

MAR 12 2021

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# SENATE 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

11  
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

16  
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  
31 eighteen percent of the State's adult population, but thirty-  
32 seven percent of the incarcerated population. Native Hawaiians  
33 are more likely to receive a prison sentence post-conviction and



1 are likely to receive a longer prison sentence or probation  
2 terms for similar offenses than most other racial or ethnic  
3 groups. The overcriminalization of Native Hawaiians at every  
4 stage of the criminal justice system reflects a punitive ethos  
5 and structural racism embedded in multiple institutions that  
6 deal with those accused or convicted of crimes; and  
7

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

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

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

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

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

38 WHEREAS, legislation has been introduced to require the  
39 Department of Public Safety to develop a 1,380-bed jail for men  
40 at the new OCCC that will cost \$525,000,000, or \$380,000 per  
41 bed; and spend an additional \$45,000,000 to expand the Women's



# S.R. NO. 112

1 Community Correctional Center to accommodate the women currently  
2 being held at OCCC; and

3  
4 WHEREAS, the State plans to build new medium security  
5 housing at jails on Maui, Kauai, and Hawaii island, at an as yet  
6 undetermined cost; and

7  
8 WHEREAS, on March 1, 2021, the Department of Public Safety  
9 Population Report demonstrated that seventy-seven percent of the  
10 individuals imprisoned at OCCC are pretrial detainees (fifty-  
11 five percent) and probation violators (twenty-two percent), most  
12 often because they cannot afford the amount of bail set in their  
13 case; and

14  
15 WHEREAS, in 2016, the Legislature authorized the  
16 establishment of a task force to study effective incarceration  
17 policies to improve Hawaii's correctional system through House  
18 Concurrent Resolution No. 85 (H.C.R. No. 85); and

19  
20 WHEREAS, the Hawaii Correctional System Oversight  
21 Commission (Oversight Commission) was created by Act 179,  
22 Session Laws of Hawaii 2019, to ensure "transparency, support  
23 safe conditions for employees, inmates, and detainees, and  
24 provide positive reform towards a rehabilitative and therapeutic  
25 correctional system"; and

26  
27 WHEREAS, the relocation and construction of OCCC is the  
28 largest public works project in Hawaii's history and has thus  
29 far incurred \$10,400,000 in consultant fees; and

30  
31 WHEREAS, the task force established by H.C.R. No. 85 and  
32 the Oversight Commission recommended that the State immediately  
33 halt plans for the costly jail to replace OCCC until meaningful  
34 changes to the criminal legal system, criticized that the  
35 planning for the jail is occurring without any meaningful input  
36 or guidance from the community, and noted that the planners also  
37 failed to identify the factors driving the jail population and  
38 recommend policies that would significantly reduce that  
39 population without compromising public safety; and

40  
41 WHEREAS, the task force established by H.C.R. No. 85 and  
42 Oversight Commission found that Hawaii must dramatically change



# S.R. NO. 112

1 its approach to corrections, especially in implementing pretrial  
2 incarceration reforms, including divestment from incarceration  
3 and reinvestment in our communities; now, therefore,  
4

5 BE IT RESOLVED by the Senate of the Thirty-first  
6 Legislature of the State of Hawaii, Regular Session of 2021,  
7 that the Department of Accounting and General Services,  
8 Department of Budget and Finance, and Department of Public  
9 Safety are requested to submit public testimony on all proposed  
10 legislation that could potentially increase jail populations in  
11 the State; and  
12

13 BE IT FURTHER RESOLVED that the Department of Accounting  
14 and General Services is requested to include in its testimony  
15 the potential impact of proposed legislation on facilities,  
16 especially on increased overcrowding and non-compliance on  
17 consent decrees based on an extrapolation of relevant and recent  
18 data; and  
19

20 BE IT FURTHER RESOLVED that the Department of Budget and  
21 Finance is requested to include in its testimony the potential  
22 fiscal impact the proposed legislation could have on state  
23 spending based on an extrapolation of relevant and recent data;  
24 and  
25

26 BE IT FURTHER RESOLVED that the Department of Public Safety  
27 include in its testimony:  
28

29 (1) Any evidence that the proposed legislation will result  
30 in the outcomes it purports to achieve, and in the  
31 absence of such evidence testify that there is no  
32 available evidence that the proposed legislation will  
33 result in the outcomes it purports to achieve; and  
34

35 (2) Alternatives to incarceration that may be more  
36 effective and equal in costs, equally effective and  
37 less costly, or more effective and less costly; and  
38

39 BE IT FURTHER RESOLVED that certified copies of this  
40 Resolution be transmitted to the Governor, Director of  
41 Accounting and General Services, Director of Budget and Finance,



# S.R. NO. 112

1 Director of Public Safety, and Chairperson of the Hawaii Systems  
2 Correctional Oversight Commission.

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OFFERED BY: Jan Acasio

