
HOUSE CONCURRENT RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO CONVENE A BLUE RIBBON PANEL
TO INVESTIGATE IMPLEMENTATION OF THE CIVIL RIGHTS OF
INSTITUTIONALIZED PERSONS ACT BY THE CORRECTIONS DIVISION
OF THE DEPARTMENT OF PUBLIC SAFETY.

1 WHEREAS, the Corrections Division of the Department of
2 Public Safety is responsible for the incarceration of all
3 individuals convicted of a crime in Hawaii and given a prison
4 sentence; and

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6 WHEREAS, the Civil Rights of Institutionalized Persons Act
7 is a federal law that ensures that all inmates are afforded
8 their rights under the federal constitution and federal law; and

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10 WHEREAS, the State of Hawaii has been the subject of
11 numerous investigations and lawsuits related to the Civil Rights
12 of Institutionalized Persons Act; and

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14 WHEREAS, the Oahu Community Correctional Center has been
15 the subject of a Civil Rights of Institutionalized Persons Act
16 related investigation on the provision of mental health
17 services; and

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19 WHEREAS, in light of recent events involving Hawaii's
20 inmates at mainland facilities, the Legislature is concerned
21 about the welfare and treatment of Hawaii's inmates incarcerated
22 in mainland facilities; and

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24 WHEREAS, it is much more cost-effective to prevent lawsuits
25 and investigations rather than be forced into compliance with
26 federal law; and

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28 WHEREAS, the Legislature is concerned about the fiscal
29 impact that the State will endure due to repeated investigations
30 and lawsuits; now, therefore,

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1 BE IT RESOLVED by the House of Representatives of the
 2 Twenty-third Legislature of the State of Hawaii, Regular Session
 3 of 2006, the Senate concurring, that the Attorney General is
 4 requested to form a blue ribbon panel to examine Hawaii's
 5 prisons and jails to determine areas where the State is exposed
 6 to litigation under Civil Rights of Institutionalized Persons
 7 Act; and

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 9 BE IT FURTHER RESOLVED that the panel's examination is
 10 requested to include, but not be limited to:

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- 12 (1) Previous Civil Rights of Institutionalized Persons Act
 - 13 letters of finding;
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 - 15 (2) Reasons for and cost of previously adjudicated
 - 16 lawsuits; and
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 - 18 (3) Areas of need, strategies to minimize the State's
 - 19 exposure to liability for damages, recommendations,
 - 20 timelines, and projected expenditures; and
 - 21

22 BE IT FURTHER RESOLVED that the Attorney General is
 23 requested to submit the panel's findings and recommendations,
 24 including any proposed legislation, to the Legislature at least
 25 twenty days prior to convening of the Regular Session of 2007;
 26 and

27
 28 BE IT FURTHER RESOLVED that certified copies of this
 29 Concurrent Resolution be transmitted to the Governor, the
 30 Attorney General, and the Director of Public Safety.

31 OFFERED BY:

32 *[Handwritten signatures: Ken A., Kamua Jankie, Ima Cloney, M. L., Mary Bee, Ryan, and At Nohana]*



MAR 15 2006