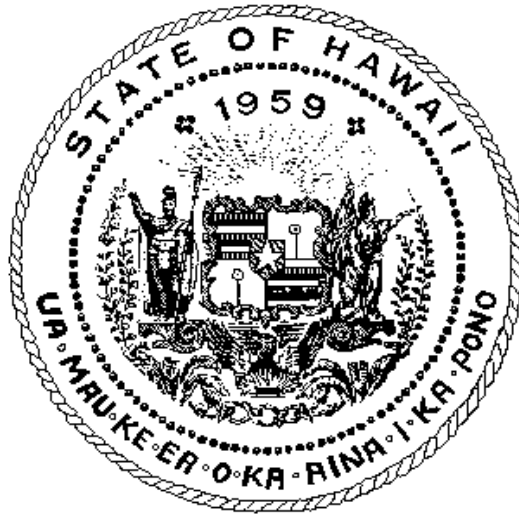
For your information and consideration, I am transmitting a copy of the **Annual Report of the Corrections Population Management Commission**, as required by Section 353F2, Hawaii Revised Statutes. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: <https://dps.hawaii.gov/wp-content/uploads/2018/12/CPMC-Annual-Report.pdf>

Sincerely,

A handwritten signature in blue ink that reads "Nolan P. Espinda".

Nolan P. Espinda
Director

Enclosures



**DEPARTMENT OF PUBLIC SAFETY
REPORT TO THE 2019 LEGISLATURE**

**IN RESPONSE TO HAWAII REVISED STATUTES 353-F2
CORRECTIONS POPULATION MANAGEMENT
COMMISSION**

December 2018

INTRODUCTION

This report has been prepared in compliance with Section 353 F-5, Hawaii Revised Statutes. The Legislature created the Corrections Population Management Commission (hereinafter “the Commission” or “CPMC”) in the 1993 Session (Act 343) to establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility. The Commission is administratively attached to the Department of Public Safety (PSD), and the membership composition related to the statute was last amended in the 2013 Session.

[§353F-3] Recommendations.

The Commission shall recommend to the appropriate authorities, cost-effective mechanisms, legislation, and policies to prevent the inmate population from exceeding the limits established pursuant to section 353F-2. These recommendations shall include estimates of fiscal impact. In addition, the Commission shall consider and make recommendations on the following: to the appropriate authorities:

- (1) Strategies for the management of projected growth in the inmate population;
- (2) Bail and other pretrial release programs;
- (3) Legislation relating to sentencing;
- (4) Judicial sentencing policies;
- (5) Intermediate punishments and other alternatives to incarceration;
- (6) Probation programs;
- (7) Inmate classification systems;
- (8) Reintegration and treatment programs for inmates;
- (9) Paroling policies and supervision programs; and
- (10) Future construction of correctional facilities. [L1993, c 343, pt. of §2]

FINDINGS AND RECOMMENDATIONS

Two CPMC positions became vacant in 2018, and one was successfully filled. There remained two vacancies at the close of the reporting period, including a Governor-appointed vacancy from the previous year. As stated in the CPMC Report to the 2018 Legislature, the Governor-appointed member must be someone “from the public who is knowledgeable on issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian Practices.” PSD is continuing to assist the Boards and Commissions Office in filling the vacancies.

From May 11, 2017 to May 30, 2018 the Commission met once, achieving quorum for the June 27, 2018 meeting. Minutes of the June 27th meeting have not yet been approved by the Commission and are therefore unavailable to the public. However, approved minutes of other past meetings may be accessed on the Department of Public Safety’s website:
<http://dps.hawaii.gov/about/cpmc/cpmc-meeting-minutes/>.

At the June meeting, PSD provided an update on the Department’s goals and the planned relocation of the Oahu Community Correctional Center (OCCC) and the Women’s Community Correctional Center (WCCC) Jail Relocation Project. The report included updates for capital improvement projects scheduled for Oahu and the neighbor islands, all of which are directed at addressing severe overcrowding in the Jails. PSD reported on the projected start and end dates and the status of the final EIS recommending the relocation of OCCC and expansion of the Women’s Community Correctional Center (WCCC). Pursuant to Chapter 343, HRS and Chapter

200, Title 11, State of Hawaii Department of Health Administrative Rules, regarding the use of State funds and lands, the final EIS may be found at: http://dps.hawaii.gov/wp-content/uploads/2018/07/2018-07-08-OA-FEIS-Replacement_of_Oahu_Community_Correctional_Center.pdf. PSD foresees the completion of the OCCC/WCCC projects as providing a significantly positive impact on reducing overpopulation in the Jails.

PSD also provided data and information on the implementation of Act 217, Session Laws of Hawaii 2016, Release of Certain Misdemeanants, which revealed that the law's definitions, as they presently stand, may be too restrictive to produce the desired outcome of safely releasing a small number of qualified misdemeanants. As a result, the Commission may seek to explore appropriate changes to public policy.

Commissioners were also briefed on the progress made in implementing the purpose and intent of Act 56, Session Laws of Hawaii 2017 (HB 845, HD2, SD2, CD1), Relating to Identification. PSD has formalized a Memorandum of Agreement ("MOA") with the State Department of Health to provide official documentation of vital records for offenders who are maxing out from their longest prison term and/or are indigent prior to their release. The Department is also assisting in retrieving vital documents for offenders born out of state or outside of the United States.

PSD and the Department of Transportation continue to work together to establish a similar MOA to allow issuance of civil identification cards, i.e., Driver's licenses or State I.D. cards. PSD is also continuing to work on developing an MOA with the federal Social Security Administration to establish a similar process to replace Social Security cards for offenders who need them.

General information on CPMC may be found on the Department of Public Safety's website: <http://dps.hawaii.gov/about/cpmc/>.