

Future of Hawaii's Community Correctional Centers

Volume 4 – Planning for KCCC, MCCC, and HCCC Housing Advancing

February 2019

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. Currently, approximately 5,600 offenders are housed within State of Hawaii jail and prison facilities located within Hawaii, at the Federal Detention Center in Honolulu, and in private contractor facilities on the mainland.

PSD operates Community Correctional Centers (CCC) on the islands of Kauai, Maui, Hawaii and Oahu. Each CCC provides the customary county jail function of housing short-term felons, probation, and misdemeanor offenders with a sentence of one year or less, pretrial detainees (felonies and misdemeanors), other jurisdiction, and probation violators. CCC's 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.



View of Hawaii CCC

Kauai, Maui, and Hawaii CCC Crowding Persists

PSD is committed to providing safe, secure, healthy, and humane, social and physical environments for inmates and staff. However, aged and crowded CCCs have limited PSD's ability to provide such environments. Persistent and serious crowding exacerbates basic physical plant operations, contributes to tension among inmates, and diminishes program opportunities. Overall, jail facilities are operating well above their operational capacities and alleviating crowding is an important PSD priority at the Kauai, Maui, and Hawaii CCCs.

As of December 31, 2018, KCCC, MCCC, and HCCC were housing 921 inmates or 41 percent more than their total operational capacity of 655 inmates, therefore, alleviating crowding within Hawaii's jails is among PSD's highest priorities. To address this problem, PSD is planning to develop housing units for medium security inmates who are currently housed at KCCC, MCCC, and HCCC to provide enough beds under appropriate conditions to address the long history of crowding. As reported earlier, developing inmate housing units will not increase the inmate populations of KCCC, MCCC and HCCC beyond their current number. Instead, inmates housed in spaces not suitable for inmates, would be accommodated in the housing units designed and constructed to State of Hawaii and national standards. This Newsletter provides information about the direction and key elements of the Draft Environmental Assessments (EAs) currently in preparation in support of the housing units proposed for KCCC, MCCC, and HCCC.

PSD Addressing Conditions at CCCs

PSD's plan to develop medium security housing units is intended to better accommodate Hawaii's current and future jail populations and provide for overall public safety. Doing so will also help the State of Hawaii address the need for modern, efficient, and cost-effective institutions. Specific objectives for developing the proposed housing units at KCCC, MCCC, and HCCC include:

- Improve living conditions for male and female inmates.
- Provide adequate space and an environment where the focus can be on better preparing inmates for successful reintegration into the community and reduced recidivism.
- Enhance opportunities for addressing inmates with special needs.
- Provide a safer and more efficient work environment for PSD corrections staff.
- Be a catalyst for further improving jail facilities on Kauai, Maui and Hawaii Islands.

What is a Jail and What is its Function?

Each of the three CCCs serve as a jail (or detention facility) for different court jurisdictions; KCCC in Lihue is the local detention center for the Fifth Circuit Court; MCCC in Wailuku serves the Second Circuit Court, and HCCC in Hilo serves the Third Circuit Court. Many people use the terms "jail" and "prison" interchangeably; however, in purpose and operation the two types of facilities are substantially different. It's important to understand that inmates housed at Hawaii's CCCs are under the jurisdiction of the courts and not PSD and detainees can only be released, placed in outside programs, or assigned to other alternatives to incarceration by Hawaii's court system.

A jail is where individuals (males and females) are held for trial. These may be persons who either could not meet their bail or may not have qualified for bail according to decisions made by the courts. In certain cases, a jail may also house individuals who have been to court, tried, convicted, and sentenced to short term incarceration – usually less than a year. In contrast, offenders who are sentenced to serve more than one year are housed at a state prison to serve their sentence.

The services provided to offenders in a jail and its operation are very different from that of a prison. For example, it is important that pre-trial detainees are kept separate from sentenced inmates. Thus, jails are usually operated on a 'distributed services' model where detainees or inmates remain in their housing units and meals, treatment programs, counseling, and even minor medical treatments are delivered to them. Another important consideration in the operation of a jail is that detainees may have a chemical dependency or suffer from an undiagnosed mental health issue. In both cases, it is the responsibility of the jail staff to provide diagnosis and recommend the appropriate treatment program.

Because offenders serve longer sentences in a prison, these facilities and staff focus on rehabilitation. Programs offered may include training in a trade and education programs for helping inmates to acquire their GED or secondary degrees. Prisons will also have programs that utilize inmate skills and labor and offer more outdoor recreation opportunities. Accordingly, many prisons operate on a 'centralized services' model where inmates can move, with escorts, to a dining area, infirmary, or classrooms.

Jails also provide transition and re-entry housing and programs for inmates returning from in-state or mainland correctional facilities prior to release. Most of these inmates are transferred to a dedicated work furlough unit where they can begin working in the community on supervised work crews or in individual placements as determined by needs and classification assessments and individualized pre-release plans.

Although some offenders will remain in prison for life, the majority will serve their sentences and be released. Over 98 percent of those currently incarcerated in Hawaii will eventually return to the community. Understanding the differences between the inmate populations and the services provided to them in prison vs. jail is important to understanding the purpose and function of Hawaii's CCCs and PSD's rationale for developing medium security housing units.

Preparation of Draft EAs Progressing

Over the past several months the PSD team has been focused on three Draft EAs which are being prepared pursuant to Chapter 343, Hawaii Revised Statutes (HRS). Adopted in 1974 and implemented by the Office of Environmental Quality Control (OEQC), Hawaii's environmental impact statement law (HRS 343) requires the preparation of EAs and Environmental Impact Statements (EISs) in advance of undertaking many development projects. Like its federal equivalent (the National Environmental Policy Act or NEPA), HRS 343 requires that Hawaii government agencies such as PSD, consider the environmental and other consequences of proposed projects prior to development and assures public participation in the planning process involving projects that may affect their community. Every year in Hawaii numerous proposed projects and actions undergo environmental review with notice of these projects, studies, and determinations published twice each month by OEQC in "The Environmental Notice."

If a project is subject to HRS 343, the environmental review process is initiated with preparation of a Draft EA by the proposing agency or private applicant. A Draft EA provides a description of the proposed action or project along with an evaluation of the possible impacts. The Draft EA must also consider alternatives to the proposed project and describe measures proposed to minimize potential impacts. Following publication, the public is typically provided 30 days to review and comment on the Draft EA, however, under HRS 353, PSD provides the public with 60 days to review and comment on its environmental studies.

After the Draft EA has been finalized and public comments responded to, PSD determines if any "significant" environmental impacts are anticipated. If PSD determines that the project would not have a significant environmental impact, it issues a Finding of No Significant Impact (FONSI). This determination allows the project to proceed without further study, however, if it is determined that the action may have a significant impact, a more detailed EIS may be prepared.



View of HCCC



View of KCCC



View of MCCC

Biological Surveys Conducted

As part of Draft EA preparation, natural resource investigations were undertaken at the three CCC locations. The effort included a desktop analysis, field investigations, and regulatory agency consultations to characterize natural resources within the properties and identify potential impacts to natural resources from housing unit development.

The desktop analysis included a review of available resource maps, previous studies, and other documentation to determine if there are natural resources within or adjacent to the proposed building locations, including wetlands, vegetation, and wildlife and special status species habitats. Resources consulted included U.S. Geological Survey topographic maps, U.S. Fish Wildlife Service (USFWS) National Wetlands Inventory Maps, Natural Resource Conservation Service Soil Surveys, Hawaii Statewide GIS Program, and aerial photographs among others. The desktop analysis was conducted in conjunction with detailed field investigations to characterize any waterbodies or wetlands, vegetation, wildlife, and threatened and endangered species or habitat observed at each location. Site conditions were photographed, and observations of natural resources present were recorded. Requests for jurisdictional determinations have also been prepared for locations where wetlands and waterbodies were identified. Consultations are underway with regulatory agencies such as the U.S. Army Corps of Engineers, USFWS, and the Hawaii Department of Land and Natural Resources to ensure compliance with the federal and state environmental regulations.

All relevant information acquired through the desktop analysis, field investigations, and agency consultations are being used to analyze the potential impacts to natural resources resulting from development and operation of the housing units. If adverse impacts to natural resources are identified, mitigation measures to avoid, minimize and compensate for impacts will be recommended.



Site of KCCC housing unit



Site of HCCC housing unit



Site of MCCC housing unit

Archaeological and Historic Research Nearing Completion

As part of the Draft EA studies, each of the jail locations is subjected to an investigation to determine if there are archaeological or architectural resources of significance on or near the three locations. Conditions vary widely at the three locations, from the mixed urban development surrounding HCCC, to the residential/commercial/natural areas which surround MCCC, to the undeveloped/agricultural uses in and around KCCC. Consequently, each location has a unique history that is being studied and chronicled.

After thorough research into the background of the locations, including extensive map and land use research and a review of prior studies on file at the State Historic Preservation Division offices, separate reports will be completed that helps predict the likelihood of finding archaeological resources and acknowledges the existence of historic structures, including the location of buildings that are no longer standing. Qualified staff have already visited each location to conduct surveys to determine whether there might be significant archaeological or architectural resources at or near each proposed location. They noted ground conditions, levels of prior land disturbance, and documented buildings greater than 50 years of age. The overall findings will be summarized in separate reports to be incorporated within the Draft EAs.



View of KCCC including building site



View of KCCC Administration Building



View of existing MCCC housing unit



View of MCCC

Draft EAs to Consider Alternatives

Hawaii's guidelines for the preparation of environmental impact studies require consideration of alternatives to the proposed project or action as part of each such study. In the case of the proposed housing projects at KCCC, MCCC, and HCCC, the alternative analysis will address the No Action Alternative – a decision not to proceed with proposals to develop medium security housing units at KCCC, MCCC, or HCCC; Other Alternatives under PSD's control including expanding property boundaries to provide additional lands at each location, relocation/replacement of KCCC, MCCC, or HCCC at different locations, or other options; and the Proposed Action Alternative of developing the housing units as planned.

No Action Alternative

The No Action Alternative represents a decision by the State of Hawaii not to proceed with development of a medium security housing unit at each of the three jail locations. This alternative would preclude development of medium security housing units and would continue the long-standing, and chronic crowding which exists at KCCC, MCCC and HCCC. Selection of this alternative would avoid potential temporary impacts associated with construction of the housing units such as noise, dust, soil erosion, and air emissions and the longer-lasting visual and aesthetic impacts of adding housing units to the landscapes at KCCC, MCCC and HCCC. However, adopting this alternative would also result in the loss of the benefits of better accommodating current and future jail inmate populations and more effective and efficient operation of the Hawaii criminal justice system. HRS 343 guidelines requires PSD to consider the No Action Alternative to serve as a baseline against which other potential alternatives can be measured.

Other Alternatives

Potential expansion of the property boundaries at KCCC, MCCC and HCCC to provide additional lands for housing unit development is an alternative under consideration. However, expansion of property boundaries by acquiring neighboring lands is likely unnecessary because enough undeveloped land is available within the existing properties to accommodate development of the housing units. Once the housing units are constructed, a portion of the inmate populations can be relocated from their current housing unit(s) to the newly built units.

Development of entirely new facilities in different locations on Kauai, Maui and Hawaii, followed by closure of the existing CCCs is also a possible alternative. Development of one or

more replacement jails, while providing modern, state-of-the-art facilities that would meet the State of Hawaii's long-term needs, would require substantial investments in land, infrastructure and facilities. The time required to identify and acquire replacement jail locations and complete environmental impact studies (approximately two to three years), developing the infrastructure necessary to support the facilities (approximately two to three years depending on location), as well as designing, permitting and constructing the facilities (approximately two to four years) will extend the period during which PSD must operate already seriously crowded facilities by seven to ten years.

Proposed Action Alternative

Development of medium security housing units as proposed by PSD to alleviate jail crowding is considered the most efficient solution. Doing so would alleviate the persistent and seriously crowded conditions experienced at the three jails and is the alternative preferred by PSD. Under this alternative, the proposed housing units would meet all applicable building codes and would include air condition and fire protection systems. Development of the housing units would not increase the inmate populations at KCCC, MCCC or HCCC as inmates from other areas of the facilities would occupy these structures and no increase in PSD staff is anticipated.

Project Schedule

Preparation of the Draft EAs are on schedule with publication expected in April - May 2019 with permitting and design estimated to take approximately 12-15 months to complete for KCCC, MCCC, and HCCC. Following the necessary approvals and selection of construction contractors, actual construction of the housing units is estimated to take an additional year.



Neighbor Island Community Correctional Centers

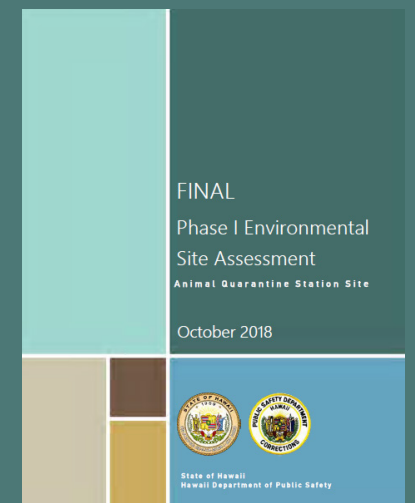


Animal Quarantine Station, site of replacement OCCC

Department of Health Accepts OCCC Phase I Environmental Site Assessment

The Environmental Impact Statements for the replacement Oahu Community Correctional Center (OCCC) included initial research concerning the potential for the alternative OCCC sites to be affected by hazardous wastes and similar materials. As follow-up to the initial research, and prior to acquiring or developing property, additional studies are typically conducted to identify potential Recognized Environmental Conditions (RECs), Historical RECs (HRECS), or Controlled RECs (CRECs) associated with sites to be developed. In May 2018, PSD initiated preparation of a Phase I Environmental Site Assessment (ESA) of the Animal Quarantine Station property in accordance with the ASTM International Standard Practice for Environmental Site Assessments (1527-13). Preparation of a Phase I ESA serves to satisfy the "due diligence" regulations of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 9601(35)(b) of the Superfund Amendments and Reauthorization Act.

The Phase I ESA of the Animal Quarantine Station site was completed in July 2018 and submitted to the Hawaii Department of Health, Hazard Evaluation and Emergency Response Office (HEER) for review. In September 2018, HEER found the Phase I ESA in compliance with ASTM 1527-13, while providing several comments that were addressed in a final, revised version of the report which was submitted to HEER in October 2018. On November 28, 2018, HEER determined that the final revised report addressed all its comments and accepted the results of the study thereby completing the Phase I process with no additional follow-up activities needed involving the Animal Quarantine Station site.



Cover of the Phase I EA



Upcoming Activities

KCCC, MCCC, and HCCC planning is moving forward with these activities occurring in the months ahead:

February 2019	<p>Data collection and analysis completed for proposed Medium Security Housing projects at KCCC, MCCC and HCCC.</p> <p>Publish Newsletter Vol. 4.</p> <p>Look to PSD/Neighbor Island Jail Projects website for project-related documents, announcements, and upcoming activities.</p>
March 2019	<p>Preparation of Draft Environmental Assessments for KCCC, MCCC and HCCC nearing completion.</p> <p>Publish Newsletter Vol. 5.</p> <p>Look to PSD/Neighbor Island Jail Projects website for project-related documents, announcements, and upcoming activities.</p>
April 2019	<p>Preparation of Draft Environmental Assessments for KCCC, MCCC and HCCC completed.</p> <p>Publish Newsletter Vol. 6.</p> <p>Look to PSD/Neighbor Island Jail Projects website for project-related documents, announcements, and upcoming activities.</p>

Interested in Learning More?

For additional information visit <https://dps.hawaii.gov/neighbor-island-jails-project/> or contact:

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