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# A BILL FOR AN ACT

RELATING TO CORRECTIONAL FACILITIES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that the State has spent  
2 more than five years and at least \$10,000,000 planning a new  
3 jail to replace the Oahu community correctional center.

4 However, the State has not included the relevant stakeholders or  
5 broader community in the planning process in a meaningful way  
6 despite strong and persistent recommendations to do so by the  
7 House Concurrent Resolution 85 Task Force on Prison Reform and  
8 the Hawaii correctional systems oversight commission.

9       Engaging the community in the jail planning process is  
10 widely recognized as a best practice and essential to creating a  
11 successful jail that meets the needs of the community. As the  
12 National Institute of Corrections has said, jails are not solely  
13 the concern of the governmental agencies and officials who run  
14 the jails; jails belong to the community and reflect the values  
15 of the community of which the jails are a part. Therefore, the  
16 community must be involved in the planning of new jails.



1 Community stakeholders provide aggregate knowledge, skills,  
2 intuition, insights, and wisdom necessary for solving collective  
3 challenges. Using this wisdom may shape the type of questions  
4 that are asked, challenge prevailing norms, and bring about  
5 unexpected insights that lead to innovative and transformative  
6 solutions.

7 The legislature further finds that the State has not  
8 followed a "systems approach" to jail planning. System  
9 planning, as set out in the National Institute of Corrections'  
10 *Jail Capacity Planning Guide: A Systems Approach* (2009), is a  
11 best practice and is essential to building an appropriately  
12 sized jail and managing jail populations on a long-term basis.  
13 The systems approach shifts the nature of jail planning from  
14 simply making population forecasts based on past trends and the  
15 assumption that the policies driving the jail population will  
16 remain unchanged, to developing a continuum of options for law  
17 enforcement and judges in which jails are only one option among  
18 many, that should be used sparingly and as a last resort. The  
19 systems approach calls on planners to "plan as much for programs  
20 as they do for [jail] beds."



1        Systems planning examines the policies and practices that  
2        drive the jail population and addresses these policies and  
3        practices in ways that reduce the jail population without  
4        compromising public safety. Research by the Vera Institute of  
5        Justice has shown that the failure of planners to address the  
6        policies and practices that lead to jail population increases  
7        creates a vicious cycle in which the new jails created to reduce  
8        overcrowding rapidly fill to capacity, creating a demand for  
9        more capacity, and precipitating a costly building cycle.

10       Reducing and effectively managing jail populations is  
11       important because jails are extremely expensive to build and  
12       maintain. In 2018 the departments of public safety and  
13       accounting and general services estimated that building a new  
14       jail to replace the Oahu community correctional center would  
15       cost approximately \$525,000,000. However, this estimate is no  
16       longer accurate due to significant cost increases in the State's  
17       construction industry. This new jail is likely to cost  
18       approximately \$1,000,000,000, or roughly \$770,000 per bed for  
19       the one thousand three hundred-bed facility.

20       The departments of public safety and accounting and general  
21       services plan to use a public-private partnership to plan,



1 design, finance, construct, and maintain the new jail. The  
2 legislature finds that while public-private partnerships may be  
3 appropriate to deliver some types of public infrastructure, the  
4 partnerships are not appropriate for jails as jail planning  
5 requires highly transparent planning, designing, financing,  
6 construction, and management, as well as public participation  
7 that simply cannot be achieved with a public-private  
8 partnership.

9 On January 3, 2022, the Hawaii correctional systems  
10 oversight commission called on the State to stop the planned  
11 issuance of a request for qualifications and a request for  
12 proposals to build a new Oahu community correctional center  
13 through a public-private partnership. The Hawaii correctional  
14 systems oversight commission noted that the jail now being  
15 planned is too big, too expansive, and will perpetuate a  
16 punitive model for the State's correctional system.

17 The Hawaii correctional systems oversight commission has  
18 also called for government officials and a broad range of  
19 community stakeholders; including the agencies that provide  
20 health, housing, and employment services to the community;  
21 formerly incarcerated individuals; representatives of cultural



1 groups that reflect the justice-involved population; victim  
2 advocates; and individuals having knowledge and expertise in  
3 various aspects of the justice system to work together in a  
4 collaborative manner to plan a jail that will meet the needs of  
5 the community.

6 Accordingly, the purpose of this Act is to pause the  
7 development of a public-private partnership for a new jail to  
8 replace the Oahu community correctional center and create a  
9 criminal justice reform committee.

10 SECTION 2. Chapter 353, Hawaii Revised Statutes, is  
11 amended by adding two new sections to part I to be appropriately  
12 designated and to read as follows:

13 "§353- In-state correctional facilities; pause of  
14 development of new jail. Notwithstanding sections 353-16.35 or  
15 353-16.36 or any other law to the contrary, no department,  
16 agency, board, commission, or employee of the State shall:

17 (1) Expend moneys or take any action to create a  
18 public-private partnership to plan for, finance,  
19 design, develop, or construct a new jail on Oahu;

20 (2) Issue, publish, circulate, or solicit a request for  
21 qualifications from any private entity related to the



1           private entity's ability to plan for, finance, design,  
2           develop, or construct a new jail on Oahu;

3           (3) Issue, publish, circulate, or solicit a request for  
4           proposals to plan for, finance, design, develop, or  
5           construct a new jail on Oahu;

6           (4) Enter into a contract with any entity to plan for,  
7           finance, develop, design, or construct a new jail on  
8           Oahu as part of a public-private partnership; or

9           (5) Expend moneys or take any actions to plan for a new  
10          facility to replace, or expand the existing, women's  
11          community correctional center.

12          §353- Criminal justice reform committee. (a) The  
13          Hawaii correctional systems oversight commission shall establish  
14          a criminal justice reform committee which shall participate as a  
15          full partner in planning, designing, financing, developing, and  
16          constructing a new jail to replace the Oahu community  
17          correctional center.

18          (b) The criminal justice reform committee and each entity,  
19          whether public or private, involved in planning, designing,  
20          financing, developing, and constructing a new jail to replace



1 the Oahu community correctional center shall, as part of the  
2 planning process, work collaboratively to:

3     (1) Identify the policies and practices causing an  
4     increase in the State's jail population and make  
5     recommendations to the legislature on ways to address  
6     those policies and practices in a manner that will  
7     improve the criminal legal system and safely reduce  
8     the Oahu community correctional center inmate  
9     population;

10    (2) Recommend policies and programs to the legislature  
11    that will create alternatives to jail, particularly  
12    for people accused of offenses arising from, or  
13    associated with, homelessness, poverty, mental  
14    illness, and substance use disorders;

15    (3) Recommend policies and programs that will reduce the  
16    overrepresentation of native Hawaiians and Pacific  
17    Islanders in the State's criminal justice system; and

18    (4) Make any other recommendations as the committee deems  
19    appropriate to improve the State's criminal justice  
20    system.



1        (c) The criminal justice reform committee shall submit a  
2 report of its findings and recommendations, including any  
3 proposed legislation, to the legislature no later than  
4 December 20, 2023. The report shall include a plan for the  
5 replacement of the Oahu community correctional center, including  
6 but not limited to a plan for addressing the policies and  
7 practices causing an increase in the Oahu community correctional  
8 center inmate population, any recommendations to significantly  
9 reduce the Oahu community correctional center inmate population,  
10 and the estimated cost of a new jail to replace the Oahu  
11 community correctional center in a manner that does not  
12 compromise public safety.

13        (d) The preferred qualifications for committee members  
14 shall be possessing knowledge of:

- 15        (1) Criminal justice or correctional systems and policies;  
16        (2) Poverty, homelessness, mental health, and substance  
17        use disorders;  
18        (3) Native Hawaiian and Pacific Islander cultural  
19        practices with an emphasis on healing and reducing  
20        recidivism;





1       (4) Creating alternatives to incarceration through  
2       diversion, bail reform, the treatment of mental  
3       illness and substance use disorders, harm reduction  
4       practices, low-income housing programs, best practices  
5       in pretrial procedures, and programs to reduce  
6       poverty.

7       (e) Committee members shall elect a chairperson and  
8       vice-chairperson of the commission.

9       (f) Members of the committee shall serve without  
10      compensation but shall be reimbursed for expenses necessary for  
11      the performance of the members' duties, including travel  
12      expenses.

13      (g) No member of the committee shall be made subject to  
14      the financial disclosure requirements of sections 84-13 and  
15      84-17 solely because of that member's participation as a member  
16      of the committee. The terms of the committee members shall  
17      be \_\_\_\_\_ years."

18      SECTION 3. There is appropriated out of the general  
19      revenues of the State of Hawaii the sum of \$ \_\_\_\_\_ or so  
20      much thereof as may be necessary for fiscal year 2022-2023 for  
21      the operations of the criminal justice reform committee.



# H.B. NO. 2516

1       The sum appropriated shall be expended by the department of  
2 the attorney general for the purposes of this Act.

3       SECTION 4. New statutory material is underscored.

4       SECTION 5. This Act shall take effect on July 1, 2022, and  
5 shall be repealed on

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INTRODUCED BY:

Bill Koyan

JAN 26 2022



# H.B. NO. 2516

**Report Title:**

Department of the Attorney General; Hawaii Correctional Systems Oversight Commission; Oahu Community Correctional Center; New Jail; Criminal Justice Reform Committee; Appropriation

**Description:**

Pauses development of a new jail to replace the Oahu community correctional center. Requires the Hawaii Correctional Systems Oversight Commission to establish a Criminal Justice Reform Committee. Appropriates moneys.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

