

# Future of the Oahu Community Correctional Center

## Vol. 29 - Request for Interest Process Underway

February 2021

## 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, 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 (CCCs), widely known as jails, on the islands of Kauai, Maui, Hawaii and Oahu. Each CCC houses short-term sentenced (felons, probation, and misdemeanor), pre-trial (felon and misdemeanor), other jurisdiction, and probation/parole violators. CCCs 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. Although some offenders will remain in prison for life, the majority (over 95 percent) will serve their sentences and be released, eventually returning to the community.

PSD is committed to providing a safe, secure, healthy, humane, social, and physical environment for inmates and staff. However, aged and obsolete CCCs have limited PSD's ability to provide such environments. All jail facilities are antiquated with limited space for inmate programs and treatment services and combined with declining physical plants, improving facilities and replacing facilities when necessary are important priorities. Chief among such priorities is the replacement of the existing Oahu CCC (OCCC) with a new facility at the Animal Quarantine Station in Aiea/Halawa. Assisting with OCCC planning and development is the Department of Accounting and General Services (DAGS) and a team of consultants (the "OCCC Team").

## RFI Information Webinar Held

On January 29, 2021, the State of Hawaii released a Request for Interest (RFI) to the design, construction, financing, and facility maintenance industries about plans to develop a new OCCC. To better inform prospective Respondents about the OCCC project and to review instructions for responding to the RFI, a webinar was held on February 9, 2021 covering a range of topics:

- For those unfamiliar with the project, background information was provided about both the existing and proposed OCCC;
- Members of the OCCC team were introduced along with their respective roles and responsibilities;
- The purpose of the RFI was described along with the information requested of Respondents;
- The schedule under which the RFI process is being conducted was presented as well as the availability of project-related information; and
- How RFI responses will be assessed and any follow-up activities.

The webinar was recorded and posted to the OCCC Future Plans website: <http://dps.hawaii.gov/occc-future-plans> ("Media" folder).

Since the webinar was held, prospective Respondents have submitted written questions regarding the new OCCC development in general and the RFI in particular, in accordance with the instructions provided in the RFI. The OCCC team appreciated hearing from prospective Respondents with responses to the questions subsequently distributed to prospective Respondents and posted on the OCCC website on February 23.



## Who Should Respond to RFI?

Firms interested in participating in the OCCC project are encouraged to respond to the RFI including, but not limited to:

- Construction contractors and designers with experience in alternative project delivery of public infrastructure, such as correctional facilities of similar characteristics, size and/or complexity, particularly projects utilizing private financing and/or maintenance responsibilities;
- Financiers and/or equity investors with a successful development and investment track record in Social Infrastructure of similar characteristics, size, and/or complexity;
- Investors with resources to commit to delivery of a new OCCC with a shared vision with the State;
- Firms experienced in the maintenance of correctional facilities or similar secure institutions;
- Industry organizations representing any of the above or related firms; and
- Industry organizations of local, small and/or disadvantaged businesses whose member firms may wish to participate on a team or consortium of project proposers.



Responses to the RFI are due by 5:00 PM HST on March 12.

## Legislative Update

Several bills relating to correctional services in Hawaii have been introduced in the current session of the State Legislature. Among these is a proposal to place a moratorium on the construction of new correctional facilities or the expansion of existing correctional facilities, including construction of a new OCCC to replace the existing facility.

While the bills continue to be debated in the Legislature, the state administration is moving forward on planning for the new OCCC. PSD is constitutionally required to house and care for offenders by order of the Courts, and to provide, at the minimum, all daily living necessities in decent, humane conditions. Historic overcrowding at OCCC, combined with the facility's age, deteriorating conditions, and obsolete design have seriously degraded the ability to meet these requirements.

Prohibiting or delaying new or expanded correctional facilities will not resolve critical systemic issues in Hawaii's correctional system or the fact that a new OCCC is essential to meeting current and future needs. The state is committed to the new OCCC facility and to improving correctional services and facilities across Hawaii.

## Community Partnering

To address the unique aspects of developing new or expanding existing in-state correctional facilities, the Hawaii State Legislature adopted HRS 353-16.37 to provide for "community partnering". Enacted in 1998, the statute is intended to involve potential host communities in the process of planning for new in-state correctional facilities. The statute also directs development and implementation a community partnering process to solicit input as well as a community benefit and enhancement package to mitigate the potential negative impacts of developing correctional facilities in Hawaii.

In the years since passage of HRS 353-16.37, the State of Hawaii has not developed new correctional facilities and as a result there is no procedure, process or track record available to guide community partnering. The new OCCC will be the first project initiated under HRS 353-16.37 and will establish the process for community partnering involving subsequent correctional facility projects on Oahu, Hawaii, Kauai and Maui Islands. With the OCCC project moving forward, the following information is provided to:

- Facilitate an understanding of community partnering;
- Describe the approach to implementing community partnering in support of the OCCC project;
- Begin the process so that community partnering can be accomplished in compliance with HRS 353-16.37; and
- Work towards development of a benefit and enhancement package consistent with the needs of the community and the OCCC project in accordance with HRS 353 and the laws of the State of Hawaii.

# Undertaking Community Partnering

With plans advancing to develop a new OCCC, it is important to describe the approach to partnering including how to define “community”. Once initiated, experience implementing community partnering will grow with subsequent projects refining and perfecting the approach to be used in the future. According to the Hawaii Department of the Attorney General, the community partnering statute is formally triggered by the issuance of a Request for Proposal (RFP) by the State of Hawaii for construction of the proposed correctional facilities. However, there are steps that can be taken before formal issuance of a RFP to initiate the partnering process as described below.

In order to conduct community partnering, the “community” must first be defined with individuals identified and organized as a representative body to partner with the State of Hawaii. For purposes of the OCCC project, the representative body will be the “Community Partnering Committee” and will be established and maintained for the purpose of representing the community of Aiea/Halawa and the broader Oahu Island and for working with state officials during the partnering process.

Once established, the first Community Partnering Committee meeting would address administrative matters with discussions of Committee goals and objectives, leadership positions (chair, vice chair, secretary, etc.), anticipated meeting topics and meeting schedule, and other administrative responsibilities. This meeting would be scheduled and held among state officials and Community Partnering Committee members with the public informed and invited to attend.

## Determining Community Impacts and Possible Benefit and Enhancement Measures

To understand the nature, scale and scope of potential impacts associated with the OCCC project, analysis and input from the environmental impact studies will be necessary. It was via the HRS 343 environmental study process that the nature and scale of potential community, social, infrastructure, and other impacts associated with OCCC development were identified. The basis for a community benefit and enhancement package will be determined from the information contained within the OCCC Final Environmental Impact Statement (June 2018) as well as community member input.

It is envisioned that additional Community Partnering Committee meetings would be devoted to presentations and discussions of anticipated impacts requiring mitigation and the range of potential mitigation measures. Meeting dates and times would be publicized with the public invited to attend.

Once the nature, scale, and scope of potential community impacts are agreed upon by all parties, and following issuance of the RFP for OCCC development, possible benefit and enhancement measures can be considered, which according to HRS 353-Chapter 16.37, may include:

- Infrastructure improvements;
- Job training programs or improvements to schools and healthcare facilities;
- Social programs; or
- Other governmental functions.

It will be necessary to determine potential benefit and enhancement measures that directly address the nature, scale, and scope of potential community impacts while focusing on measures that are legal and justifiable while avoiding those that are not legal and justifiable. Doing so early in the process is intended to avoid devoting time and effort to measures which the State of Hawaii is unable to implement.

The legal authority for implementing such benefits, the timing of implementation (i.e., pre-construction, construction, and post-construction/operation), and potential costs will also be identified early so that as the community partnering process unfolds, state officials and Community Partnering Committee members will consider measures that are justifiable, implementable, and affordable while providing the community with the benefits necessary to offset potential impacts.

It is envisioned that several Community Partnering Committee meetings would be devoted to address and reach agreement on possible benefit and enhancement measures to offset potential impacts. These meetings would be held among state officials and Community Partnering Committee members with the public invited to attend and witness the discussion and formation of an agreement. The community partnering process is summarized on the following exhibit which shows which steps could be undertaken during 2021 and which steps must await issuance of the OCCC RFP.

Community partnering activities would also occur to coincide with and complement the overall OCCC public outreach and engagement effort including holding an island-wide Community Hearing. The Community Hearing would bring together PSD and DAGS officials, Community Partnering Committee members, other island-wide community leaders, and the public to learn about the community partnering process, gain an understanding of the types of impacts resulting from the OCCC project, and allow for feedback concerning the potential benefit and enhancement measures under consideration.

Following the Community Hearing, the agreed-upon benefits and enhancement package would be presented to the Governor and Legislature for acceptance and implementation.

# Community Partnering Process

## 1 Identify Community Representatives

- Community leaders identified to participate as Community Partnering Committee Members
- Candidates to consider as Committee Members
  - State Senator
  - House Representative
  - City Council Member
  - Neighborhood Board Chair
  - Neighborhood Board Representative (selected by Chair)
  - Principal/administrator from nearby school
  - CEO/Director of nearby medical facility
  - Director of local volunteer organization
  - Representative of Native Hawaiian Organization
  - Prominent local business leader
  - Member of Public at large
- Individuals invited to participate as Community Partnering Committee Members
- Following acceptance, Community Partnering Committee established
- First Committee meeting held where members establish Committee goals and objectives, responsibilities, selects Chair and Vice Chair, determines meeting schedule, etc.
- Administration and logistical support provided to support Community Partnering Committee functioning



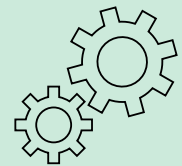
## 2 Determine Community Impacts (Following Step 1)

- Community Partnering Committee members provided with information from the Final Environmental Impact Statement concerning the nature, scale, and duration of potential community social, infrastructure, and other impacts associated with construction and operation of new OCCC
- Committee meetings held for members to discuss:
  - Potential community impacts
  - Range of possible measures to mitigate impacts
  - Pros and cons of mitigation measures
  - Potential short-term and long-term costs and benefits
  - Justification for mitigation measures
  - Projected short-term and long-term implementation schedule



## 3 Develop Benefit and Enhancement Package (Following Step 2 and after issuance of RFP)

- Hold Community Partnering Committee meetings to discuss benefit and enhancement measures which may include:
  - Infrastructure improvements
  - Job training programs
  - Improvements to schools
  - Improvements to health care facilities
  - Social programs
  - Other government functions
- Benefit and enhancement package must be: justifiable, affordable, implementable
- State officials and Community Partnering members agree on benefits package



## 4 Hold Community Hearing (Following Step 3 and after RFP issuance)

- Hold Community Hearing to bring together:
  - Community Partnering Committee
  - Other community members
  - Public at large
  - State representatives
- Community input and feedback encouraged



## 5 Document Community Partnering (Following Step 4 and after issuance of RFP)

- Hold Community Partnering Committee meeting to finalize benefit package
- Submit to Governor and Legislature
- Share results of Community Partnering process





*View of Honolulu.*

## Upcoming Activities

The following activities are anticipated in the months ahead.

<b>March 2021</b>	<p>Begin reviewing responses to Request for Interest.</p> <p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information and engagement including publication of Newsletter Vol. 30.</p> <p>Look to <i>OCCC Future Plans</i> website for announcements, upcoming events, and recent activities.</p>
<b>April 2021</b>	<p>Complete review of responses to Request for Interest.</p> <p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information and engagement.</p> <p>Look to <i>OCCC Future Plans</i> website for announcements, upcoming events, and recent activities.</p>
<b>May 2021</b>	<p>Attend Aiea Neighborhood Board and Community Association meetings.</p> <p>Be present at Hawaii Correctional Systems Oversight Commission meeting.</p> <p>Continue OCCC public outreach, information and engagement including publication of Newsletter Vol. 31.</p> <p>Look to <i>OCCC Future Plans</i> website for announcements, upcoming events, and recent activities.</p>

## Interested in Learning More?

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

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