
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES,
DEPARTMENT OF BUDGET AND FINANCE, AND DEPARTMENT OF PUBLIC
SAFETY TO TESTIFY ON ANY LEGISLATION THAT WOULD POTENTIALLY
INCREASE OVERCROWDING CONDITIONS AT HAWAII'S CORRECTIONAL
FACILITIES.

1 WHEREAS, from 1978 to 2016, the combined jail and prison
2 populations in the State increased six hundred seventy percent
3 from seven hundred twenty-seven prisoners to 5,602 individuals,
4 while the state population increased by fifty-three percent
5 during the same period; and
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7 WHEREAS, on February 21, 2021, the Department of Public
8 Safety reported that forty-eight percent of people imprisoned in
9 Hawaii's correctional facilities are pretrial detainees,
10 probation, and parole violators; and
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12 WHEREAS, pretrial detention has a significant impact on
13 downstream criminal justice outcomes, both in their immediate
14 case and through potential criminal activity of detained
15 defendants; and
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17 WHEREAS, detention increases the rate of guilty pleas, and
18 leads detained individuals to commit more crimes in the future;
19 non-felony conviction rates jumped from fifty percent of
20 individuals released pre-trial to ninety percent for those who
21 were jailed; and
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23 WHEREAS, it costs \$198 per day to hold an inmate in custody
24 in Hawaii. The imprisonment of pretrial detainees, many of whom
25 cannot afford bail, and probation violators costs taxpayers
26 \$138,006 per day, \$966,042 per week, \$3,864,168 per month, and
27 \$46,370,016 per year; and
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29 WHEREAS, Native Hawaiians continue to be disproportionately
30 incarcerated and disparately impacted, constituting just



1 eighteenth percent of the State's adult population, but thirty-
2 seven percent of the incarcerated population. Native Hawaiians
3 are more likely to receive a prison sentence post-conviction and
4 are likely to receive a longer prison sentence or probation
5 terms for similar offenses than most other racial or ethnic
6 groups. The overcriminalization of Native Hawaiians at every
7 stage of the criminal justice system reflects a punitive ethos
8 and structural racism embedded in multiple institutions that
9 deal with those accused or convicted of crimes; and

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11 WHEREAS, incarceration disproportionately impacts Black
12 communities; while three percent of adults in the State are
13 Black, five percent of people incarcerated are Black; and

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15 WHEREAS, the number of women incarcerated grew by two
16 hundred sixty-five percent between 1990 and 2017; and

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18 WHEREAS, 53.3 percent of inmates who are released on parole
19 and sixty-six percent of individuals who serve their maximum
20 sentence recidivate within three years of release. Of those who
21 reoffend, sixty-three percent do so in their first year, twenty-
22 six percent within their second year, and eleven percent within
23 their third year of release, indicating that reversion to crime
24 is not gradual, but immediate, and that time spent in prison
25 does not rehabilitate, but merely punishes and incapacitates;
26 and

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28 WHEREAS, Hawaii's prisons are old, dilapidated, and
29 severely crowded, holding more prisoners than either their
30 originally designed or modified operational capacities allow;
31 and

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33 WHEREAS, Hawaii Community Correctional Center is currently
34 operating at one hundred thirty-one percent of its capacity,
35 Maui Community Correctional Center is operating at 100.7 percent
36 of its capacity, Kauai Community Correctional Center is
37 operating at 110.2 percent of its capacity, and Oahu Community
38 Correctional Center (OCCC) is operating at 95.7 percent of its
39 capacity; and

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41 WHEREAS, legislation has been introduced to require the
42 Department of Public Safety to develop a 1,380-bed jail for men



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1 at the new OCCC that will cost \$525,000,000, or \$380,000 per
2 bed; and spend an additional \$45,000,000 to expand the Women's
3 Community Correctional Center to accommodate the women currently
4 being held at OCCC; and

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6 WHEREAS, the State plans to build new medium security
7 housing at jails on Maui, Kauai, and Hawaii island, at an as yet
8 undetermined cost; and

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10 WHEREAS, on March 1, 2021, the Department of Public Safety
11 Population Report demonstrated that seventy-seven percent of the
12 individuals imprisoned at OCCC are pretrial detainees (fifty-
13 five percent) and probation violators (twenty-two percent), most
14 often because they cannot afford the amount of bail set in their
15 case; and

16
17 WHEREAS, in 2016, the Legislature authorized the
18 establishment of a task force to study effective incarceration
19 policies to improve Hawaii's correctional system through House
20 Concurrent Resolution No. 85 (H.C.R. No. 85); and

21
22 WHEREAS, the Hawaii Correctional System Oversight
23 Commission (Oversight Commission) was created by Act 179,
24 Session Laws of Hawaii 2019, to ensure "transparency, support
25 safe conditions for employees, inmates, and detainees, and
26 provide positive reform towards a rehabilitative and therapeutic
27 correctional system"; and

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29 WHEREAS, the relocation and construction of OCCC is the
30 largest public works project in Hawaii's history and has thus
31 far incurred \$10,400,000 in consultant fees; and

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33 WHEREAS, the task force established by H.C.R. No. 85 and
34 the Oversight Commission recommended that the State immediately
35 halt plans for the costly jail to replace OCCC until meaningful
36 changes to the criminal legal system, criticized that the
37 planning for the jail is occurring without any meaningful input
38 or guidance from the community, and noted that the planners also
39 failed to identify the factors driving the jail population and
40 recommend policies that would significantly reduce that
41 population without compromising public safety; and

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1 WHEREAS, the task force established by H.C.R. No. 85 and
2 Oversight Commission found that Hawaii must dramatically change
3 its approach to corrections, especially in implementing pretrial
4 incarceration reforms, including divestment from incarceration
5 and reinvestment in our communities; now, therefore,
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7 BE IT RESOLVED by the House of Representatives of the
8 Thirty-first Legislature of the State of Hawaii, Regular Session
9 of 2021, the Senate concurring, that the Department of
10 Accounting and General Services, Department of Budget and
11 Finance, and Department of Public Safety are requested to submit
12 public testimony on all proposed legislation that could
13 potentially increase jail populations in the State; and
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15 BE IT FURTHER RESOLVED that the Department of Accounting
16 and General Services is requested to include in its testimony
17 the potential impact of proposed legislation on facilities,
18 especially on increased overcrowding and non-compliance on
19 consent decrees based on an extrapolation of relevant and recent
20 data; and
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22 BE IT FURTHER RESOLVED that the Department of Budget and
23 Finance is requested to include in its testimony the potential
24 fiscal impact the proposed legislation could have on state
25 spending based on an extrapolation of relevant and recent data;
26 and
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28 BE IT FURTHER RESOLVED that the Department of Public Safety
29 include in its testimony:
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- 31 (1) Any evidence that the proposed legislation will result
32 in the outcomes it purports to achieve, and in the
33 absence of such evidence testify that there is no
34 available evidence that the proposed legislation will
35 result in the outcomes it purports to achieve; and
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- 37 (2) Alternatives to incarceration that may be more
38 effective and equal in costs, equally effective and
39 less costly, or more effective and less costly; and
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41 BE IT FURTHER RESOLVED that certified copies of this
42 Concurrent Resolution be transmitted to the Governor, Director



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1 of Accounting and General Services, Director of Budget and
2 Finance, Director of Public Safety, and Chairperson of the
3 Hawaii Systems Correctional Oversight Commission.
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OFFERED BY:



MAR 12 2021

