

2016 House Concurrent Resolution 85 (HCR85) Correctional Justice Task Force Minutes

Tuesday, September 13, 2016

9:30 a.m.

Room 423, Hawaii State Capitol

415 South Beretania Street

Honolulu, HI 96813

Members Present

James Hirano, Warden of Maui Community Correctional Center, Department of Public Safety

Jeremy (Kama) Hopkins, Office of Hawaiian Affairs

Dr. Meda Chesney-Lind, Chair and Professor of Women's Studies, University of Hawaii at Manoa

Robert Merce, Vice President, Native Hawaiian Legal Corporation

The Honorable Clarence Nishihara, Senator, Hawaii State Legislature,

Chair of the Senate Committee on Public Safety, Intergovernmental, and Military Affairs

The Honorable Gregg Takayama, Representative, Hawaii State Legislature,

Chair of the House of Representatives Committee on Public Safety

Matthew Taufetee, founder of First L.A.P. (Life After Prison)

The Honorable Michael Wilson, Supreme Court Justice, HCR85 Task Force Chair

Shayne Kukunaokala Yoshimoto, Holomua Puuhonua

Members Absent

Keith Kaneshiro, Prosecutor, Department of the Prosecuting Attorney, City and County of Honolulu

Fred Hyun, Acting Chair of the Hawaii Paroling Authority, Department of Public Safety

Sidney Nakamoto, Administrator, Adult Client Services Branch, Judiciary

Margaret Watson, University of Hawaii School of Social Work

Other Attendees

Lance Ching, Legislative Reference Bureau Attorney

Devin Choy, Legislative Reference Bureau Attorney

Caitlin Eberhardt, Law Clerk to Justice Wilson

Karen Kawamoto, Office Manager to Representative Takayama

Terrence Lee, Legislative Reference Bureau Attorney

Robert Nardi, Louis Berger Group

Brian Takahashi, Architects Hawaii, Ltd.

I. Call to Order

Justice Wilson called the meeting to order at 9:32 a.m. and the requirements for public notice were made.

II. Report from the Design Subcommittee regarding the Department of Public Safety's (PSD) planning of Oahu Community Correctional Center (OCCC) replacement, presented by Mr. Merce

- a. PSD is proposing to replace OCCC with a new state-of-the-art facility. To assist with the planning for a replacement of OCCC, the State has assembled a team with representatives of PSD, the Department of Accounting and General Services (DAGS), and specialized consultants led by Architects Hawaii, Ltd.
- b. Mr. Merce and Mr. Yoshimoto met with core members of the State's OCCC team and offered points of interest:
 - i. PSD is rapidly moving ahead with the OCCC replacement and intends to finalize its needs assessment by the end of September 2016.
 - ii. Planning for the OCCC replacement has been done so far without input or collaboration from broader community or Correctional Justice Task Force.
 - iii. At this point, there is no mechanism/collaboration structure for the broader community or Correctional Justice Task Force to provide meaningful input on the OCCC replacement.
 - iv. There is no planning strategy to reduce the jail population through diversion or programming.
- c. Mr. Merce added:
 - i. The State's OCCC team needs collaboration from the broader community and Correctional Justice Task Force to build a well-designed jail that is reflective of the people and the community, and a plan to divert people, especially mentally ill, away from jail.
 - ii. Mr. Merce suggested the elimination of unjust practices of jailing people who can't afford bail (more than 500 people at OCCC can't afford bail), and the urgency for implementing addiction treatments and reentry programs in jail through best practices from all subjects.

III. Introduction of Mr. Brian Takahashi of Architects Hawaii, Ltd., and Mr. Robert Nardi of the Louis Berger Group.

- a. Justice Wilson briefed Mr. Nardi about the purpose of the Correctional Justice Task Force and provided background on Hawaii's Aloha Spirit law, section 5-7.5, Hawaii Revised Statutes.
- b. Architects Hawaii, Ltd., is the lead company hired by DAGS to work with PSD on the planning of the OCCC replacement project. Louis Berger Group is a subcontractor.
- c. Mr. Takahashi said the State OCCC team is currently working on the first 25 to 30 percent of the OCCC replacement project.
 - i. Mr. Takahashi and Mr. Nardi said they will share various tasks, including assisting with evaluating alternative OCCC sites and their estimated costs, initiating the environmental impact statement process, and conducting public outreach, among other duties.
 - ii. Mr. Takahashi said a website, [OCCC Future Plans](#), has been dedicated to the OCCC replacement project and is updated regularly. Mr. Hirano added the website is a good resource and answers many questions.
- d. Mr. Nardi said he wants to create dialogue with stakeholders, including the Legislature.
 - i. Mr. Nardi said he's contacted nearly every member on the Correctional Justice Task Force to provide information and answer questions on the OCCC replacement project.
 - ii. Mr. Nardi said public outreach on the OCCC replacement project is underway, and Governor Ige has started the [Kalihi 21st Century Initiative](#) for input on possible redevelopment of the current OCCC Kalihi property, and the State's OCCC team will provide a report on the progress of the OCCC replacement project to the Legislature before the end of 2016.

IV. Correctional Justice Task Force Questions and Opinions

- a. Mr. Yoshimoto requested point-of-contact information on the Kalihi 21st Century Initiative meeting schedule, and point-of-contact information on the State's OCCC team, particularly the individuals working on the components of the new jail.
- b. Senator Nishihara cited a recent Civil Beat article, "[Hawaii Prison Contractor Executives were Convicted of Fraud and Bribery](#)", and asked Mr. Takahashi on the selection of the Louis Berger Group and whether Architects Hawaii, Ltd., was

aware of the problems published in the article. Senator Nishihara asked Mr. Nardi about the application of internal safeguards at the Louis Berger Group to prevent future problems.

i. Mr. Takahashi said he spoke earlier with Mr. Nardi about the previous problems with the Louis Berger Group and Mr. Takahashi said he was satisfied with the manner in which the problems were addressed and resolved. Mr. Takahashi said he felt confident about the assembled talent on the State's OCCC team.

ii. Mr. Nardi said the company's problems were committed by a small group of individuals who were terminated from the company. Mr. Nardi added the company has revamped all internal ethics and compliance, accounting, and auditing systems to prevent future problems. Mr. Nardi said he's had a business relationship with Architects Hawaii, Ltd., for more than 10 years, and emphasized the Louis Berger Group has the best track record in the country in assisting state and federal agencies with planning jail and correctional facilities.

c. Representative Takayama asked Mr. Takahashi about previous Hawaii projects that employed the Louis Berger Group and whether those projects involved community input. Mr. Takahashi said he's worked with Mr. Nardi on the Maui Regional Public Safety Complex five years ago, and on studies regarding the OCCC campus expansion several years ago. Regarding the Maui Regional Public Safety Complex project, Mr. Takahashi said community outreach was provided, and the project was required to follow Hawaii's open meetings law. Mr. Takahashi said the State OCCC team is applying the same purposeful and transparent approach to the OCCC replacement project.

i. Representative Takayama provided background on the legislative history of the OCCC replacement project, discussed the rising cost estimates of the project, and explained the project would be the most expensive state facility ever built. The original cost estimate of the project in early 2016 was \$400,000,000 to \$500,000,000, but approximately a month later the estimate increased to \$650,000,000 or more.

ii. Representative Takayama said the report on the progress of the OCCC replacement project is due twenty days before the convening of the 2017 Regular Session of the Legislature, and the report should include the cost estimates of building a new OCCC near the Halawa Correctional Facility, reconstructing OCCC at its current Kalihi site, and also provide additional information on OCCC design and capacity. Representative Takayama and

Senator Nishihara said they plan to hold a public hearing on the findings and recommendations in the report.

- d. Senator Nishihara requested the report on the progress of the OCCC replacement project have cost estimates in future dollars. He said the capacity of the facility shall be right-sized and that reducing the incarcerated population shall be factored into the capacity. Mr. Takahashi said the report would provide a technical study of what makes the most sense and show the pros and cons of each option.
- e. Dr. Chesney-Lind said a smaller-capacity jail is acceptable and the State can reduce the jail population by not incarcerating people for trivial offenses. She requested more discussion with stakeholders on the jail's cost, capacity, and programming.
- f. Mr. Taufetee said he does not support building another correctional facility and suggested investing in programs that aim to prevent people from being incarcerated. Mr. Hirano said there is urgent need for a new jail because OCCC is overcrowded and he also agreed with Mr. Taufetee's suggestion of finding alternatives to incarceration.
- g. Mr. Merce requested the State OCCC team provide a copy of the needs assessment to the Correctional Justice Task Force as soon as possible for discussion. Mr. Merce said Hawaii can model diversion programs from San Francisco, San Diego, Santa Fe, Indianapolis, and Seattle.
- h. Mr. Hopkins asked about public meetings with the State OCCC team. Mr. Nardi said the first public meeting will be announced by the Office of Environmental and Quality Control in initiating the environmental impact statement process. Mr. Nardi said he would help facilitate notification of public meetings to the Correctional Justice Task Force.
 - i. Mr. Hopkins also requested the Correctional Justice Task Force's recommendations be adopted before the facility is designed to ensure the facility would fit Hawaii and its current needs. Mr. Nardi said there is adequate time to address stakeholder input before designing the facility.

V. Education Subcommittee Meeting Report and Status Update

- a. Dr. Chesney-Lind urged more involvement of University of Hawaii experts in correctional education programs.
 - i. She briefed the Correctional Justice Task Force on the Research and Evaluation in Public Safety Project (REPS), which provides technical

assistance and consultation to PSD. REPS is a project of the **Social Science Research Institute (SSRI)**, which is a sponsored research division of the College of Social Sciences at the University of Hawaii at Manoa.

ii. Dr. Chesney-Lind said the Education subcommittee is interested in the current state of correctional education programs and is collaborating with experts in SSRI, REPS, adult mental health, and PSD educational programming. Dr. Chesney-Lind suggested offering Pell grants to incarcerated students to help them reenter society.

VI. Hawaiian Subcommittee Meeting Report and Status Update

- a. Mr. Hopkins suggested main points of action:
 - i. Use aloha and kindness in Hawaii correctional system. Treat newly jailed or incarcerated individuals as human beings and with aloha.
 - ii. Create and fund a training academy for correctional officers.
 - iii. Create and fund quality transition programs that assist individuals in their transition from Hawaii's correctional system back to the community. (Highlight programs that provide employment and post-incarceration drug treatment).
 - iv. Establish oversight committee to ensure recommendations made by Correctional Justice Task Force are implemented.

VII. Announcement of Upcoming Events:

- a. Full Task Force Events:
 - i. Hawaiian Subcommittee Task Force Hearing: Friday, September 30, from 9 a.m. to 1 p.m. at the Capitol Auditorium.
- b. Subcommittee Events:
 - i. Next Education Subcommittee Meeting: Wednesday, September 14, at 3 p.m. at UH Saunders Hall in room 704F.
 - ii. Next Hawaiian Subcommittee Meeting: Monday, September 19, at 1 p.m. at the Office of Hawaiian Affairs.
 - iii. Next Program Subcommittee Meeting: Tuesday, September 20, at 2 p.m. at the Capitol in room 225.

c. Academy of Architecture for Justice Conference:

i. Design of Therapeutic Courtrooms Panel: Thursday, November 3, from 8 a.m. to 9:30 a.m., Justice Wilson participating.

ii. Beyond Bricks and Mortar Panel: Transforming Hawaii's Correctional System: Thursday, November 3, from 1:30 p.m. to 3 p.m., Mr. Merce and Representative Takayama participating.

VIII. Public Testimony

Ms. Sophie Gralapp, (REPS), University of Hawaii at Manoa, suggested the new jail be economical in its number of beds, and the jail's capacity to be reflective of the need to reduce the inmate population. She also suggested reevaluating incarceration policies and sentencing for low-level, nonviolent offenses; increasing mental illness programs and addiction treatment; and improving reentry programs, including reevaluating policies and programs that disqualify felons from public housing.

Mr. Stephen Morse, social worker, Blueprint for Change, suggested increasing funding and capacity for community-based diversion programs to reduce the incarcerated population. He also suggested reevaluating policies that hinder diversion programs.

Ms. Elaine Funakoshi, concerned citizen, suggested the University of Hawaii start a correctional education program in Arizona. She also suggested separating mentally ill inmates from the general population in the Hawaii correctional system.

IX. Adjourn

Justice Wilson adjourned the meeting at 11:29 a.m.