

MAR 12 2021

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# SENATE 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  
6

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  
22

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  
28

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

10  
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

14  
15 WHEREAS, the number of women incarcerated grew by two  
16 hundred sixty-five percent between 1990 and 2017; and

17  
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

27  
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

32  
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

40  
41 WHEREAS, legislation has been introduced to require the  
42 Department of Public Safety to develop a 1,380-bed jail for men



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

5  
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

9  
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

28  
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

32  
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



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,  
6

7           BE IT RESOLVED by the Senate of the Thirty-first  
8 Legislature of the State of Hawaii, Regular Session of 2021, the  
9 House of Representatives 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  
21

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



# S.C.R. NO. 144

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: \_\_\_\_\_

*Jana Acasio*

