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Oversight Coordinator Monthly Report

Date of Report: March 16, 2023

In accordance with Chapter §353L-6, the Oversight Coordinator shall submit a monthly report to the Commission, the Governor, and the Legislature. The monthly report shall include actions taken by the Commission and expenses for the preceding month. In addition to the mandated parties this report must be shared with, the Oversight Coordinator will publicly post the monthly report to increase transparency and accountability. This report will also be shared with each individual who has the responsibility of appointing members of the Commission. This includes:

- 1) Governor of Hawaii
- 2) President of the Hawaii Senate
- 3) Speaker of the Hawaii House of Representatives
- 4) Hawaii Supreme Court Chief Justice
- 5) Chairperson of the Board of Trustees of the Office of Hawaiian Affairs

In-Custody Deaths

On Friday, January 27, 2023, at the Saguaro Correctional Center, a person in custody, male, 72 years old, was found to be suffering, “stroke like symptoms.” 911 Emergency Medical Services (EMS) were called and the person in custody was transported and admitted to a nearby hospital. After spending approximately, a month and a half in the hospital, the individual was pronounced deceased at 2:21am at the Boswell Banner Hospital.

Electronic Medical Record (EMR) Down since June 2022

On August 10th, 2022, the Coordinator learned that the Electronic Medical Record (EMR) had been down since June 2022 causing staff to rely on a paper/pen-based system with no clear indication of when the EMR would be back up for staff utilization. This issue was immediately addressed with the Department of Public Safety with clear urgency. After many attempted fixes and various upgrades to the system, the EMR went live on February 10th, 2023. Although there are still some issues within the system (certain bugs, corrupted tables, etc.) that are currently being worked on, the Commission is glad to know the EMR is back up for medical and healthcare staff to utilize.

Many thanks to Tommy Johnson, Department Director and Gavin Takenaka, Corrections Health Care Administrator for keeping the Oversight Coordinator informed.

Actions Taken

Facility Tours

Facilities Toured:

- Oahu Community Correctional Center (OCCC) – February 16, 2023
- Oahu Community Correctional Center (OCCC) – February 27, 2023
- Hawaii Community Correctional Center (HCCC) – March 2, 2023

The Oversight Coordinator extends special thanks to all facility staff for their cooperation, expertise, and professionalism.

Justice-Involved Homeless Intergovernmental Collaboration

[Going Home Hawai'i](#) has taken the initiative to develop a strategy for intergovernmental collaboration meetings leading up to a Reentry Housing Summit in August 2023. The Coordinator is on the Steering Committee for this event and the Commission will be an active part in the intergovernmental collaboration leading up to the upcoming Reentry Housing Summit.

Legislative Priorities

The Commission chose to support 30 bills related to public safety, and to oppose five bills related to public safety. The [Senate Committee on Public Safety and Intergovernmental and Military Affairs \(PSM\)](#), have their public meetings on Monday, Wednesday, and Friday at 3pm. The [House Committee on Corrections, Military, and Veterans \(CMV\)](#) have their public meetings on Wednesday and Friday at 9am. Meetings can be attended in person or virtually. More information can be found at <https://www.capitol.hawaii.gov/>.

Additionally, on March 8th 2023, the [House Committee on Finance](#) (FIN) received 49 pages of testimonies in support of the HCSOC. This came from 15 local and national agencies, and 17 concerned citizens totaling 32 testimonials. The Commission is so incredibly grateful for the ongoing support while the office continues to grow and build on this important work. Those who submitted testimony include:

Agencies:

- Criminal Justice Research Institute - Erin Harbinson
- Hawaii Paroling Authority - Edmund "Fred" Hyun
- Community Alliance on Prisons - Kat Brady
- Maui Economic Opportunity - Debbie Cabebe
- Going Home Hawaii - Les Estrella
- John Howard Association - Jennifer Vollen-Katz
- Hawaii Helath & Harm Reduction Center - Nikos Leverenz
- FAMM - Molly Gill
- Women's Prison Project - Linda Rich
- State of New Jersey Office of Corrections Ombudsman - Terry Schuster
- State of Michigan Legislative Corrections Ombudsman - Keith Barber
- United Public Workers (UPW) - Kalani Werner
- Correctional Association of New York - Sumeet Sharma
- Pennsylvania Prison Project - Claire Shubik-Richards

Individuals:

- Dan and Lee Curran, Makaha Community Members
- Esther Geil, Community Member
- Stacey Nelson, Professor of Oversight and Law Enforcement, Loyola Law School
- Jeff Tomita, Concerned Citizen
- Diana Bethel, Honolulu Community Member
- Wndey Gibson-Viviani Kailua Community Member
- Donn Viviani, Kailua Community Member
- Patrick Uchigakiuchi, Psychologist, Community Member
- Kristine Crawford, Community Member
- Paula Toki Morelli, Community Member
- Robert K. Merce, Honolulu Community Member
- Nashla Rivas-Salas, Civilian Oversight Professional
- Barbara Polk, Community Member
- Mayone Kinikini, Community Member
- Jeanne Y. Ohta, Community Member
- Kim Coco Iwamoto, Community Member
- Corinne Apana, Community Member

For future opportunities to testify, please follow the Commission's [Facebook](#) and [Instagram](#) where posts will be made regarding the upcoming [Ways and Means](#) (WAM) hearing on the state budget, or visit the State Legislature's website at <https://www.capitol.hawaii.gov/>.

OCCC Commissioner Tour

On Thursday, February 16th, 2023, directly following the HCSOC public meeting, the Commissioners and Oversight Coordinator toured OCCC. After the tour, the Commission compiled their notes encompassing their impressions and offered ten recommendations:

- 1) OCCC should ensure that vehicles are not parked in the sally port unless in active use, and that the sally port gates are secured unless a vehicle is entering or leaving.
- 2) The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.
- 3) The medical infirmary needs immediate attention by PSD leadership for various issues directly related to inhumane conditions.
- 4) Cells that hold individuals on suicide watch should be painted and reconfigured for a more therapeutic environment for those who are in crisis.
- 5) Those housed in Protective Custody status should be allowed all items usually authorized for general population inmates.
- 6) Housing unit windows which are covered by wood should be replaced with frosted windows to allow natural light.
- 7) Food must be served at appropriate temperatures to prevent food-borne illness.
- 8) Contact visits should be restored.
- 9) Maintenance should have a prioritized list of items or matters that require repairs and share that list with downtown leadership with specific timeframes of anticipated repair.

- 10) PSD should invite participants in the criminal justice system (police chief, prosecutor, defense bar, judges, and the politicians) to visit the correctional facilities.

The full OCCC Site Visit Observation report is attached and can be found on the Commission's website at: <https://hcsoc.hawaii.gov/reports/>

OCCC Tour with Supreme Court Justices

The Oversight Coordinator facilitated a tour of OCCC on Monday, February 27th, 2023, to highlight changes that need to be made outside of the Department of Public Safety to curb overcrowding. Attendees included members from the Supreme Court: Justice Sabrina McKenna, Justice Michael Wilson, Justice Todd Eddins, and their law clerks. Additionally, Senator Michelle Kidani, a member of her staff, and Tommy Johnson, Director of Public Safety attended the tour. Unfortunately, the tour went over the scheduled allotted time so there was not an opportunity to talk afterwards as a group. However, the Oversight Coordinator and Director of Public Safety intend to have ongoing conversations with these stakeholders on needed change throughout the system. This was the first step in expanding transparency and the Oversight Coordinator thanks all who were able to attend the tour in addition to the staff for their time and expertise.

HCCC Conditions Update

This section is following a report from September 2nd, 2022, highlighting serious issues and concerns regarding inhumane conditions at HCCC. The Coordinator has continued to make biweekly trips to HCCC; however, the biweekly commitment has been difficult to follow due to the legislative session and various meetings with stakeholders.

Overcrowding

On March 14, 2023, three buildings at HCCC (Punahale, Komohana and Waianuenue) in addition to covid-housing had a head count of 245 while the facility has an operational capacity of 126 (*note: construction is finished and there are no cells out of commission*). This puts the facility at a 194% occupancy rate. Please note that this rate is significantly higher than previous reports, as the Commission chose not to include the HCU (covid/shipping container) nor the Punahale corridor or the Multipurpose Room within the operational capacity as none of those areas are meant for permanent housing.

According to Commissioner Sakai, the official capacity of Punahale is 22. This is because the cells are smaller than standard, at about 60 square feet per cell. Komohana consists of 32 cells, designed to hold two people each. Its operational capacity is 64. Waianuenue consists of two sections, each with five open bays, intended to house four inmates each. Its operational capacity is 40.

A massive portion of HCCC are pretrial detainees which means they have not been sentenced for a crime. Much of this population is homeless and/or have a mental health diagnosis. This is an ongoing effort to address the overcrowding concerns with the judiciary, and this will continue to be reported on.

Safety and Security Concerns

The facility recently finished its construction in Punahale to improve housing conditions by completely replacing each of the cell doors, preventing the use of padlocks on the cell doors. All cells have been completed, and the Coordinator is pleased to report that the use of padlocks is no longer occurring in Punahale.

However, during the February 8, 2023, tour of Komohana, the Coordinator found two cell doors with padlocks attached. The padlocks were attached to the handle of the door and officers confirmed that the cell doors are padlocked during the night. This is extremely problematic as it significantly increases response time for officers to access the cell if there is an emergency. The Coordinator addressed this with facility leadership immediately in addition to alerting the Director of Public Safety. During the February 13th, tour, the Oversight Coordinator witnessed staff remove the padlocks. During the March 2nd tour, the Oversight Coordinator did not find padlocks on cell doors.

The Multipurpose Room 1 (also commonly referred to as the “fishbowl”) was closed for construction but has since been opened. The Coordinator was told that once the multipurpose room is opened back up, it will be used for indoor recreation which consists of card/board games, tv, and general time out of cell. However, during recent visits of HCCC, the Coordinator found that this is not the case. The Multipurpose Room 1 “fishbowl” is still being used as inappropriate housing to house individuals who has finished their initial quarantine time in the Shipping Container/Covid-Housing, but who have not been permanently housed in an appropriate housing area. During the most recent visit on March 2nd, the Oversight Coordinator found at least twelve individuals housed in that space. Additionally, the count in Multipurpose Room 1 on March 14th, 2023, was 15.

The Commission recognizes the Department’s hardship due to extreme physical limitations of the aging facility, and lack of appropriate space given the immense overcrowding. The Commission will continue to work with the Department to submit appropriate recommendations in addition to working with the legislative and judicial branches of government to highlight the desperate changes needed to be made.

Lack of Basic Services

During the February visits, the Oversight Coordinator noticed that no one in HCCC had bedsheets. Additionally, people in custody notified the Oversight Coordinator that they did not have underwear, bras (for women), or t-shirts to wear under their jumpsuit-style uniform. The Oversight Coordinator brought these issues up to facility leadership numerous times to no avail. Therefore, the Oversight Coordinator alerted the Director of Public Safety regarding the concern of the lack of undergarments and lack of dignity. The Director took immediate action and had the Deputy Director of Corrections tour with the Oversight Coordinator to address the issues onsite.

During the March visit, the Oversight Coordinator found that blankets and sheets were distributed in addition to bras for women. However, basic services are still an issue.

In addition to people in custody not having access to t-shirts, underwear, or jumpsuit uniforms, staff informed the Oversight Coordinator that medical staff had to resort to **giving women adult diapers during menstruation** due to a lack of underwear and lack of menstrual pads to attach to said underwear. Department leadership claimed that women were taking advantage of menstrual pads by wearing them daily, therefore creating a shortage for those who need them. The Department also confirmed that it is the business office making the decision to limit the menstrual pads.

The Oversight Coordinator recommended that medical staff should be the ones distributing menstrual pads and ensuring the facility does not run low. The HCCC Warden agreed and made that change. Additionally, the HCCC Warden went to a local Walmart and bought all underwear that was in stock while they awaited an incoming shipment of underwear, t-shirts, and jumpsuits. The HCCC Warden confirmed that the shipment of clothing arrived on Friday, March 10, 2023, and the facility began to distribute appropriate clothing on March 13, 2023.

According to Department policy COR.17.03:

All inmates shall be adequately clothed during their period of incarceration. At a minimum each inmate shall be issued the following items:

- a. Male uniforms
 - 1) Three pants
 - 2) Three shirts
 - 3) Three T-shirts
 - 4) One pair slippers
 - 5) Three pair underwear (boxer/brief)

- b. Female uniforms
 - 1) Three pants
 - 2) Three shirts
 - 3) Three T-shirts
 - 3) Three brassiere
 - 4) Three underwear (brief)
 - 5) Pregnant inmates - appropriate attire

This issue will continue to be reported on until resolved, and until the Department has a plan in place to prevent such a shortage in the future.

Suicide/Safety Watch

During past visits, the “dayroom” space behind a door in Punahale in front of four cells was being utilized on and off for those on suicide or safety watch. This is of serious concern due to 1) lack of access to water and toilets, 2) lack of visibility from officer desk, 3) lack of privacy from 12+ people in custody within the cells, 4) no bedframe, 5) no area to store their property, and 6) a complete lack of humane treatment and decency as a whole towards individuals with potentially self-harming ideations and/or actions. During the last three most recent visits (February 7th and 14th and March 2nd), individuals were not found in that

space. This is great news, and the Oversight Coordinator will continue to report on this issue in case the space is utilized in the future.

Shipping Container/Covid-Housing

On March 14th, the shipping container housed 12 individuals. These cells have a triple bunk bed in each cell and are used as isolation cells to ensure newly admitted individuals do not have covid. The isolation period for was recently changed from 10 days to 5 days to align with CDC standards. Once the 5-day isolation period is met, individuals can be housed accordingly. There were no individuals in the isolation cells for more than 5 days during the most recent March visit. Additionally, all light fixtures were in working order.

Recreation

Individuals have reported that they are being allowed outside for recreation. The facility has set a new recreation schedule to equitably allow as many individuals outside for recreation as possible. Due to overcrowding and understaffing, the facility is not meeting federal standards for daily outdoor recreation. However, individuals in custody have reported that there is improvement.

Visits

Due to the construction, the visit room is currently out of commission and the facility is not offering in-person visits. The construction in the visit room to create permanent non-contact visit spaces is not completed yet. The Coordinator is deeply concerned about this new construction given how important and impactful in-person contact visits are for rehabilitation. The Coordinator was told that the facility is waiting on phones for the non-contact booths. It is still unclear when in-person visits can occur.

The Oversight Coordinator continues to monitor the conditions of HCCC, work with community partners, the judicial branch, and the Department of Public Safety to ensure safer conditions that align with federal standards. The Coordinator will continue to report on the conditions of HCCC.

General Office Information

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Expenses for the Preceding Month

EXPENDITURE COSTS - February 2023

	Price per Item	Quantity	Total	Notes
Office Equipment and Supplies			\$88	
General Office Supplies			\$0	
Staff and Commission Badges			\$0	
Staff and Commission Badge Holders			\$0	
Cell Phone			\$0	
Cell Phone Monthly Plan	\$88	1.00	\$88	
Wifi Hotspot			\$0	
Inter-Island Correctional Facility Travel			\$228.00	
Airfare			\$0	Travel for 2/7 & 2/13 noted in January expense
Car Rental	\$72	2.00	\$144	
Daily Per Diem	\$20	2.00	\$40	
Lodging+Tax			\$0	
Ground Transportation			\$0	
Airport Parking	\$22	2.00	\$44	2/7, 2/13
Mainland Correctional Facility Travel			\$0.00	
Airfare			\$0	
Car Rental			\$0	
Daily Per Diem			\$0	
Lodging+Tax			\$0	
Ground Transportation			\$0	
Airport Parking			\$0	
Memberships + Conferences			\$0.00	
Cruel & Not Unusual Symposium - Austin, TX			\$0	
Airfare			\$0	
Car Rental			\$0	
Daily Per Diem			\$0	
Lodging+Tax			\$0	
Ground Transportation			\$0	
Airport Parking			\$0	
TOTAL			\$316	

Hawaii Correctional System Oversight Commission Monthly Meetings

This report will be discussed at the monthly Hawaii Correctional System Oversight Commission meeting held on March 16, 2023. The next monthly meeting is scheduled to occur on April 20, 2023 at the Hawai'i Community College, 1175 Manono Street, Hilo, Hawai'i 96720 (room to be determined) and online via Zoom. More information can be found on the Commission's webpage here: <https://hcsoc.hawaii.gov/meetings/>.



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On Thursday, February 16th, 2023, the Hawaii Correctional System Oversight Commission (the Commission, HCSOC) toured the Oahu Community Correctional Center (OCCC) collectively as a group. The tour included four of the five Commissioners – Mark Patterson (Chair), Martha Torney, Ted Sakai, and Ron Ibarra in addition to the Oversight Coordinator, Christin Johnson.

After touring OCCC, the Commissioners chose to have an additional public meeting outside of the normal monthly public meetings to address serious conditions found within the facility. This report encompasses notes from the Commissioners and will be discussed at a public meeting held on March 7th, 2023, at 2pm via Zoom.

FEBRUARY OCCC SITE TOUR OBSERVATIONS

Module 5 (Intake)

Module 5, Intake, was not crowded at the time the Commission visited as transports were completed earlier for the day. The most crowded times are on Mondays or after three-day weekends when defendants who are held in police cell blocks are brought in after their court bail hearings—as many as 50-60 at one time. The male side of the intake gets very crowded on those days. The female side of intake is separate from male side. Commissioners noted that filing appeared to be up to date (not a lot of loose documents were apparent) and a single Adult Corrections Officer (ACO) was entering data into the Department's database, OffenderTrak.

Commissioners were shown the interior of a van used to transport inmates to and from the facility. The van had a place for at least one separate away from others being transported to prevent possible harm by others or collusion between defendants.

During the visit, neither of the sally port gates outside Module 5 were closed. There simply were too many vehicles parked within the sally port. It is important to note that escapes have occurred when sally port gates were not properly secured – one was from OCCC and one was from the First Circuit Court. Moreover, the Commission observed an even more egregious security violation: **inmates were disembarking from a van when the sally port gates were not secured.** This should never occur. *Please see Recommendation 1.*

Covid-19 Medical Isolation Unit

The Covid-19 Medical Isolation Unit is located in shipping containers outside of Module 5. Newly admitted inmates (male and female) are tested upon admission — if positive, they are moved to the shipping containers. If they are negative, they will be placed in New Admission housing. Any person testing positive post-admission are transferred to shipping containers. If two are placed in one cell, the bed frame is removed and both inmates sleep on mattresses on the floor.

On the day of the visit, two of the nine cells housed inmates. Each cell appeared to have enough space to house up to two inmates. Each cell was equipped with a bunk, had a toilet/sink combo and was air-conditioned. There was one shower outside of the cells. Inmates would have to be escorted to the shower by staff. There was no readily accessible space in the immediate vicinity in which the inmates could exercise. There was no shading provided above the top of the container which has contributed to hot conditions, even with functioning air conditioning.

There are three serious deficiencies that can cause significant risk to the health and safety of inmates who may be placed in these cells:

- 1) There is no communication system (e.g. intercom) within the cells. An inmate can communicate with staff only by calling out through the metal doors.
- 2) Because each door is individually keyed, an officer would have to go to each door to unlock it during an emergency.
- 3) On the day of the visit, there was no staff stationed in the immediate vicinity. Moreover, the key to the cell doors was held INSIDE the facility, in Module 5.

The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. *Please see Recommendation 2.*

Module 19 (New Admissions)

Module 19 houses newly admitted males for assessment and placement determinations. Inmates who have tested negative for COVID-19 upon admission are quarantined in cells with others for at least five days, then retested before being permanently housed. When a new inmate is put in a cell, those already housed there will have their number of days extended to accommodate the new admission's five-day quarantine.

There are 36 cells in Module 19 with an operating capacity of 72, but the unit has held up to 120 inmates which implies all cells would house not less than three inmates, while the (slightly larger) corner cells hold up to five inmates. The cells are designed for one occupant and can hold two occupants under certain conditions.

There is only one bunk bed in each cell leaving the other inmates sleeping on the concrete floor next to the toilet and under a bunk. In the corner units, three inmates slept on mattresses on the floor. The inmates reported that they had very little out of cell time. They even ate meals in their cells, creating the potential for sanitation issues.

Five of the 36 cells were in need of repair and could not be occupied which forced serious crowding in the remaining cells. At least two of the corner cells had five inmates living in them whereas other cells had four. When asked how they decide who gets to sleep on a bunk versus the floor, one inmate replied, "the biggest." *Please see Recommendation 9 and Recommendation 10.*

Medical Unit/Infirmary

The inadequacy of the medical unit has been discussed previously during Commission meetings. Two things seem especially serious and need to be handled as emergencies, and assistance sought from outside the Department:

- 1) The infirmary is seriously overcrowded, with inmate-patients sleeping in beds in the common space. The nurse reported that at times inmate-patients have to sleep on mattresses on the floor.
- 2) The lack of electronic health records is a source of serious strain from an already overburdened staff.

The Medical Unit was very crowded and very small with little space for staff to work. There was a lack of ability to separate patients from one another and complete lack of privacy for medical practitioners who interview and examine inmates. Other clerical staff members are able to hear what should be confidential medical communication. The staff pointed out that an enclosed area is needed and that they have made the request for an enclosed area several times. Additionally, the bed space is inadequate as the maximum bed capacity is 5-6 beds. Because the beds are squeezed in the space, the privacy curtains around each bed cannot be used. This infirmary is in a 1,000+ inmate population jail.

The Electronic Medical Records (EMR) system has been down since June 2022, forcing staff to rely 100% on paper records (manually creating and updating medical records). The records area was cram packed with documents, including records for current inmates and those discharged. The Records Clerk is making an effort to scan records that should be archived, but it appears to be a near impossible job. This contributed to a space problem not to mention the inefficiency of such a system. There were files in boxes and on carts.

The infirmary bathrooms are not ADA compliant. ADA patients are housed in Module 2. *Please see Recommendation 3.*

Module 1 (Male Unit for Mental Health/Suicide Watch)

Module 1, a male unit, is for those in need of mental health evaluations and services, and who are on suicide watch. Even those on suicide watch are placed in small cells with one or two others. An ACO is stationed directly across from a bank of suicide cells to provide the regular checks required by policy. In one suicide cell there were only two mattresses but three inmates. The inmate without a mattress informed the Commission that he did not want one.

Suicide Watch cells appear to be extremely punitive. The cells have one large rectangular slab of concrete in the center of the cell to be used as a bed. The cells are full of graffiti and lack any type of therapeutic design for those in a crisis state. *Please see Recommendation 4.*

Module 3 (Female Unit)

Module 3 houses females. Most, if not all, cells had very limited natural light as the windows were covered externally with wood to prevent communication between the women and men who use an outside recreation yard adjacent to Module 3.

Additionally, several areas needed maintenance. A shower in the female quarantine module was not in operation because the light was out. The Commissioners were told this problem was there for a while. There were leaking showers which were inoperable. Commissioners noticed water leakages, inoperable toilets, and graffiti in cells. *Please see Recommendation 5 and Recommendation 9.*

Module 11 (Male Unit)

Module 11, a male unit, had serious water damage in the shower area rendering one of the four showers unusable. The Commissioners were unable to determine the extent of mold damage, but the problem appeared to be in the wall versus the plumbing chase, making access for repairs very difficult. Windows were covered with wood, allowing only minimal (if any) natural daylight into cells. *Please see Recommendation 5 and Recommendation 9.*

Holding Unit

The Holding Unit, built in 1936, did not appear to be overcrowded (Commissioners only observed the first of the three floors). Assigned inmates are allowed one hour of outdoor recreation which takes place in cages about as small as the cells, not allowing for meaningful large muscle movement.

Four inmates requiring protective custody (PC) were held in the Holding Unit, in cells separate from inmates who were on disciplinary lockdown. The PC inmates were subject to the same conditions as the inmates on disciplinary segregation. That is, the PC inmates are held in lockdown with hardly any activity. The Commission knows of no professional standard under which this is acceptable. *Please see Recommendation 6.*

Work Line

The Industry area was closed for the day, but the Commissioners did talk with the supervisor. The Industry work line is responsible for responding to repair work orders generated by the various units. Civilian staffing shortage severely limits the Industry program's ability to make repairs. Getting the right fixtures for repairs is also an on-going problem, in a large part because most orders are to Mainland companies. *Please see recommendation 9.*

Kitchen

The kitchen was being cleaned by the inmate work line during the Commission's visit. For the most part, it appeared to be in good order. The supervisor shared the difficulties they experienced during the Pandemic as no inmates were assigned to the kitchen and paper products used to prevent the spread of COVID-19 were often in short supply. These issues have since been resolved.

The increased cost of some food items, such as eggs, affects the budget. One way the supervisor prepares for possible shortages is to monitor Mainland weather that may impact availability of produce and other foods—changes to the menu are made when these shortages occur.

During the visit to the food service area, meals were being plated for transport to the various living units. It appeared that the food was placed on plates directly from trays that were not on appropriate warmers. No one was observed taking the temperatures of the hot food in the trays, or of the food on the plates at appropriate intervals. This leaves OCCC at risk for a food-borne illness caused by food served at inappropriate temperatures. *Please see Recommendation 7.*

Visiting Area:

The visiting area allows for only non-contact visits, preventing any physical contact between inmates and their loved ones. *Please see Recommendation 8.*

Overall:

Morale: Overall, the staff and ACOs have a high morale considering their working conditions. They are doing the best they can with what they have. A concern is that after staffs' repeated requests for repairs or remedial actions are not addressed, the staff will "give up" and not make any requests.

Overcrowding: There is persistent overcrowding along with the need to keep inmates separated has caused OCCC management to resort to intolerable actions. There appears to be no immediate way to resolve this unacceptable situation. However, comments from staff indicate that a more assertive approach to population management is in order. The Acting Chief of Security described inmates who were held with low bail and who had serious medical or mental health issues who would be better placed in treatment facilities. A medical staff member stated that her "top-of-the-head" best guess was that 90 % of the new intakes are homeless, mentally ill, or active drug users, or any combination thereof. *Please see Recommendation 10.*

Recommendations to be considered by the Department of Public Safety:

- 1) **OCCC should ensure that vehicles are not parked in the sally port unless in active use, and that the sally port gates are secured unless a vehicle is entering or leaving.**
The Commission found that the sally port gates were unsecured, even while inmates were being transported in and out of the facility. Sally ports are spaces that are most at-risk of having a security breach due to the direct access outside of the facility's perimeter fences. It is important to note that escapes have occurred when sally port gates were not properly secured – one was from OCCC and one was from the First Circuit Court. Sallyports should always be locked securely unless a vehicle is entering or leaving the applicable gate.
- 2) **The container units outside Module 5 used for quarantine/isolation should not be used unless there is staff in the immediate vicinity at all times.**
The Commission found that the containers outside of Module 5 did not have an ACO in the vicinity. The Department places itself at considerable risk by not posting an ACO in the immediate vicinity whenever any of the cells is occupied. The ACO should be required to make regular (not less than every half hour) security checks of each cell and document these checks along with their observations. This ACO should carry the key that opens each cell door. It is therefore recommended that OCCC not use these units unless it can post an ACO in the immediate area whenever any cell is occupied.
- 3) **The medical infirmary needs immediate attention by PSD leadership for various issues directly related to inhumane conditions.**
The Commission found that the infirmary is seriously overcrowded, with inmate-patients sleeping in beds in the common space which also contributes to a serious lack of privacy when discussing federally protected medical issues. The Commission also found that the lack of electronic health records is a source of serious strain from an already over-burdened staff. Lastly, the Commission found that the bathroom located in the infirmary is not ADA-compliant. It is therefore recommended the infirmary receive immediate attention from PSD leadership to find solutions to the:

- a. lack of privacy;
- b. lack of ADA compliance;
- c. lack of appropriate bed space;
- d. lack of basic humane conditions experienced by the most vulnerable and medically disabled individuals in the facility; and
- e. lack of efficiency caused by a non-functioning medical record system and complete reliance on paper-based system.

4) Cells that hold individuals on suicide watch should be painted and reconfigured for a more therapeutic environment for those who are in crisis.

The Commission found that suicide-watch cells were covered in graffiti in addition to having a large metal slab to be used as a bed. Inmates would place their mattresses on either side of the slab. The Commission recommends the slab be removed and the cells receive a fresh coat of paint.

5) Those housed in Protective Custody status should be allowed all items usually authorized for general population inmates.

The Commission found that the PC inmates were subject to the same conditions as the inmates on disciplinary segregation. That is, the PC inmates are held in lockdown with hardly any activity. Individuals who are in PC are vulnerable populations that should not be punished for requested additional safety precautions. Individuals on PC should be housed in the least restrictive environment practicable, in segregated housing only if necessary, and in no case in a setting that is used for disciplinary housing. Additionally, PS inmates should be allowed all of the items usually authorized for general population prisoners and provided opportunities to participate in programming and work. PC inmates, similar to general population inmates, should be provided the greatest practicable opportunities for out-of-cell time

6) Housing unit windows which are covered by wood should be replaced with frosted windows to allow natural light.

The Commission found at least two housing units where every cell that had a window facing outside had their windows blocked by a slab of wood. In accordance with American Correctional Association (ACA) Standard 4-ALDF-1A-16: *All inmate rooms/cells provide the occupants with access to natural light by means of at least three-square feet of transparent glazing, plus two additional square feet of transparent glazing per inmate in rooms/cells with three or more inmates.* Therefore, the Commission recommends to replace the wood with frosted windows to allow natural light.

7) Food must be served at appropriate temperatures to prevent food-borne illness.

The Commission found that the food was placed on plates directly from trays that were not on appropriate warmers. No one was observed taking the temperatures of the hot food in the trays, or of the food on the plates at appropriate intervals. This leaves OCCC at risk for a food-borne illness caused by food served at inappropriate temperatures.

8) Contact visits should be restored.

The Commission found that OCCC has not offered contact visits in at least three years due to Covid-19. Now that visitors can be tested for Covid-19 and required to wear masks, it is important to allow contact visits. There is extensive research that highlights the importance and rehabilitative factors of contact visits for those in custody. Contact visits allow inmates to feel closer to their loved ones and their community. Noncontact visits are inherently punitive and against therapeutic and rehabilitative practices.

9) Maintenance should have a prioritized list of items or matters that require repairs and share that list with downtown leadership with specific timeframes of anticipated repair.

The Commission found various areas where maintenance was needed. This is particularly meaningful for cells that were out of commission due to needed repairs. Given the immense overcrowding OCCC is experiencing, it is imperative that cell repairs happen quickly and efficiently. Staff had noted some areas of repair that had been out of commission for months or years. The Department of Public Safety leadership should be monitoring required repairs closely and ensure timely repairs.

10) PSD should invite participants in the criminal justice system (police chief, prosecutor, defense bar, judges and the politicians) to visit the correctional facilities.

The Commission found that much of OCCC's seriously overcrowding is linked to those with low bails, serious mental health issues, those experiencing homelessness, and others who will experience excessive trauma by being incarcerated. The Commission recognizes PSD does not get to choose who they receive, or who can be released. However, a greater effort can be made to work collectively with partners in the criminal justice system to find diversion options.

If PSD finds appropriate, HCSOC will assist in inviting, planning, and facilitating the tours with the support from facility staff for appropriate background checks, scheduling, and guiding the tours.

HCSOC will examine the efforts made by the Department to actively work with the Courts, other justice agencies, and the health and housing agencies to find alternative placements for inmates charged with non-violent crimes. It is noted that on February 13, 2023, 16 male inmates at OCCC were Sentenced Misdemeanants, 60 were Pre-Trial Misdemeanants, and 160 were Probation Violators. It is also noted that 58 of 127 women at OCCC were in these categories.