HAWAI‘I SHOULD TRANSITION TO A REHABILITATIVE CORRECTIONAL SYSTEM

The HCR 85 Task Force sees a comprehensive approach to prison reform and has recommendations in many areas. Our primary recommendation, however, is that Hawai‘i immediately transition from a punitive to a rehabilitative correctional system. A rehabilitative system drives prisoners to examine, understand, and overcome their negative impulses and their decision-making. There is a growing national consensus that the type of system produces far better results than punitive ones and that international well-established rehabilitative systems have achieved two-year recidivism rates as low as 10%.1

To achieve a rehabilitative correctional model, Hawai‘i should provide prisoners with individualized counseling and guidance, more-educational opportunities, continuing family integration support, and evidence-based programming that has proven success in reducing recidivism.

HAWAI‘I PRISON REFORM REQUIRES COMPREHENSIVE CHANGE.

A concerted and comprehensive effort is needed from all branches of government to change the course of corrections in Hawai‘i; rural, urban, and severe, and reverse the impacts of mass incarceration on the most vulnerable members of our community. Real change requires us to address the root causes of crime in our communities: poverty, lack of education, instability, drug abuse, lack of employment opportunities, drug treatment programs, mental health treatment, and general health care. Well-established rehabilitative systems have achieved two-year recidivism rates as low as 10%.

Reforming our badly broken correctional system will not be quick or easy. It took many years to fix them. But with vision and commitment, we can create a correctional system that is more effective, humane, and just.

KŪLANIHĀKO‘I

A ulu maila e
E ho‘oulu mai, e ho‘oulu mai
A kumu pa‘a hina ole
A kumu maila kumu
A lau maila lau
A kumu pā ho‘ī na‘ole
A kumu pā ho‘ī na‘ole
A kumu maila e

The legendary Kūlanihāko‘i lofty above us, behold it overflows Behold the rains fall And the sprouts appear And the buds show forth And the leaves unfurl And the branches extend forth And the trunk of the tree expands and becomes firm Until the trunk becomes unable to topple Make it grow, let it grow Behold it is grown

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SUMMARY AND KEY RECOMMENDATIONS

HAWAI‘I SHOULD REDUCE ITS INCARCERATED POPULATION AND PLAN RESPONSIBLY FOR THE FUTURE.

Building new jails and prisons without fundamentally changing our approach to corrections would lead to an ignorant and costly reality. Replacing the current system in new facilities will only perpetuate poor outcomes for decades.

Instead of building new prison beds, Hawai‘i should focus on efforts to reduce its incarcerated population, including reforming sentencing laws to reduce prison admissions, and increasing investments in diversion programs.

The HCR 85 Task Force is particularly concerned about the State’s plans to build a new $230M jail to replace OCCC. Because jails are the most expensive to build, maintain, and operate, communities across the country are working to reduce their populations through bail reforms and innovative diversion programs. We should immediately stop the costly planning for a new jail and form a collaborative working group of stakeholders and government officials to plan and design a jail that is smaller, smarter, and less expensive than the one now under consideration.

CONCLUSION

Reforming our badly broken correctional system will not be quick or easy. It took us forty years to create the many problems we now face, and it will take many years to fix them. But with vision and commitment, we can create a correctional system that is more effective, humane, and just.

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HAWAII'S INCARCERATION RATE INCREASED BY 403% FROM 1978 TO 2016.

- In 1978, 78 of every 100,000 Hawai'i residents was imprisoned, but by 2016 this number jumped to 302, a 403% increase.

HAWAII JAILS AND PRISONS ARE SEVERELY OVERCROWDED. MANY HOLD POPULATIONS FAR EXCEEDING 100% OF THEIR OPERATIONAL CAPACITIES.

- 57% recidivate within 3 years of release
- 53% of Parolees
- 66% of Maximum-term

In 1995, Hawai'i began sending prisoners to privately operated prisons on the Continental U.S. Hawai'i currently has over 1,400 prisoners at the Saguaro Correctional Center in Arizona and is one of five state that has over 30% of its prisoners in private prisons. The State also holds roughly 160 additional overflow prisoners at Hawai'i's Federal Detention Center. Even with all this outsourcing, many of Hawai'i's State-operated facilities are severely overcrowded, holding more prisoners than either their originally designed or modified operational capacities.

KEY RECOMMENDATIONS OF THE HCR 85 TASK FORCE

CREATE A NEW VISION FOR CORRECTIONS IN HAWAI'I

Issue: Hawai'i's correctional system is not producing acceptable, cost-effective, or sustainable outcomes, and it is not making our communities safe. The State spends over $226 million a year on corrections but we have a recidivism rate of over 50% and more than 27,000 inmates under some form of correctional supervision.

Recommendations:
1. Transition to a more effective and sustainable correctional system that focuses on rehabilitation rather than punishment.
2. Create and fund an Implementation Commission and Transitional Coordinator position to ensure that the transition to a rehabilitative system takes place in a timely, efficient, and effective manner.
3. Create an Oversight Commission to immediately address prison suicides, sexual assaults, and other unacceptable and unlawful conditions in our prison system.
4. Create an Academy to train correctional workers at all levels in rehabilitative philosophy and practice.

REBUILD THE NUMBER OF NATIVE HAWAIIANS IN THE PRISON SYSTEM

Issue: Native Hawaiians make up about 21% of the general population, but 27% of the prison population. This overrepresentation has existed for decades and has led to intergenerational incarceration for some Native Hawaiian families.

Recommendations:
1. Develop evidence-based, early intervention strategies that are focused on diverting Hawaiian youth away from the criminal justice system and toward pathways for success.
2. Create cultural courts in the criminal justice system.
3. Expand prison Native Hawaiian and cultural programs.
4. Make culturally relevant reentry programs available to Native Hawaiians.
5. Implement the recommendations of the 2012 Native Hawaiian Justice Task Force consistent with best practices.

EVALUATE, IMPROVE, AND EXPAND EVIDENCE-BASED PROGRAMS

Issue: Evidence-based programs are an essential part of the rehabilitation process and a cost-effective way to reduce recidivism.

Recommendations:
1. Ensure that every prisoner is functionally literate by the time of release.
2. Expand opportunities for prisoners to take community college courses.
3. Create access to college pipeline.
4. Increase funding to the highly successful swim offender treatment program.
5. Prisoners should participate in at least three programs that address criminogenic factors.
6. Expand restorative justice programs.

IMPROVE THE REENTRY PROCESS AND SUPPORT THE DEVELOPMENT OF NEW TRANSITIONAL HOUSING

Issue: Hawai'i does not have an effective support system for prisoners reentering the community.

Recommendations:
1. At the time of release all prisoners should have a decent place to live, gainful employment, health insurance, identification, and access to addiction and mental health services.
2. Amend or eliminate statutes that exact barriers to reentry.
3. Create a unit within PSD to locate housing for difficult to manage prisoners who require intermediate or acute levels of care.
4. Expand and improve transitional housing through partnerships with non-profit organizations.

BUILD A NEW JAIL THAT IS SMALLER AND SMARTER THAN THE JAIL NOW UNDER CONSIDERATION

Issue: The State is planning to spend $225 million on a new jail on O'ahu, but has no plans or policies on how to make the prison system -- from arrest to trial -- move fair, just, and efficient, and it has no plans on how to reduce the jail population and ensure that the new jail does not become a warehouse for the poor, the homeless and the mentally ill.

Recommendations:
1. Stop any further jail planning until there is a plan to reduce the jail population through diversion, bad policy, and other means, and ensure that the jail holds only those few individuals who are a danger to society or a flight risk.
2. Build the jail near the courts.
3. Build a jail that uses clustered housing and dynamic security.
4. Do not house the mentally ill, probation or parole violators in the new jail.

OTHER RECOMMENDATIONS

1. Adopt an evidence-basedimson and measurement, and rehabilitative goals, objectives, and strategies for the Department of Public Safety.
2. Expand community-based treatment programs as an alternative to incarceration.
3. Expand the drug, mental health, and veterans courts.
4. Reform the cash bail system to reduce the jail population.
5. Create a Sentencing Reform Commission to review the penal code with the goal of downgrading offenses and shortening sentences.
6. Set numerical goals and a timeline for reducing Hawai'i's prison population.
7. Support federal legislation that would benefit Hawai'i, such as restoration of Pell grants for prisoners.
8. Support the initiative to create a Dual and MA program in Criminal Justice at the University of Hawai'i at Mānoa.
9. Support a second round of Justice Reinvestment for Hawai'i.

HAWAI’I’S INCARCERATION RATE INCREASED BY 403% FROM 1978 TO 2016. On average, the State spends $60.43 per year to house a prisoner in Hawai'i. The annual corrections budget is over $223M, moreover, the State plans to spend $225M to replace OCC1, DOH to expand the warrior on each of the neighbor islands.

36.96% of prisoners incarcerated in Hawai'i are Native Hawaiians. On average, the State spends $60.43 per year to house a prisoner in Hawai'i. The annual corrections budget is over $223M, moreover, the State plans to spend $225M to replace OCC1, DOH to expand the warrior on each of the neighbor islands.

In 1978, Hawai'i enacted a series of tough-on-crime laws that resulted in a dramatic increase in our jail and prison populations. From 1978 to 2016, the combined jail and prison populations increased 670%, from 727 prisoners to 5,602. Even accounting for the state population increase of 52% during the same period, our inmate population grew disproportionately. In 1978, 19 of every 100,000 Hawai'i residents was imprisoned, but by 2016 this number jumped to 302, a 403% increase.

The staggering growth of Hawai'i's incarcerated population has affected all ethnic groups, but its impacts on Native Hawaiian families were devastating and include unique cultural trauma and intergenerational incarceration. Native Hawaiians are overrepresented in our prison system, constituting 18% of the State's adult population but 37% of the incarcerated population.

Recommendations:
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