
A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1 SECTION 1. The legislature finds that when the government
2 removes a person's liberty, it incurs the absolute
3 responsibility to protect that person's safety and dignity.

4 The legislature also finds that the lack of transparency in
5 the correctional system has resulted in a culture of violence,
6 impunity, and retaliation. There is growing recognition
7 internationally that the operations of prisons and jails must be
8 transparent, have strong internal-accountability mechanisms, and
9 be open for external monitoring.

10 In 2008, the American Bar Association passed a resolution
11 calling upon federal, state, local, and territorial governments
12 to develop comprehensive plans to make the operations of their
13 correctional facilities more transparent and accountable to the
14 public.

15 Hawaii taxpayers have borne the burden of claims against
16 the department of public safety. Since 2000, such claims have
17 totaled \$5,600,000.



1 The purpose of this Act is to establish a correctional
2 institutions oversight commission, a public entity, independent
3 of the department of public safety, to regularly monitor and
4 publicly report on conditions in prisons and jails for adults in
5 their jurisdiction.

6 To ensure objective assessments and evaluations, the
7 commission shall be wholly independent of the department of
8 public safety and the entity that is operating or utilizing the
9 facility being inspected. To this end, the commission shall be
10 administratively attached to the office of the state auditor.

11 SECTION 2. The Hawaii Revised Statutes is amended by
12 adding a new chapter to be appropriately designated and to read
13 as follows:

14 "CHAPTER

15 CORRECTIONAL INSTITUTIONS OVERSIGHT COMMISSION

16 § -1 **Correctional institutions oversight commission;**
17 **established.** (a) There is established within the office of the
18 auditor for administrative purposes only, a commission to be
19 known as the correctional institutions oversight commission.

20 (b) The commission shall consist of fourteen members, with
21 three members from each county appointed by the governor, and



1 the chairs of the house and senate standing committees with
2 jurisdiction over public safety, or their designees.

3 (c) Knowledge of Hawaii's correctional system shall be a
4 criterion for appointment to the commission.

5 (d) The term of each member of the commission shall be
6 four years.

7 (e) No person shall be appointed to more than two
8 consecutive terms as a member of the commission.

9 (f) Any vacancy on the commission shall be filled for the
10 remainder of the unexpired term in the same manner as the
11 original appointment.

12 (g) The governor may remove or suspend any member of the
13 commission upon the filing of a written finding with the
14 commission, and upon service of a copy of the written finding to
15 the member to be removed or suspended.

16 (h) The chairperson of the commission shall be elected
17 from among its members by a majority vote.

18 (i) The commission members shall serve without
19 compensation.

20 § -2 **Duties of the correctional institutions oversight**
21 **commission.** The correctional oversight commission shall have
22 the following powers and duties:



- 1 (1) Commissioners in each county shall make at least two
2 unannounced visits to each facility in their county
3 per year;
- 4 (2) A report shall be filed with the chairperson of the
5 commission within two weeks of each visit under
6 paragraph (1), along with findings and
7 recommendations;
- 8 (3) The commission shall establish a website on which the
9 reports of visits under paragraph (1) (with
10 identifying information of individuals who have been
11 interviewed redacted) shall be posted for public view;
- 12 (4) The commission shall meet quarterly to discuss the
13 reports under paragraph (2), unless conditions
14 described in the reports require emergency action by
15 the commission;
- 16 (5) Each quarterly meeting of the commission shall be
17 conducted by videoconference, linking all the
18 counties, for productive discussion and
19 recommendations of action to be taken;
- 20 (6) The commission shall submit annual reports rendering
21 advisory opinions on conditions in correctional



1 facilities to the legislature at least twenty days
2 prior to the convening of each regular session.

3 § -3 **Cooperation; authorization.** The correctional
4 institutions oversight commission shall proceed in a
5 collaborative, cooperative, and collegial manner. Correctional
6 and other government officials shall be required to cooperate
7 fully and promptly with the commission.

8 § -4 **Retaliation; safeguards.** Adequate safeguards
9 shall be established to protect individuals who communicate with
10 the correctional institutions oversight commission from
11 retaliation for such communication.

12 § -5 **Legislature; authority.** The legislature, through
13 a joint committee comprising members of the house of
14 representatives and senate, shall have the authority to subpoena
15 witnesses and documents, should further investigation into the
16 reports submitted by the correctional institutions oversight
17 commission be necessary.

18 § -6 **Training.** Before the correctional institutions
19 oversight commission conducts its work, a curriculum shall be
20 created, and training shall be provided by a national expert in
21 the oversight of correctional facilities."



1 SECTION 3. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$100,000 or so much
3 thereof as may be necessary for fiscal year 2011-2012 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2012-2013 for training, travel and other expenses incurred by
6 the comission.

7 The sums appropriated shall be expended by the state
8 auditor for the purposes of this Act.

9 SECTION 4. This act shall take effect on July 1, 2011.

10

INTRODUCED BY: 

JAN 25 2011



Report Title:

Correctional Institutions Oversight Commission

Description:

Establishes a Correctional Institutions Oversight Commission to foster transparency and accountability in state prisons and jails. Effective July 1, 2011.

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

