

Toward a Smaller, Smarter Correctional System for Hawai‘i

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One of the most troubling developments in Hawai‘i over the past forty years has been the dramatic increase in the state’s jail and prison population. The trend began in the early 1970s when Hawai‘i, like most other jurisdictions, enacted “tough on crime” laws that put more people behind bars for longer periods of time, particularly for drug offenses. In just four decades Hawai‘i’s combined jail and prison population increased 670 percent, and the incarceration rate increased 400 percent (*Creating*). Hawai‘i didn’t just follow mainland mass incarceration trends, it led them. In the 1980s the average annual increase in Hawai‘i’s prison population was the second highest in the nation (Langan et al. 2).

As Hawai‘i’s prisons became dangerously overcrowded in the mid-1990s, we sent hundreds of inmates to private prisons on the mainland, but we didn’t change the policies driving the prison population, and so the number of people behind bars continued to grow unabated. Hawai‘i currently has more than 27,000 people under some form of correctional supervision, and although the incarceration rate has declined slightly in the past few years, it is still so high that if Hawai‘i was a country rather than a state, it would rank among the top twenty incarcerators in the world (*Creating*).

The problems with Hawai‘i’s correctional system go far beyond the number of people we incarcerate. Native Hawaiians are overrepresented at every stage of Hawai‘i’s criminal justice system, making up 21 percent of Hawai‘i’s general population, but 37 percent of the prison population (*Creating*).

Does our correctional system work to prevent future crimes? The average recidivism rate in Hawai‘i for those who spend more than one year in prison is 59 percent, which means that our system fails more often than it succeeds (Wong).

And of course, the cost of our correctional system is unsustainable. It costs \$198 a day, or \$72,000 a year, to incarcerate a person in Hawai‘i (*Annual Report* 16). The Department of Public Safety’s budget is more than \$226 million a year, and the State is planning to build a new jail to replace the O‘ahu Community Correctional Center (OCCC) at a cost of \$525 million, or \$380,000 per bed (*Final Environmental* 49). The State also plans to spend \$45 million to expand the Women’s Community Correctional Facility (WCCC), and it is planning to build

new medium security housing units at the prisons on Maui, Kaua‘i, and Hawai‘i island (*Creating* xiii).

Fortunately, there are evidence-based solutions to many of the issues facing our correctional system. Hawai‘i should immediately transition to a more effective correctional model that focuses on rehabilitation instead of punishment. The new model should incorporate best practices from countries like Norway that follow the “normality principle” in which prisoners live in comfortable private rooms, wear normal clothing, and follow a normal daily routine of working, shopping for food, cooking, cleaning, and socializing.

One of the biggest obstacles to reforming Hawai‘i’s correctional system is the State’s plan to build a 1,380-bed jail on O‘ahu to replace OCCC. There is no question that OCCC needs to be replaced—it is old, dilapidated, and overcrowded—but the jail that the State is planning to build is based on outmoded ideas and a failed planning process. If it is built, it will produce poor outcomes for decades and significantly undermine other reform efforts.

The first question a community should ask when planning a new jail is not “How big should it be?” but “How small can we make it?” Hawai‘i officials never asked that critical question, and the State has no plans to address the policies that are driving the OCCC population. This is a huge mistake. Just a few days in jail can “increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of those who enter—making jail a gateway to deeper and more lasting involvement in the criminal justice system” (Subramanian et al. 5).

Planning for the new jail should wait until we have policies in place to significantly reduce the jail population by: (1) expanding the use of pre-arrest diversion programs that refer clients to social services and case management instead of putting them in jail; (2) expanding the discretion of police officers to issue citations in lieu of arrest for offenses up to and including most non-violent class C felonies; and (3) expanding residential treatment programs for crimes related to addiction or mental illness (*Hawai‘i Criminal*).

We should also end the money bail system because, as the Hawai‘i Criminal Pretrial Reform Task Force said, “there is virtually no correlation between the setting of a particular bail amount and whether the defendant will commit further crime or engage in violent behavior when released from custody” (*Hawai‘i Criminal* 68).

In addition, we should stop using the jail to sanction probation violators who have not committed a new crime. They do not pose a danger to the public, and it costs close to \$60,000 a day to house them in the jail.¹ If we address the foregoing issues we can build a smaller and smarter jail at a fraction of the cost of the jail the State is now planning to build.

Finally, many of the people in OCCC are poor, mentally ill, and charged with homeless-related offenses such as sitting or lying on a public sidewalk. These

people repeatedly cycle through our jails and emergency rooms, receiving fragmented and costly care that fails to address their underlying needs. One of the primary functions of the new jail should be to assess the medical, social, and financial needs of these people, treat them while in jail, and provide them with a discharge plan that will ensure access to services and continuity of care when they are released.

The dramatic increase in Hawai'i's jail and prison population over the past four decades can be reversed without compromising public safety. Indeed, in 2017 Hawai'i's violent crime rate was eight percent below the crime rate reported in 2008, and the property crime rate decreased twenty percent during the same period, suggesting that Hawai'i's incarceration rate is largely unconnected to declining crime levels in the community ("Crime in Hawaii").

Hawai'i's reliance on mass incarceration is a corrosive trend that wastes lives and money, but it can be reversed. Opportunities for real and lasting change in our correctional system abound. What we need is the political will to reduce our jail and prison populations, and revitalize our communities with the savings that accrue from smarter criminal justice policies.

Note

1. As previously noted, it costs \$198 a day to incarcerate a person in Hawai'i. At any given time there are about 300 probation violators at OCCC (*Department of Public*). With 300 inmates at \$198/day, the cost is \$59,400/day.

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