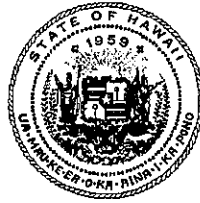


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

TESTIMONY ON SENATE BILL 603, SENATE DRAFT 1
RELATING TO CORRECTIONS

By

Nolan P. Espinda, Director
Department of Public Safety

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Matthew S. LoPresti, Vice Chair

Thursday, March 16, 2017; 10:00 a.m.
State Capitol, Conference Room 312

Chair Takayama, Vice Chair LoPresti, and Members of the Committee:

The Department of Public Safety (PSD) is **opposed** to Senate Bill (SB) 603, Senate Draft (SD) 1 as it contradicts current, well-considered departmental policy and will negatively impact the operations of Hawaii's correctional facilities. PSD appreciates the concerns that the Legislature seeks to address in SB 603, SD1 and would like to note that the proactive and protective measures proposed in this measure are already current in policy and practice in the State's correctional facilities.

In 2014, based on the trends occurring nationally in the field of Corrections, PSD contracted with the Association of State Correctional Administrators (ASCA), one of three national, professional corrections organizations, for technical assistance to assess our use of "restricted segregation" at all Hawaii correctional facilities. The technical assistance process involved development of a committee to oversee the process with the guidance of ASCA representatives. It included policy reviews, site inspections, interviews with staff and inmates, proposals for changes to the PSD

Administrative and Disciplinary Segregation policy, successful consultation with HGEA and UPW (See attached) on the new policy, and implementation of the finalized policy through a training curriculum for staff.


The resulting PSD policy that took effect November 28, 2014 (attached), was reviewed and sanctioned by ASCA as sufficiently addressing the due process rights of offenders, the medical and mental health concerns related to Segregation, and included a tiered review of an offender's initial placement and continued assignment, if warranted, in administrative segregation.

The Department of Public Safety was proactive in addressing a correctional issue of nationwide concern that had created litigation problems for other states. Although Hawaii did not face these same litigation issues, the appropriate steps to comply with updated, constitutionally-compliant practices on the segregation of inmates were fully vetted, and as such, our current status absolutely does not require this statutory action.

Enactment of this measure, as written, would have two significant unintended and unnecessary consequences. The first is the possible criminalization of the application of Departmental Policies and Procedures, and the second, creation of litigation liability through inmate/advocate lawsuits brought against the State of Hawaii.

It should be noted that there is currently no litigation nor are there any investigations alleging unconstitutional segregation of inmate practices here in Hawaii. To that extent, this proposal may be described as a solution to a problem that does not exist.

Thank you for the opportunity to present this testimony.

	DEPARTMENT OF PUBLIC SAFETY	EFFECTIVE DATE: 11/28/2014	POLICY NO.: COR.11.01
	CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	SUPERSEDES (Policy No. & Date): COR.11.01, 12/12/09	
SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION		Page 1 of 13	

1.0 PURPOSE

To establish a statewide policy and procedure for the segregation of inmates from the general population based on supervision requirements, offender status, medical and mental health considerations and other conditions of confinement at a Department of Public Safety (PSD) Correctional Facility.

2.0 REFERENCE AND DEFINITIONS

.1 REFERENCES:

- a. Hawaii Revised Statutes (HRS), Section 353-C-2, Public Safety, Powers and Duties.
- b. Departmental Directive from Director Ted Sakai dated May 7, 2013, Placement of Inmates in Segregation is hereby superseded by this policy.
- c. Departmental Policy & Procedure (P&P), COR 13.02, Adjustment Committee Composition.
- d. Departmental Policy & Procedure, COR 13.03, Adjustment Procedures Governing Serious Misconduct Violations and the Adjustment of Minor Misconduct Violations.
- e. Department Policy & Procedure, COR.10.1A.01, Health Care Section, Access to Care.
- f. Department Policy & Procedure, COR.10.1E.09, Health Care Section Segregated Inmates.

.2 DEFINITIONS:

- a. Adjustment Committee Hearing – An administrative due process hearing to determine if there is a preponderance of evidence to find an inmate guilty of a misconduct violation as defined in COR.13.03.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 2 of 13

- b. Administrative Segregation – Inmates may be segregated on a temporary basis from the general inmate population on the order of a watch commander or higher authority, when their continued presence in general population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation of alleged serious misconduct or criminal activity, or endangers institutional security. The terminology “administrative segregation” is not applicable to general population maximum custody or general population protective custody inmates housed in a segregation unit.
- c. Disciplinary Segregation – Placement of an inmate in a designated segregation housing unit in a cell separated from the general population, after being found guilty of a misconduct violation and issued a sanction by a formal adjustment committee hearing. Disciplinary segregation includes the loss of certain privileges consistent with PSD policy and as authorized by the Warden or designee.
- d. Program Committee – The Warden or designee shall assign more than one staff member from the following programs/sections: case management, medical/mental health professionals, and/or security staff to conduct this hearing. The Program Committee hearing may be conducted by utilizing video technology.
- e. Segregation – Confinement of an inmate in a cell that is separated from the general inmate population.
- f. Serious Misconduct – A greatest (6), high (7), or moderate category (8) misconduct, all of which are considered to pose a serious threat to the safety, security or welfare of the staff, other inmates, the community, or the institution, and subjects the inmate to the imposition of serious penalties such as segregation for longer than four hours.
- g. Serious Misconduct Adjustment – A serious misconduct shall be addressed through the formal adjustment committee hearing process.
- h. Warden or Designee – The facility administrator or next supervisory level in the chain of command at a correctional center or correctional institution (i.e. Deputy Warden or Chief of Security or Correctional Supervisor), who may be authorized temporary assignment into the Warden’s position.

NOT-CONFIDENTIAL

COR P & P	SUBJECT:	POLICY NO.: COR.11.01
	ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	EFFECTIVE DATE: 11/28/2014
		Page 3 of 13

.3 ADMINISTRATIVE SEGREGATION FORMS

- a. Administrative Segregation Form (PSD 8226), Parts A, B, C, D..
- b. Weekly Administrative Segregation Unit Log (PSD 8316).
- c. Administrative Segregation Facility Report for the Institutions Division Administrator.

3.0 POLICY

It is the policy of PSD, Corrections Division, to develop procedures to ensure that an inmate is treated fairly and receives due process, through a multi-disciplinary approach when being assessed and placed in segregation. Placement in segregation is intended to support the rehabilitative process while maintaining security, the orderly running and the good governance of the facility, and as a means to promote an environment of rehabilitation and safety.

4.0 PROCEDURES

.1 ADMINISTRATIVE SEGREGATION

- a. Inmates may be segregated from the general inmate population according to PSD policy by the Watch Commander or higher authority, when the continued presence of the inmate in the general inmate population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation of an alleged serious misconduct or criminal activity or endangers institutional security.
- b. This placement is subject to the review of the Warden or designee within twenty-four (24) hours or as soon as is practicable on the next business day following a weekend or holiday (i.e. If placed on Saturday and Monday is a holiday, then the Warden will review on Tuesday) of the inmate's placement at which time a decision shall be made to continue administrative segregation or to release the inmate back to the general inmate population.
- c. All inmates have the right to seek administrative review of their placement in administrative segregation through the inmate grievance process.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 4 of 13

d. Placement

1. The Watch Commander or higher authority is authorized to place an inmate in administrative segregation, and is required to document that placement as described below.
2. The Warden or designee shall consider whether an inmate's continued presence in the general inmate population presents an immediate threat to the safety of self or others, jeopardizes the integrity of an investigation related to an alleged serious misconduct or criminal activity, or endangers the institutional security as determining factors for placement of an inmate in administrative segregation.
3. The Warden or designee may consider reliable sources of information, including confidential information, to substantiate that the inmate's continued presence in the general inmate population poses a threat to the community, property, self, staff, other inmates, security, or the orderly running and good government of the facility and thereby warrants placement in administrative segregation.

e. Required Documentation

1. The inmate's conduct along with any confidential or other reliable information shall be documented on an Incident Report, PSD 8214 (Attachment A) or in an Inter-Office Memorandum (IOM) to substantiate the facts that warrant administrative segregation.
2. This report must be completed and forwarded to the person who authorizes placement of the inmate in administrative segregation prior to the end of their shift.
3. The Watch Commander or higher authority who authorizes placement shall complete the Administrative Segregation Form, Part A (PSD 8226), which functions as the "written authorization" for placement in administrative segregation and is subject to the Warden's review by the next business day following a weekend or holiday.
4. A copy of "PSD 8226, Part A" shall be provided to the inmate within twenty-four (24) hours of placement in administrative segregation.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 5 of 13

5. The "PSD 8226, Part A" shall include the following information:
 - a) Reason for the inmate's placement in administrative segregation; and
 - b) The approximate length of segregation and/or the date of the next scheduled review.

f. Notification

1. The Watch Commander or higher authority shall immediately notify health care staff of the placement of an inmate in administrative segregation.
2. At any facility without twenty-four (24) hour on site health care, the inmate's placement in administrative segregation shall be reviewed immediately when health care staff next reports for duty. The facility shall ensure the inmate has more frequent observations (15 minute checks or constant observation) until the inmate is reviewed by health care staff and/or mental health staff.
3. The designated health care staff shall assess the inmate's placement in administrative segregation prior to admission into the segregation unit or as indicated above for facilities without twenty-four (24) hour on site health care. The health care staff shall determine whether physical health or mental health issues exist that contraindicate the inmate's placement in administrative segregation. The health care staff shall immediately notify a mental health professional if there are any indications that the inmate has mental health issues.
4. Mental health staff shall conduct a mental health review within twenty-four (24) hours of an inmate's placement in administrative segregation. This review applies to all inmates, and is not limited to those inmates with known or suspected mental health issues or inmates who exhibit behaviors that impact their ability to be safely placed in administrative segregation. If an inmate is placed in administrative segregation during a weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting to duty.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 6 of 13

5. If there are compelling security reasons for the continued placement of an inmate in administrative segregation, despite health care concerns, the Warden shall be immediately notified by the Watch Commander or higher authority.

The Warden shall review the findings of the Watch Commander and health care staff. Based on these findings, the Warden shall determine the most appropriate placement for the inmate, and notify in writing the Institutions Division Administrator (IDA) of the placement and reasons for the inmate's placement.

g. Review of Inmate's Status In Administrative Segregation

1. The Warden or designee shall review the documentation related to the inmate's placement in administrative segregation within twenty-four (24) hours of placement or as soon as is practicable on the next business day following a weekend or holiday. This is when the Warden or designee shall make the initial decision as to whether the inmate is to be placed on administrative segregation or released back to the general inmate population.
2. The Warden or designee shall conduct a personal interview with the inmate no later than seventy-two (72) hours from the date of the placement in administrative segregation to determine if administrative segregation is still warranted.
3. The Warden or designee shall prepare a written record to document the interview, the decision whether to continue placement, and the justification for the recommended action. A copy of the decision and justification shall be provided to the inmate on PSD 8226, Part B.
4. By the fifteenth (15th) day after an inmate's initial placement in administrative segregation, the Facility Program Committee shall hold a due process hearing to assess the need to continue an inmate's placement in administrative segregation. This shall be the inmate's formal due process opportunity to contest his/her placement in administrative segregation.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 7 of 13

5. The Facility Program Committee shall formulate a case management action plan for the inmate's "progression out" of administrative segregation and include a written record of their decision to confirm the administrative segregation placement or to release the inmate back to the general inmate population. A copy of the decision shall be provided to the inmate on PSD 8226, Part C.
6. Thirty (30) days after an inmate's initial placement in administrative segregation and every thirty (30) days thereafter, the Warden or designee shall personally interview the inmate, reassess the case management action plan, and make a written record of his/her decision to either confirm the continued administrative segregation housing or to release the inmate back to the general inmate population. A copy of the decision shall be provided to the inmate on PSD 8226, Part D.
7. The Warden shall notify the IDA every thirty (30) days of an inmate's continued placement in administrative segregation and the status of the inmate's compliance with the case management action plan.
8. The IDA shall conduct monthly reviews of all inmates who have been in administrative segregation for thirty (30) days or more. This shall include a review of all documentation relevant to the inmate's placement including, but not limited to: Incident reports or IOMs generated as part of the initial placement; case management action plan; documentation justifying continued placement; grievance appeals; and medical/mental health assessments.
9. The IDA shall consider whether a transfer of the inmate to a facility where he/she may be placed in the general inmate population would be appropriate or if continued placement in administrative segregation is warranted.
10. The IDA shall submit a written report of the results of each thirty (30) day review to the Deputy Director of Corrections (DEP-C).
11. The DEP-C shall consider whether a transfer of the inmate to a facility where he/she may be placed in the general inmate population would be appropriate or if continued placement in administrative segregation is warranted.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 8 of 13

.2 DISCIPLINARY SEGREGATION

- a. Inmates may be required to serve a period of disciplinary segregation as a consequence of a guilty finding for a violation of a serious misconduct. Disciplinary segregation includes the loss of certain privileges as dictated by facility policy.
- b. All inmates have the right to seek administrative review of an adjustment committee's decision of placement in disciplinary segregation through the grievance process.
- c. Placement
 1. The Watch Commander or higher authority is authorized to place an inmate in disciplinary segregation based on an adjustment committee hearing and finding of guilt based on a preponderance of the evidence for violating a serious misconduct (COR.13.03).
 2. If an adjustment committee issues a sanction of disciplinary segregation exceeding a period of sixty (60) days, the expressed written approval of the IDA is required.
 3. Any disciplinary segregation sanction shall consider an inmate's medical and mental health needs, the gravity of the facts, and the severity of the serious misconduct violation.
 4. The Warden or his/her designee may modify any adjustment committee's sanction in accordance with COR.13.03.
- d. Required Documentation
 1. The Adjustment Committee shall document their findings and disposition on the Notice of Report of Misconduct and Hearing form (PSD 8210A).
 2. A copy of the Notice of Report of Misconduct and Hearing form (PSD 8210A) shall be signed by the inmate and a copy shall be provided to the inmate. The inmate's refusal to sign shall be documented.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 9 of 13

3. The Notice of Report of Misconduct and Hearing form shall include, but not be limited to the following information:

- a) A listing of the misconducts violated;
- b) Findings of the adjustment committee;
- c) The evidence relied upon;
- d) The denial of witnesses;
- e) Listing of any privileges revoked and the justification;
- f) Length of the disciplinary segregation.

e. Notification

1. The Watch Commander/Correctional Supervisor or higher authority shall immediately notify health care staff of the placement of an inmate in disciplinary segregation.
2. At any facility without twenty-four (24) hour on site health care, the inmate's placement in disciplinary segregation shall be reviewed immediately when health care next reports for duty. The facility shall ensure that the inmate has more frequent observations (15 minute checks or constant observation), until reviewed by health care staff and/or mental health staff. It should be noted that a facility is able to schedule placement when health care staff is on duty.
3. The designated health care staff shall assess the inmate's placement in disciplinary segregation prior to his/her assignment to the segregation unit. At any facility without twenty-four (24) on site health care the assessment shall occur when health care staff next reports for duty to determine whether physical health or mental health issues exist that contraindicate the inmate's placement in disciplinary segregation. The health care staff must immediately notify a mental health professional if there are any indications that the inmate has mental health issues.
4. Mental health staff shall conduct a mental health review within twenty-four (24) hours of an inmate's placement in disciplinary segregation. This review applies to all inmates, and is not limited to those inmates with known or suspected mental health issues or inmates who exhibit behaviors that impact their ability to be safely placed in disciplinary segregation. If an inmate is placed in disciplinary segregation during a

NOT-CONFIDENTIAL

COR P & P	SUBJECT:	POLICY NO.: COR.11.01
	ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	EFFECTIVE DATE: 11/28/2014
		Page 10 of 13

weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting to duty.

5. If there are compelling security reasons for the continued placement of an inmate in disciplinary segregation despite health care concerns, the Warden shall be immediately notified by the Watch Commander or higher authority.
 6. The Warden shall review the written findings of both the Watch Commander and the health care staff. Based on these findings, the Warden shall determine the most appropriate placement for the inmate, and notify in writing the Institutions Division Administrator of the placement and reasons for the inmate's placement. The IDA will discuss the matter or any conflict with the Deputy Director of Corrections, who will make the final decision on the inmate's placement.
- f. Review of Inmate's Status In Disciplinary Segregation
1. The Warden shall review the adjustment hearing documentation (PSD 8210A) related to an inmate's placement in disciplinary segregation within twenty-four (24) hours, or on the next official business day if placement was effectuated on a weekend or holiday.
 2. The IDA shall be notified in writing prior to day sixty (60) of an inmate's disciplinary segregation to seek authorization for any consecutive sanction.
- g. Inmate Monitoring in Administrative Segregation and Disciplinary Segregation
1. A health care professional shall tour each segregation housing unit by observing each inmate at cell front once per day. The health care professional shall communicate with the staff on duty in the segregation unit to identify any inmate with medical or mental health concerns.
 2. Each segregation unit shall have a locked inmate medical request collection box located in an area accessible to inmates during out of

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 11 of 13

cell time (i.e. showers, recreation, phone calls). Only health care staff shall have access to the contents of these boxes. Health care staff shall retrieve the contents of these boxes daily, review and address any inmate request slips located within the box or make a referral to the appropriate health care professional.

3. The health care professional shall review any inmate request slips deposited in the units' medical request collection boxes to ascertain any other health related issues or concerns. Any action taken shall be documented in the inmate's official medical record file. The health care professional's tours shall be documented in the segregation unit logbook.
4. A mental health professional shall tour each segregation housing unit(s) not less than five (5) times per week. The mental health professional shall communicate with the staff on duty in the segregation unit to identify any inmate with mental health or well-being concerns. Any action taken shall be documented in the inmate's official medical record file. The mental health care professional's tours shall be documented in the segregation unit logbook.
5. The Adult Correctional Officer (ACO) in the segregation unit shall personally observe each inmate in segregation once every thirty (30) minutes at irregular intervals, unless an inmate's behavior requires more frequent observations (15 minute checks or constant observations), based on a recommendation from a health care professional or as required by Section 4.1.f.2. The ACO shall document his/her observations in the unit logbook.
6. The ACO shall document in real time the following: meals, showers, hygiene, cell inspections, recreation, visits, telephone calls, and interaction with medical, mental health, facility administration, watch supervisors, case managers, grievance specialist, and other program staff on the Weekly Segregation Activity form (PSD 8316). The ACO shall maintain the unit logbook in accordance with COR.05.08: Post and Area Logbooks. This shall be maintained for the purpose of review and a formal record.

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 12 of 13

7. The Segregation Unit Sergeant, Security Lieutenant, and Watch Commander shall observe every inmate in the segregation unit at least once on each shift, inclusive of weekends and holidays. These individual's observations shall be documented in the unit logbook and the visit shall be documented on PSD 8316.
8. The Warden, Deputy Warden, and COS shall tour each segregation unit once each week to observe each inmate, review PSD 8316, and sign the unit logbook. This is to assure that an inmate's visits, activities, privileges, recreation, observations by staff, and reviews are being conducted as required by this policy.
9. The IDA shall tour each segregation unit once every ninety (90) days for compliance and observation of each inmate, review PSD 8316, and sign the unit logbook.

h. Basic Living Conditions for Administrative Segregation and Disciplinary Segregation

1. Inmates in segregation shall receive privileges consistent with a facility's available resources and security consideration.
2. Disciplinary segregation is a punitive action for an inmate found guilty of serious rule misconduct. An Adjustment Committee may deny the inmate any number of privileges as set forth in the misconduct policy and disciplinary record.
3. Inmates in segregation shall have non-contact personal visits in accordance with the facility visit policy. All official visits shall be non-contact, except at the discretion of the Warden a contact official visit may be afforded. It is important to note that the presence of a security concern will always warrant non-contact official visits.
4. Inmates in segregation shall be allowed non-official telephone calls in accordance with the facility's telephone policy. All official or legal phone calls, such as attorney (if a docketed case exists), ombudsman, and other official State and Federal agencies shall not be restricted.
5. All inmates in segregation based on their status as administrative segregation or disciplinary segregation shall have the opportunity to

NOT-CONFIDENTIAL

COR P & P	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		EFFECTIVE DATE: 11/28/2014
		Page 13 of 13

maintain basic hygiene and shall have access to courts, health care, social workers, spiritual advisors, reading materials, and recreation.

i. Documentation for Administrative Segregation and Disciplinary Segregation

1. All completed administrative segregation documentation and adjustment hearing documentation shall be distributed as dictated on the relevant form(s).
2. The original documents for administrative segregation and disciplinary segregation shall be filed in the inmate's institutional file or jail file.
3. Each Warden shall submit the Administrative Segregation Facility Report to the IDA by Wednesday of the following week.
4. It is important to retain all information as dictated by the State of Hawaii, Department of Accounting and General Services' (DAGS) records retention schedule.

5.0 SCOPE:

This policy shall apply to all Departmental Facilities of the Corrections Division, and it is applicable to all staff, contractors, volunteers, and inmates.

APPROVAL RECOMMENDED:




DEPUTY DIRECTOR OF CORRECTIONS

DATE

11/28/2014

APPROVED:



DIRECTOR

DATE

11/28/2014

NOT-CONFIDENTIAL



**DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SEGREGATION FORM
PART A**

INMATE'S NAME:

INMATE'S SID:

HOUSING MOVEMENT FROM/TO:

REASON(S) FOR PLACEMENT IN ADMINISTRATIVE SEGREGATION (PART A)

TO BE COMPLETED BY WATCH COMMANDER OR HIGHER AUTHORITY

CHECK ALL THAT APPLY:

- INMATE PRESENTS AN IMMEDIATE THREAT TO SAFETY OF SELF OR OTHERS
- INMATE JEOPARDIZES INTEGRITY OF INVESTIGATION OF ALLEGED SERIOUS MISCONDUCT OR CRIMINAL ACTIVITY
- INMATE ENDANGERS INSTITUTIONAL SECURITY
- OTHER

DESCRIPTION OR CIRCUMSTANCES WHICH SUPPORT THE REASON(S) FOR PLACEMENT:

CONTINUED ON ATTACHED PAGE IF BASED ON CONFIDENTIAL INFORMATION, DATE INMATE NOTIFIED _____

DATE OF PLACEMENT:	PRINT NAME AND TITLE OF AUTHORIZING PERSON:	SIGNATURE OF AUTHORIZING PERSON:
DATE AND TIME NOTICE SERVED ON INMATE: _____/_____/_____ HOURS	PRINT NAME AND TITLE OF STAFF SERVING PLACEMENT NOTICE:	SIGNATURE OF STAFF SERVING PLACEMENT NOTICE:
	INMATE SIGNATURE AND DATE:	<input type="checkbox"/> INMATE REFUSED TO SIGN. THE STAFF MEMBER SERVING THE FORM WITNESSED THE REFUSAL AND PROVIDED THE INMATE A COPY THIS FORM.

DISTRIBUTION: INMATE, INSTITUTIONAL FILE, SEG UNIT, FACILITY HCU CLINICAL SECTION ADMINISTRATOR, COS, CS III



**DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SEGREGATION FORM
PART B**

INMATE'S NAME:

INMATE'S SID:

CURRENT HOUSING:

FACE TO FACE REVIEW (PART B)

THE FOLLOWING IS TO BE COMPLETED DURING THE 72 HOUR ADMINISTRATIVE REVIEW BY THE WARDEN OR DESIGNEE

INMATE WAIVERS:

- INMATE WAIVES OR DECLINES INTERVIEW WITH REVIEWING PARTY
- NO WITNESS(ES) REQUESTED BY INMATE

INMATE SIGNATURE

DATE/TIME:

WITNESSES REQUESTED FOR REVIEW PROCESS

WITNESS NAME AND SID:

WITNESS NAME & SID:

WITNESS NAME AND SID:

WITNESS NAME & SID:

- DECISION:** RELEASE TO _____ MAINTAIN SEG HOUSING PENDING PROG COMMITTEE REVIEW
 MUST BE HOUSED IN A SINGLE CELL

REASON FOR DECISION (IF NECESSARY, ATTACH ADDITIONAL PAGES):

PRINT NAME OF WARDEN OR DESIGNEE :

SIGNATURE OF WARDEN OR DESIGNEE:

DATE/TIME: /

PRINT NAME AND TITLE OF STAFF SERVING RESULTS:

SIGNATURE OF STAFF SERVING RESULTS:

DATE/TIME: /

INMATE SIGNATURE AND DATE/TIME:

- INMATE REFUSED TO SIGN. THE STAFF MEMBER SERVING THE FORM WITNESSED THE REFUSAL AND PROVIDED THE INMATE A COPY THIS FORM.

DISTRIBUTION: INMATE, INSTITUTIONAL FILE, SEG UNIT, FACILITY HCU CLINICAL SECTION ADMINISTRATOR, COS, CS III



**DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SEGREGATION FORM
PART C**

INMATE'S NAME:

INMATE'S SID:

CURRENT HOUSING:

PROGRAM COMMITTEE REVIEW (PART C)
THE FOLLOWING IS TO BE COMPLETED DURING THE ADMINISTRATIVE REVIEW BY
THE PROGRAM COMMITTEE ON THE FIFTEENTH (15TH) DAY FOLLOWING SEGREGATION PLACEMENT

INMATE WAIVERS:

- INMATE WAIVES OR DECLINES TO BE PRESENT AT PROGRAM COMMITTEE REVIEW
 NO WITNESS(ES) REQUESTED BY INMATE

INMATE SIGNATURE

DATE/TIME:

WITNESSES REQUESTED FOR PROGRAM COMMITTEE

WITNESS NAME AND SID:

WITNESS NAME & SID:

WITNESS NAME AND SID:

WITNESS NAME & SID:

PROGRAM COMMITTEE MEMBER OR MEMBERS (LIST NAME, TITLE, AND IDENTIFY THE CHAIRPERSON):

DECISION: RELEASE TO _____ MAINTAIN SEG HOUSING SUBJECT TO NEXT SCHEDULED REVIEW
(HOUSING) MUST BE HOUSED IN A SINGLE CELL
REASON FOR DECISION (IF NECESSARY, ATTACH ADDITIONAL PAGES):

PRINT NAME OF CHAIRPERSON:

SIGNATURE OF CHAIRPERSON:

DATE/TIME: /

PRINT NAME AND TITLE OF STAFF SERVING RESULTS:

SIGNATURE OF STAFF SERVING RESULTS:

DATE/TIME: /

INMATE SIGNATURE AND DATE/TIME

DATE/TIME: /

INMATE REFUSED TO SIGN. THE STAFF MEMBER SERVING THE FORM WITNESSED THE REFUSAL AND PROVIDED THE INMATE A COPY THIS FORM.

DISTRIBUTION: INMATE, INSTITUTIONAL FILE, SEG UNIT, FACILITY HCU CLINICAL SECTION ADMINISTRATOR, COS, CS III



**DEPARTMENT OF PUBLIC SAFETY
ADMINISTRATIVE SEGREGATION FORM
PART D**

INMATE'S NAME:

INMATE'S SID:

CURRENT HOUSING:

WARDEN OR DESIGNEE REVIEW (PART D)

THE FOLLOWING IS TO BE COMPLETED DURING THE ADMINISTRATIVE REVIEW BY THE WARDEN OR DESIGNEE ON DAY THIRTY (30) FOLLOWING THE ADMINISTRATIVE SEGREGATION PLACEMENT AND EVERY THIRTY (30 DAYS) THEREAFTER

INMATE WAIVERS:

- INMATE WAIVES OR DECLINES INTERVIEW WITH WARDEN/DEPUTY WARDEN
- NO WITNESS(ES) REQUESTED BY INMATE

INMATE SIGNATURE

DATE/TIME:

WITNESSES REQUESTED FOR REVIEW

WITNESS NAME AND SID:

WITNESS NAME & SID:

WITNESS NAME AND SID:

WITNESS NAME & SID:

DECISION: RELEASE TO _____ MAINTAIN SEG HOUSING PENDING PROG COMMITTEE REVIEW
(HOUSING) MUST BE HOUSED IN A SINGLE CELL

REASON FOR DECISION (IF NECESSARY, ATTACH ADDITIONAL PAGES):

PRINT NAME OF WARDEN OR DESIGNEE:

SIGNATURE OF WARDEN OR DESIGNEE:

DATE/TIME: /

PRINT NAME AND TITLE OF STAFF SERVING RESULTS:

SIGNATURE OF STAFF SERVING RESULTS:

DATE/TIME: /

INMATE SIGNATURE AND DATE/TIME

DATE/TIME: /

INMATE REFUSED TO SIGN. THE STAFF MEMBER SERVING THE FORM WITNESSED THE REFUSAL AND PROVIDED THE INMATE A COPY THIS FORM.

DISTRIBUTION: INMATE, INSTITUTIONAL FILE, SEG UNIT, FACILITY HCU CLINICAL SECTION ADMINISTRATOR, COS, CS III, IDA, DEP-C

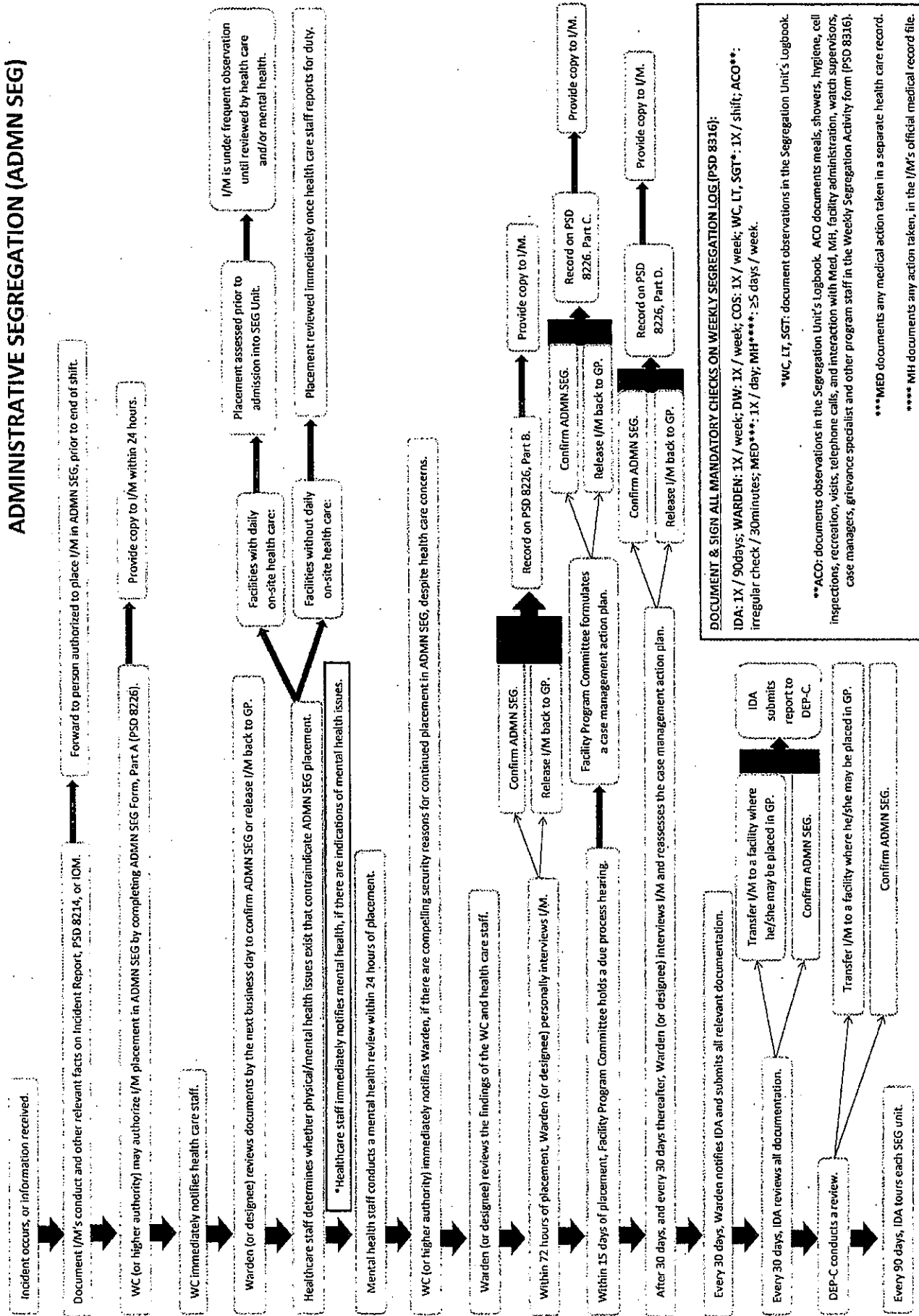
**DEPARTMENT OF PUBLIC SAFETY
WEEKLY ADMINISTRATIVE SEGREGATION LOG**
WEEK OF _____

INMATE NAME:	SID #:	LOC OF UNIT:
DATE AND TIME ADMITTED:	TENTATIVE RELEASE DATE:	
DATE AND TIME RELEASED:	MH CASELOAD: Y / N	MEDICATION: Y / N

DATE	SHIFT	CHOW (B.L.D)	SHOWER	HYGIENE (Hand Wash)	CELL INSPECTION	RECREATION	VISITS (V), PHONE (P)	MENTAL HEALTH	MEDICAL	WARDEN/DPUTY WARDEN/COS	WATCH COMMANDER/SUPERVISOR	SW, IASP, GRIEV, VOL	DAY
	1												S
	2												U
	3												N
	1												M
	2												O
	3												N
	1												T
	2												U
	3												E
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	3												D
	1												T
	2												H
	3												U
	1												F
	2												R
	3												I
	1												S
	2												A
	3												T

CHOW, SHOWER, CELL INSPECTION, RECREATION: (Y) for YES; (N) for NO; (R) for REFUSED, PRINT INITIALS AND THE TIME.
 SCHEDULE OF MANDATORY CHECKS: WARDEN - 1X every week; DW - 1X every week; COS - 1X every week; WC - 1X every shift.
 UNIT LOGBOOK: SEG UNIT LT/SGT - 1X every shift; SEG UNIT ACO - Irregular checks every 30 min.; MEDICAL - 1x per day; MH - ≥5x per week.
 TURN IN COMPLETED FORM TO COS AT THE END OF THIRD WATCH (SATURDAY).

ADMINISTRATIVE SEGREGATION (ADMN SEG)



DOCUMENT & SIGN ALL MANDATORY CHECKS ON WEEKLY SEGREGATION LOG (PSD 8316):

IDA: 1X / 90days; WARDEN: 1X / week; DW: 1X / week; COS: 1X / week; WC, LT, SGT*: 1X / shift; ACO**:

irregular check / 30minutes; MED***: 1X / day; MH****: ≥5 days / week.

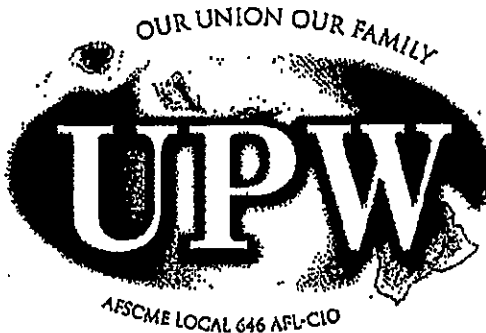
*WC, LT, SGT: document observations in the Segregation Unit's Logbook.

**ACO: documents observations in the Segregation Unit's Logbook. ACO documents meals, showers, hygiene, cell inspections, recreation, visits, telephone calls, and interaction with Med, MH, facility administration, watch supervisors, case managers, grievance specialist and other program staff in the Weekly Segregation Activity form (PSD 8316).

***MED documents any medical action taken in a separate health care record.

**** MH documents any action taken, in the I/M's official medical record file.

PERSONNEL SECURITY UNIT
2014 NOV 18 PM 2:10



11/18/14 LR
PER P14-2494 151
RECEIVED
2014 NOV 17 P 12:46
DIRECTOR'S OFFICE
DEPARTMENT OF
PUBLIC SAFETY

UPW 3419

November 12, 2014

Ted Sakai, Director
State of Hawaii
Department of Public Safety
919 Ala Moana Boulevard
Honolulu, Hawaii 96814

RE: Policy & Procedures COR.11.01: Administrative Segregation and Disciplinary Segregation. Letter dated June 10, 2014

Dear Mr. Sakai:

In accordance with Sections 1 and 47 of the Unit 10 collective bargaining agreement, the United Public Workers reviewed and investigated the proposal cited above.

The Union agrees with the implementation of Policy & Procedures COR.11.01: Administrative Segregation and Disciplinary Segregation (amended on November 3, 2014) with the understanding that Adult Corrections Officers shall be required to conduct 15-minute observation on an inmate in segregation in facilities without 24-hour on site health care when the inmate was placed in segregation without first being assessed by health care and/or mental health staff, and until such time that an assessment occurs.

Despite the Union's agreement with the implementation of the Policy & Procedure (P&P), the Union disagrees with training on the P&P being conducted via the Department's "Train the Trainer" program. Training through this kind of program requires negotiation with the Union. Accordingly, training should cease immediately until negotiations are concluded and mutual agreement is achieved.

Sincerely,

DAYTON M. NAKANELUA
State Director

DMN:mf

c: Laurie Santiago, Oahu Division Director
Hawaii / Maui / Kauai Division Directors

HEADQUARTERS - 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631
HAWAII - 862 East Lanikaula Street ♦ Hilo, Hawaii 96720-4338 ♦ Phone: (808) 961-3424
KAUAI - 4211 Rice Street ♦ Lihue, Hawaii 96766-1325 ♦ Phone: (808) 245-2412
MAUI - 841 Kolu Street ♦ Wailuku, Hawaii 96793-1436 ♦ Phone: (808) 244-0815
1-866-454-4166 (Toll Free, Molokai/Lanai only)



888 Miliiani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

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www.hgea.org
7/17/14 LR
2014 JUL 17 A 10:46 P14-1239(A)
2014-1118
DIRECTOR'S OFFICE
DEPARTMENT OF
PUBLIC SAFETY

July 15, 2014

Mr. Ted Sakai, Director
Department of Public Safety
State of Hawaii
919 Ala Moana Boulevard, 4th Floor
Honolulu, HI 96814

Dear Mr. Sakai:

**Subject: Consultation on Proposed Policy and Procedures – COR.11.01,
Administrative Segregation and Disciplinary Segregation**

This is in response to your letter dated June 10, 2014 requesting consultation regarding the above mentioned proposed policy. Thank you for allowing us additional time to respond.

We have reviewed the proposed policy and the information provided, and have no questions at this time. However, it is our expectation and understanding that the department is open to discuss any unforeseen issues or areas of concern that may arise when this policy is implemented.

Thank you for the opportunity to provide input.

Sincerely,

Sanford Chun
Field Services Officer

cc: PSD Personnel

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

TED SAKAI
DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

MAX OTANI
Deputy Director
Corrections

SHAWN TSUHA
Deputy Director
Law Enforcement

No. 2014-1118/P14-1239

June 10, 2014

Randy Perreira
Executive Director
Hawaii Government Employees
Association
888 Millilani Street, Suite 601
Honolulu, HI 96813

Elizabeth Ho
Area Field Services Director
AFSCME
888 Millilani Street, Suite 601
Honolulu, HI 96813

Dayton Nakanelua
State Director
United Public Workers
1426 North School Street
Honolulu, HI 96817

RE: CONSULTATION – POLICY AND PROCEDURES
COR.11.01: ADMINISTRATIVE SEGREGATION & DISCIPLINARY
SEGREGATION

Dear Mr. Perreira, Mr. Nakanelua, and Ms. Ho:

The Department is requesting consultation regarding Policy and Procedure COR.11.01 titled "Administrative Segregation and Disciplinary Segregation." The policy and references are attached for your review.

Please have your designee contact Ms. Renee Laulusa at 587-1242 to schedule a meeting.

Sincerely,

A handwritten signature in black ink, appearing to read "Ted Sakai".

Ted Sakai
Director

c: LCO

February 23, 2017

Honorable Gilbert S.C. Keith-Agaran
Senate Committee on Judiciary and Labor
Honolulu, Hawaii

Senator Keith-Agaran:

I am writing to share my thoughts on S.B. NO. 603 (a copy of which is attached), which I understand your Committee will discuss it tomorrow, February 24.

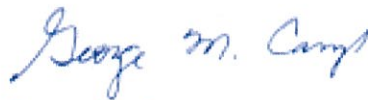
By way of back ground, up until February 1 when I retired, I served as Co-Executive Director of the Association of State Correctional Administrators for more than 30 years. In that capacity in 2014, I and others worked very closely with the Department of Public Safety to help them improve the manner in which they assigned, managed, and released inmates from confinement in restrictive housing units. As part of that effort, we recommended that they update their policy, train staff in its application, and monitor the results the policy produced. To that end they developed the attached Policy (COR.11.01), on Administrative Segregation and Disciplinary Segregation.

Specifically with regard to the proposed legislation, I believe you are better served by supporting the Policy and its quite specific requirements rather than legislating/ prescribing how the Department should operate its restrictive housing units. Had the Department not developed and implemented such a rigorous policy I would think otherwise.

When the Policy was adopted by the Department, it represented the best thinking of the corrections profession, as it does today with but one exception. Given that some time has passed since the Policy went into effect on November 28, 2014, I would recommend that the Department make reference in its Policy to meeting the professional standards and guidelines adopted by the American Correctional Association and the Association of State Correctional Administrators. You might also want to reference them in S.B NO. 603, along with the Department's Policy (COR.11.01), rather than attempting to stipulate precisely how the Department should operate. Accepted practices and standards are being revisited continually. What might be set in stone legislatively today will no doubt need to be revised shortly based on knowledge gained by correctional professionals. In this regard, it would be far easier for the Department to amend its Policy than it would be to amend the proposed legislation.

I hope I have not come off as trying to tell you how to conduct your business. That rests with you. I just hope my thoughts are worth your consideration.

Thank you for listening,



George M. Camp

Attachments
cc: Nolan Espinda

ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS

Executive Committee

President, Leann Bertsch
Vice President, John Wetzel
Treasurer, Colette Peters
Past President, A.T. Wall



ASCA

Regional Representatives

Northeast, Scott Semple
Southern, Wendy Kelly
Midwest, Heidi Washington
Western, Rick Raemisch

State Senator Clarence K. Nishihara, Chair Public Safety,
Intergovernmental and Military Affairs
415 South Beretania Street
Honolulu, HI 96813

State Representative Gregg Takayama, Chair Public
Safety Committee
415 South Beretania Street
Honolulu, HI 96813

Nolan P. Espinda, Director
Department of Public Safety
919 Ala Moana Blvd. #400
Honolulu, HI 96814

Dear Senator Nishihara, Representative Takayama, and Director Espinda:

In response to a 2013 request for assistance from then Director Ted Sakai, the Association of State Correctional Administrators (ASCA) provided the Hawaii Department of Public Safety (PSD) with technical assistance specific to administrative and disciplinary segregation. In delivering this assistance, ASCA utilized consultants with a national perspective on accepted best practices employed in the successful operation and management of segregation units. The consultant team included current and former directors of state correctional agencies and former state correctional administrators.

ASCA's assistance to HI PSD was completed in two phases over a two-year period commencing in July 2013 and completed in June 2015 with the submission of a final report of findings and recommendations. During the period of technical assistance, the following scope of work was completed:

- Phase 1
 - Assessment of administrative and disciplinary segregation policies and practices at PSD facilities, including: housing, programs, operations, supervision, and management
 - Review of all existing documentation related to PSD's current policies and procedures governing administrative and disciplinary segregation
 - Meetings with PSD senior administration
 - On-site assessment of administrative and disciplinary segregation practices at all seven PSD facilities
 - Presentation of assessment findings to PSD senior administration
 - Submission of a report of findings and recommendations for Phase 1

Kevin H. Kempf, Executive Director
ASCA Headquarters * 1105 2nd Street South * Nampa Idaho, 83651
Phone * (208) 608-5827 WWW.ASCA.NET

ASSOCIATION OF STATE CORRECTIONAL ADMINISTRATORS

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Past President, A.T. Wall*



ASCA

Regional Representatives

*Northeast, Scott Semple
Southern, Wendy Kelly
Midwest, Heidi Washington
Western, Rick Raemisch*

• Phase 2

- Assisted PSD staff in drafting new administrative and disciplinary segregation policies
- Facilitated on-site policy focus group meetings to finalize segregation policies
- Planned and facilitated a site visit for PSD staff to a WA State DOC facility and the King County Washington jail
- Assisted PSD staff in developing a lesson plan to facilitate staff training on new administrative and disciplinary segregation policies
- Provided on-site assistance in conducting train the trainer sessions on new policies
- Assisted PSD staff in developing a segregation audit instrument
- Conducted on-site monitoring visits to assess implementation of new administrative and disciplinary segregation policies
- Submission of a final report of findings and recommendations

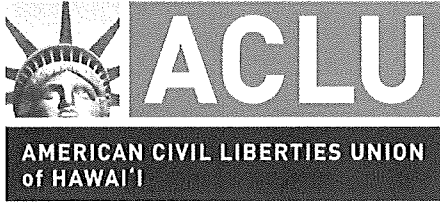
It is ASCA's position that the proactive measures initiated by PSD through technical assistance from ASCA are in line with accepted best correctional practices employed in the successful operation and management of segregation units. The policies developed by PSD in collaboration with ASCA incorporate due process protection for offenders, provide an initial review by medical and mental health staff prior to placement in segregation with regular assessments subsequent to placement and, provide appropriate supervisory level reviews to determine if an offender's continued housing in a segregation unit is warranted based on the totality of circumstances.

Sincerely,



Kevin Kempf
Executive Director
Association of State Correctional Administrators

Kevin H. Kempf, Executive Director
ASCA Headquarters * 1105 2nd Street South * Nampa Idaho, 83651
Phone * (208) 608-5827 WWW.ASCA.NET



Committee: Committee on Public Safety
Hearing Date/Time: Thursday, March 16, 2017, 10:00 a.m.
Place: Room 312
Re: Testimony of the ACLU of Hawaii in Support of S.B. 603 S.D. 1, Relating to Corrections

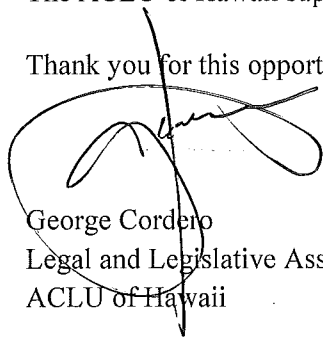
Dear Chair Takayama and Committee Members:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 603 S.D. 1, which narrows the circumstances under which administrative and disciplinary segregation may be used in correctional facilities.

In recent years, there has been increased understanding of the human cost of solitary confinement. The U.S. Department of Justice (“DOJ”) stated in its *2016 Report and Recommendations Concerning the Use of Restrictive Housing (Executive Summary, p.1)* that “At its worst, when applied without regard to basic standards of decency, restrictive housing can cause serious, long-lasting harm. It is the responsibility of all governments to ensure that this practice is used only as necessary—and never as a default solution.” Unfortunately, many correctional facilities *have* used segregation as the default—especially for vulnerable populations such as juveniles, lesbian, gay, bisexual, transgender, and intersex inmates, and pregnant inmates. Given that, as of June 2016, 100% of transgender inmates housed in Hawaii’s correctional facilities were housed in accordance with their sex assigned at birth and not their gender identity¹ (e.g. transgender women being housed with men), and given the well documented national tendency of correctional facilities to treat the solitary confinement of transgender inmates as the go-to strategy to address harassment, the transgender population in Hawaii’s prison system is particularly vulnerable to unnecessary use of solitary confinement. For this reason and many others, the practice of administrative and disciplinary segregation in Hawaii’s prisons should be closely monitored and regulated to ensure that it is only used when absolutely necessary, and that vulnerable populations are not being targeted.

The ACLU of Hawaii supports this bill.

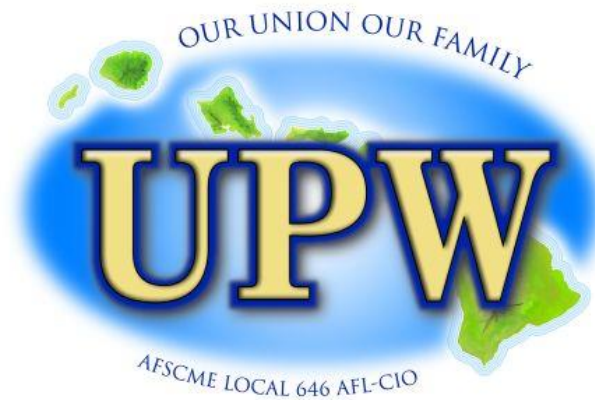
Thank you for this opportunity to testify.



George Cordero
Legal and Legislative Assistant
ACLU of Hawaii

¹ Rui Kaneya, *Is Hawaii Doing Enough to Protect Transgender Inmates in Prisons?*, Honolulu Civil Beat, June 2, 2016, <http://www.civilbeat.org/2016/06/is-hawaii-doing-enough-to-protect-transgender-inmates-in-prisons/>.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.



THE HAWAII STATE HOUSE OF REPRESENTATIVES
The Twenty-Ninth Legislature
Regular Session of 2017

COMMITTEE ON PUBLIC SAFETY

Representative Gregg Takayama, Chair
Representative Matthew S. LoPresti, Vice Chair

DATE OF HEARING: Thursday, March 16, 2017
TIME OF HEARING: 10:00 a.m.
PLACE OF HEARING: State Capitol, Rm. 312
415 South Beretania Street

TESTIMONY ON SENATE BILL 603 SD1 RELATING TO CORRECTIONS

By DAYTON M. NAKANELUA,
State Director of the United Public Workers,
AFSCME Local 646, AFL-CIO ("UPW")

My name is Dayton M. Nakanelua, State Director of the United Public Workers, AFSCME, Local 646, AFL-CIO (UPW). The UPW is the exclusive bargaining representative for approximately 14,000 public employees, which include blue collar, non-supervisory employees in Bargaining Unit 01 and institutional, health and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represent about 1,500 members of the private sector.

SB603 SD1 creates restrictions on the use of administrative segregation and disciplinary segregation in corrections facilities. The bill states that administrative and disciplinary segregation shall only be used when less restrictive interventions are not available and when an inmate commits an offense, escape or poses a serious threat to institutional safety.

We believe that the Department of Corrections has in place policies and procedures to meet the concerns of SB603 SD1. The PSD has stated that this measure will be in contradiction to its already established and well-considered department policy proactively developed in 2014 with technical assistance from national corrections experts. The Disciplinary Segregation policy was held in consultation with the two exclusive representatives of PSD employees which resulted in a training curriculum.

The UPW urgently point to the serious concerns of the PSD on SB603 SD1 and the possibility of two unintended consequences: the possible ..." criminalization of the application of Department Policies and Procedures..."; and secondly, "...creation of litigation liability through inmate/advocate lawsuits..."

The UPW respectfully opposes SB603 SD1 and requests that the committee hold the bill.

Thank you for the opportunity to submit this testimony.

COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY

Rep. Gregg Takayama, Chair

Rep. Matt LoPresti, Vice Chair

Thursday, March 16, 2017

10:00 am

Room 312

STRONG SUPPORT - SB 603 SD1 - ADMINISTRATIVE & DISCIPLINARY SEGREGATION

Aloha Chair Takayama, Vice Chair LoPresti and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the almost 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

Community Alliance on Prisons is in strong support of SB 603 SD1 about a subject that has been locked behind the walls for far too long. It is a step in the right direction.

TWO TYPES OF SOLITARY¹

Two types of solitary confinement are commonly in use today. The first, known as disciplinary segregation, is leveled as punishment when inmates break the rules. Steal a cellmate's radio, for instance, and you might be in solitary for a week or two. During disciplinary segregation, an inmate is separated from other inmates for a specified period of time.

¹ Alone, in 'the hole' Psychologists probe the mental health effects of solitary confinement, By Kirsten Weir, May 2012, Vol 43, No. 5, Print version: page 54. <http://www.apa.org/monitor/2012/05/solitary.aspx>

The second type of confinement is known as administrative segregation, which is used when prisoners are deemed a risk to the safety of other inmates or prison staff. Prisoners in administrative segregation are placed into isolation units for months or years. Corrections officials first turned to this strategy in response to growing gang violence inside prisons, Dvoskin says.

Though critics contend that administrative segregation has never been proven to make prisons safer, use of this type of confinement has continued to rise. That's worrisome to most psychologists who study the issue. Deprived of normal human interaction, many segregated prisoners reportedly suffer from mental health problems including anxiety, panic, insomnia, paranoia, aggression and depression, Haney says (Crime and Delinquency, 2003).

THE HARMS IMPOSED BY THE STATE

The research is clear that many symptoms may present themselves in individuals held in isolation such as:

Anxiety, ranging from feelings of tension to full-blown panic attacks • Persistent low level of stress • Irritability or anxiousness • Fear of impending death • Panic attacks

Depression, varying from low mood to clinical depression • Emotional flatness/blunting – loss of ability to have any “feelings” • Mood swings • Hopelessness • Social withdrawal; loss of initiation of activity or ideas; apathy; lethargy • Major depression

Anger, ranging from irritability to full-blown rage • Irritability and hostility • Poor impulse control • Outbursts of physical and verbal violence against others, self and objects • Unprovoked anger, sometimes manifested as rage

Cognitive disturbances, ranging from lack of concentration to confused state • Short attention span • Poor concentration • Poor memory • Confused thought processes; disorientation

Perceptual distortions, ranging from hypersensitivity to hallucinations • Hypersensitivity to noises and smells • Distortions of sensation (e.g., walls closing in) • Disorientation in time and space • Depersonalization/derealization • Hallucinations affecting all five senses (e.g., hallucinations of objects or people appearing in the cell, or hearing voices when no one is actually speaking)

Paranoia and psychosis, ranging from obsessional thoughts to full-blown psychosis • Recurrent and persistent thoughts (ruminations), often of a violent and vengeful character (e.g., directed against prison staff) • Paranoid ideas – often persecutory • Psychotic episodes or states: psychotic depression, schizophrenia Self-harm, self-directed aggression • Self-mutilation and cutting • Suicide attempts

ADMINISTRATIVE SEGREGATION USED AS RETALIATION

This discussion is relevant to administrative segregation because the many calls, letters and cries for help we receive center around administrative segregation used as retaliation. We personally know that people in the corporate prison in Arizona have been put in the “hole” for speaking or writing to people at Community Alliance on Prisons. People in Hawai`i jails and prisons have been told they could not write to Community Alliance on Prisons. This does not comport with CORR. 15.02 Policies and Procedures. We also know that people unliked by certain officers get locked away, along with those who have the nerve to file grievances because they can’t get their basic needs met (such as medical appointments).

Over the decades, Community Alliance on Prisons has developed relationships with correctional officials and researchers around the world so that we can keep abreast of best practices in corrections and justice issues. There is a larger discussion about solitary confinement taking place around the nation, however, we have been told by people from other jurisdictions that officials from Hawai`i rarely participate in these meetings.

WHAT CORRECTIONS OFFICIALS AND OTHERS HAVE SAID ABOUT ISOLATION

Here are some thoughts by corrections officials:

- The Association of State Correctional Administrators issued a report calling prolonged isolation of inmates in jails and prisons "**a grave problem in the United States.**"²
- **Inmates sent to solitary should be prisoners** "**we're afraid of, not mad at,**" said Gary Mohr, director of the Ohio Department of Rehabilitation and Correction.³

Charles Dickens visited the Eastern State Penitentiary in Pennsylvania in 1842, and the editors call him “one of the earliest—and still one of the most eloquent—critics of solitary confinement.” He described the penitents there as men “**buried alive.**”

RESEARCH

Bureau of Justice Statistics:

The Department of Justice⁴ reports that **Hawai`i has the 7th highest number of prison suicides in the nation.** Isn't this a clarion call for reform? If it isn't, how many people have to die in state correctional facilities before something is done to reform a broken system?

² Rethinking solitary: National prisons group pushes changes, Andrew Welsh-Huggins, AP Legal Affairs Writer, January 16, 2016. <http://www.seattlepi.com/news/us/article/Rethinking-solitary-National-prisons-group-6763615.php>

³ Id.

⁴ Bureau of Justice Statistics, Mortality in State Prisons, 2001-2014 Statistical Tables, December 2016, NCJ 250150, Table 13

The Eighth Amendment to the United States Constitution requires that prison officials “ensure that inmates receive adequate food, clothing, shelter, and medical care” and “take reasonable measures” to guarantee their safety.

Vera Institute of Justice:

Policy changes⁵ that will reduce the use and long term impact of segregation include the following:

- using alternative sanctions for minor violations
- reducing segregation time for certain categories of violations
- employing standardized incentivized reductions in segregation time for sustained good behavior
- providing opportunities for gradual resocialization to the general prison population

*United Nations Special Rapporteur of the Human Rights Council*⁶

The Special Rapporteur stresses that solitary confinement is a harsh measure which may cause serious psychological and physiological adverse effects on individuals regardless of their specific conditions. He finds solitary confinement to be contrary to one of the essential aims of the penitentiary system, which is to rehabilitate offenders and facilitate their reintegration into society. The Special Rapporteur defines prolonged solitary confinement as any period of solitary confinement in excess of 15 days.

RECOMMENDATIONS

- The Special Rapporteur recommends that States conduct regular reviews of the system of solitary confinement.
- The Special Rapporteur calls upon States to ensure that all persons deprived of their liberty are treated with humanity and respect for the inherent dignity of the human person as protected by article 10, paragraph 1, of the International Covenant on Civil and Political Rights.
- The Special Rapporteur urges States to prohibit the imposition of solitary confinement as punishment — either as a part of a judicially imposed sentence or a disciplinary measure. He recommends that States develop and implement alternative disciplinary sanctions to avoid the use of solitary confinement.

Number of state and federal prisoner deaths, by cause and jurisdiction, 2001–2014, page 12.

<https://www.bjs.gov/content/pub/pdf/msp0114st.pdf>

⁵ Prisons Within Prisons: The Use of Segregation in the United States, Federal Sentencing Reporter • Vol. 24, No. 1

• October 2011. <http://archive.vera.org/sites/default/files/resources/downloads/prisons-within-prisons-segregation.pdf>

6 SEEING INTO SOLITARY REPORT:

http://www.weil.com/~media/files/pdfs/2016/un_special_report_solitary_confinement.pdf

- States should take necessary steps to put an end to the practice of solitary confinement in pretrial detention.
- States should abolish the use of solitary confinement for juveniles and persons with mental disabilities.
- Indefinite solitary confinement should be abolished.
- It is clear that short-term solitary confinement can amount to torture or cruel, inhuman or degrading treatment or punishment; it can, however, be a legitimate device in other circumstances, provided that adequate safeguards are in place. In the opinion of the Special Rapporteur, prolonged solitary confinement, in excess of 15 days, should be subject to an absolute prohibition.
- The Special Rapporteur reiterates that solitary confinement should be used only in very exceptional circumstances, as a last resort, for as short a time as possible.

GUIDING PRINCIPLES

- Throughout the period of detention, the physical conditions and prison regime of the solitary confinement, and in particular the duration of confinement, must be proportional to the severity of the criminal or disciplinary infraction for which solitary confinement is imposed.
- The physical conditions and prison regime of solitary confinement must be imposed only as a last resort where less restrictive measures could not achieve the intended disciplinary goals.
- Solitary confinement must never be imposed or allowed to continue except where there is an affirmative determination that it will not result in severe pain or suffering, whether physical or mental, giving rise to acts as defined in article 1 or article 16 of the Convention against Torture.
- All assessments and decisions taken with respect to the imposition of solitary confinement must be clearly documented and readily available to the detained persons and their legal counsel. This includes the identity and title of the authority imposing solitary confinement, the source of his or her legal attributes to impose it, a statement of underlying justification for its imposition, its duration, the reasons for which solitary confinement is determined to be appropriate in accordance with the detained person's mental and physical health, the reasons for which solitary confinement is determined to be proportional to the infraction, reports from regular review of the justification for solitary confinement, and medical assessments of the detained person's mental and physical health.

One of the first things that the Legislature could do to reform the department is by encouraging strong leadership that underscores that abuse will not be tolerated. Devon Brown, Commissioner from the New Jersey Department of Corrections issued a memo to all

employees on July 14, 2004 with the subject "Code of Silence". The memo opens with this paragraph:

In public safety agencies the term, "Code of Silence," is used to describe the unspoken rule that encourages people to lend a blind eye, a deaf ear, and a mute tongue to unethical, immoral or improper actions on the part of others. The code is an invisible barrier to the free flow of communication. It leads to an unsafe environment, injuries and lawsuits. It also costs otherwise good employees their jobs, reputations, and livelihoods. With this in mind, we want to make clear the expectations for the conduct of every employee, contractor, and volunteer of the New Jersey Department of Corrections. (...)

The memo outlines what is expected of staff and how to report incidents and concludes:

The Code of Silence is not a time-honored tradition. It is a hindrance to safe, sound, and secure correctional operations and it demeans each of us as correctional professionals. Pleading ignorance, lack of training or honest mistakes as excuses for unethical behavior is unacceptable.

Imagine if Hawai`i correctional facilities had this kind of direction that was enforced. It would certainly boost the morale of all the good and honest correctional workers as well as the people in their "care and custody".

SB 603 SD1 is a step in the right direction to reform this inhumane practice, however, with little to no oversight, there is no assurance that administrative segregation will not be used as a tool of retaliation. We implore the committee to understand that Hawai`i has released people to the community directly from segregation. This does not protect the released person or the community to which s/he is released. Please understand that today's inmate is tomorrow's neighbor and it is the department's responsibility to do its level best to help people safely return to the community.

Mahalo for this opportunity to testify.

Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, March 15, 2017 9:44 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for SB603 on Mar 16, 2017 10:00AM

LATE

SB603

Submitted on: 3/15/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We continue to STRONGLY SUPPORT this bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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COMMITTEE ON PUBLIC SAFETY
Representative Gregg Takayama, Chair
Representative Matt LoPresti, Vice Chair

DATE: Thursday, March 16, 2017
TIME: 10:00 AM
PLACE: Conference Room 312

Dear Honorable Committee Members,

Strong support for SB 603, SD1– Relating to corrections

We strongly support this measure to restrict the department of public safety in segregating and isolating imprisoned people. Regarding segregation of imprisoned people, the federal court said in Ruiz v. Johnson, (2001):

[Solitary confinement] units are virtual incubators of psychoses—seeding illness in otherwise healthy inmates and exacerbating illness in those already suffering from mental infirmities 154 F.Supp.2d 975.

The Vera Institute of Justice reports in *Confronting Confinement: A Report of The Commission on Safety and Abuse in America's Prisons* (2006), http://www.prisoncommission.org/pdfs/Confronting_Confinement.pdf, that:

What happens inside jails and prisons does not stay inside jails and prisons. It comes home with prisoners after they are released and with corrections officers at the end of each day's shift (Vera Reportp. 10).

The commission that Vera reports about, consisted of corrections experts, who recommend prisons:

Limit Segregation

- 1. Make segregation a last resort and a more productive form of confinement, and stop releasing people directly from segregation to the streets. Tighten admissions criteria and safely transition people out of segregation as soon as possible. And go further: To the extent that safety allows, give prisoners in segregation opportunities to fully engage in treatment, work, study, and other productive activities, and to feel part of a community.***
- 2. End conditions of isolation. Ensure that segregated prisoners have regular and meaningful human contact and are free from extreme physical conditions that cause lasting harm.***
- 3. Protect mentally ill prisoners. Prisoners with a mental illness that would make them particularly vulnerable to conditions in segregation must be housed in secure therapeutic units. Facilities need rigorous screening and assessment tools to ensure the proper treatment of prisoners who are both mentally ill and difficult to control*** (Vera Report, p. 121)

Further, prison administrators should understand that all imprisoned people regardless of their behavior: *still need contact with other people. They still need a reason to approach each day with a positive attitude—a phone call or visit from a loved one, a magazine or newspaper. They still need to feel like human beings*, James Bruton, former Minnesota prison warden, (Vera Report, p. 57).

Hawai'i's prisons have kept people isolated for not only months, but years at a time, which has to end for all our good, including our prison administrations who suffer trauma themselves from this brutality and inhumanity.

Mahalo for your public service. Lorenn Walker, JD, MPH, Hawai'i Friends, executive director. Please call (808) 218-3712 or email lorenn@hawaiifriends.org for comments or questions about our testimony for this ill.

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www.hawaiifriends.org

Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 12:54 PM
To: pbstestimony
Cc: lady.flach@gmail.com
Subject: *Submitted testimony for SB603 on Mar 16, 2017 10:00AM*

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 12:37 PM
To: pbstestimony
Cc: loisjyoung@gmail.com
Subject: *Submitted testimony for SB603 on Mar 16, 2017 10:00AM*

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Lois J Young	Individual	Support	No

Comments:

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lopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 2:17 PM
To: pbstestimony
Cc: robins.priscilla@gmail.com
Subject: Submitted testimony for SB603 on Mar 16, 2017 10:00AM

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Priscilla Robins	Individual	Support	No

Comments: Aloha Chair Takayama, Vice Chair LoPresti, and committee members: I am Priscilla Robins, a supporter of SB603-Relating to Corrections. Sometimes we treat law breakers without much regard for their personal characteristics and punish them at higher level because there's no law restricting them from doing so. We badly need SB603 cut down on this type of punishment and relationships with the ACOS improve. Aloha,

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 2:31 PM
To: pbstestimony
Cc: hokuokekai50@msn.com
Subject: *Submitted testimony for SB603 on Mar 16, 2017 10:00AM*

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Lacques	Individual	Support	No

Comments:

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March 13, 2017

Public Safety Committee
Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing Dt: Mar. 16, 2017
Time: 10:00 am
Room: 312
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Takayama, Vice Chair LoPresti and Committee Members:

I am Rose Fletcher, a widow of an Army officer, living with my children and grandchildren in Momilani, Pearl City.

Having been deported to Japan in exchange to free American prisoners there, even though I was a Japanese-American citizen, I know how it feels to have no voice when injustices exist. It hurts very deeply when torn from your family and put among people who are not of the same culture and have un-American restrictions.

It is thus when one is incarcerated and torn from your community to live among strangers with oversight governed without adherence to any rules or lack of thereof. Helplessness leads to despair which breaks the human spirit and often leads to suicide.

Mahalo for this opportunity to share my heartbreak for the incarcerated torn from their families. They need to pay for their crimes, but God cares for all his children.

Aloha,


Rose Fletcher

Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing Dt: March 16, 2017
Time: 10:00 a.m.
Room: 312
SB603, Relating to Corrections
Strong Support


Aloha Chair Takayama, Vice Chair LoPresti, and Committee
Members:

We are writing to support SB 603, Relating to Corrections.
My husband and I have lived in Pearl City for decades and care
for all the people of Hawai'i.

We serve in our community and help care for our
grandchildren. Although they have never been in prison,
when we heard of the intent of SB603 we believe that it must
be approved so punishment does not destroy a person. The
prison should be correcting/educating the incarcerated to
prepare them for reentry into society.

Thank you for the opportunity to submit our testimony.

Mahalo,



Erma Soma

March 14, 2017

Public Safety Committee

Rep. Gregg Takayama, Chair

Rep. Matt S. LoPresti, Vice Chair

SB602, RELATING TO CORRECTIONS

Hearing Date: Mar. 16, 2017

Time 10 a.m.

Room: 312

SUPPORT

Dear Chair Takayama, Vice Chair LoPresti and Committee Members:

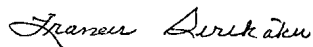
I am Frances Serikaku of Pearl City writing in support of SB-603.

I believe its time for the Department of Public Safety to have some guidelines on how to apply the two types of Segregation; who is authorized to make the decision, and that all evidences are reviewed and presented to the offender too.

Segregation is a harsh punishment and it must not be applied for retaliation or reasons that are unfair/unjust. Each case involves a person's life and affects his family and friends in prison also.

Thank you for caring for people some consider unworthy of your consideration. I humbly ask for your committee to pass this bill, and I thank you for the opportunity to submit my testimony.

Sincerely,



Frances Serikaku

March 14, 2017

PUBLIC SAFETY COMMITTEE Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing Dt: March 16, 2017
Time: 10:00 a.m.
Room: 312
SB603, Relating to Corrections
Strong Support

Aloha Chair Takayama, Vice Chair LoPresti, and Committee Members:


Sandy Fujikawa and I both work at Waiiau Elementary School and strongly support HB603.

We believe that all mankind needs to be treated fairly and this bill, we hope, will avoid any injustices done in putting people in segregation by perception instead of hard facts. To use segregation for revengeful purposes must be stopped.

One of us had a spouse incarcerated and know the hardship families experience without their loved ones. To add to their financial problems the pain of their loved one's suffering sadly causes family friction.

We thank you for the opportunity to submit our testimony and thank you for your hard work.

Mahalo and Aloha,


Karen Yoza


Sandra Fujikawa

March 14, 2017

PUBLIC SAFETY COMMITTEE Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing Dt: March 16, 2017
Time: 10:00 a.m.
Room: 312
SB603, Relating to Corrections
Strong Support

Aloha Chair Takayama, Vice Chair LoPresti, and Committee Members:


Sandy Fujikawa and I both work at Waiiau Elementary School and strongly support HB603.

We believe that all mankind needs to be treated fairly and this bill, we hope, will avoid any injustices done in putting people in segregation by perception instead of hard facts. To use segregation for revengeful purposes must be stopped.

One of us had a spouse incarcerated and know the hardship families experience without their loved ones. To add to their financial problems the pain of their loved one's suffering sadly causes family friction.

We thank you for the opportunity to submit our testimony and thank you for your hard work.

Mahalo and Aloha,


Karen Yoza


Sandra Fujikawa

March 13, 2017

Public Safety Committee
Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
SB 603 RELATING TO CORRECTIONS
Hearing Dt: March 16, 2017
Time: 10:00 a.m.
Room: 312
STRONG SUPPORT

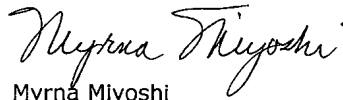
Dear Chair Takayama, Vice Chair LoPresti and Committee Members:

I am Myrna Miyoshi a long-time Pearl City resident who was employed by the courts before my retirement.

I totally agree with B603 in setting restrictions on the use of Administrative and Disciplinary segregations. Without restrictions, prisoners can be placed in the Seg for unreasonable reasons that has nothing to do with causing harm to anyone, escaping, or causing safety problems.

We incarcerate people for their crimes, not to dehumanize them. I thank you for this legislation and the opportunity to share my concerns with you.

Respectfully submitted,

A handwritten signature in cursive script that reads "Myrna Miyoshi". The signature is written in black ink and is positioned above the printed name.

Myrna Miyoshi

SB603, Relating to Corrections

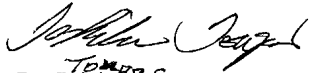
Public Safety Committee
Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing Dt: March 16, 2017
Time: 10:00 a.m.
Room: 312
Strong Support

Aloha Chair Takayama, Vice Chair LoPresti, and Committee Members:

Good morning. I am Toshiko ^{Tougar}~~Tobias~~ a tour guide living in Pearl City with my family.

I was born in Japan where prisoners are treated more humanely than America. For that reason, I am writing to support SB 603. Before segregating any person, the evaluation needs to be thorough and witnessed because it is a severe punishment with no improvement in behavior.

Domo arigato, mahalo,



T. ^{Tougar}~~Tobias~~
March 14, 2017

lopresti1 - Randy

From: E. Funakoshi <maukalani78@hotmail.com>
Sent: Tuesday, March 14, 2017 5:42 PM
To: pbstestimony
Subject: SB603, RELATING TO CORRECTIONS

Public Safety Committee
Rep. Gregg Takayama, Chair
Rep. Matt S. LoPresti, Vice Chair
Hearing: March 16, 2017
Time: 10:00 a.m.
Room 312

SB 603, RELATING TO CORRECTIONS
STRONG SUPPORT

Aloha Chair Takayama, Vice Chair LoPresti, and Committee Members:

I am e. ileina funakoshi an advocate for prison reform. For many years, I was like most of the general public who believed that criminals should be locked up and they had all the free benefits that we had to pay for.

In reality, over the years, the prison has become more of an institution that was not a place for "corrections." I say this because I visited OCCC in the 80's and it was very different from what it is today. Granted, I did not visit the prison (Halawa), but my friend's husband was incarcerated then and the privileges were greater than today. Instead of going forward, we are moving backwards. Not only in privileges, but separation of visitation, dressing them in stripes (for what purpose), etc.

Therefore, I praise the committee for considering this bill with new restrictions on administrative and disciplinary segregations. A step forward toward building respect for their "care takers" instead of intimidation. An oversight is needed to curtail the use of segregations for cases not falling in the category of danger to self or others. To put an inmate in seg for 30 days for a minor infraction, accompanied by a write-up which reduces his/her chances for getting paroled, must stop.

Officers (known as "corrections" officers) need training not only to protect themselves but to address the needs of the community and setting a good example in their behavior for the inmates to follow.

Mahalo for the opportunity to submit my testimony and to humbly ask for your committee to pass SB603.

Aloha,
e. ileina funakoshi

Iopresti1 - Randy

From: venusinblu27@yahoo.com
Sent: Tuesday, March 14, 2017 4:16 PM
To: pbstestimony
Subject: SB 603, RELATING TO CORRECTIONS

PUBLIC SAFETY COMMITTEE
Representative Gregg Takayama, Chair
Representative Matt S. LoPresti, Vice Chair
Hearing Date: March 16, 2017
Time: 10:00 a.m.
Room: 312
SB 603, RELATING TO CORRECTIONS
SUPPORT

Aloha Chair Takayama, Vice Chair LoPresti, and Committee Members:

I am Junet Higashihara of Moanalua Valley writing in support of SB 603.

My friend was deeply hurt and agonized when her loved one was confined in segregation for an offense which was not violent or dangerous to others. There was nothing I could do at that time, so this bill gives me the opportunity to help her and others in a similar situation not having to experience what she went through.

I submit this with the hope that you will pass the bill out of committee and thank you for the opportunity to voice my concern.

Respectfully yours,

Junet Higashihara

Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 5:34 PM
To: pbstestimony
Cc: shannonkona@gmail.com
Subject: Submitted testimony for SB603 on Mar 16, 2017 10:00AM

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Shannon Rudolph	Individual	Support	No

Comments: STRONGLY SUPPORT!

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 6:03 PM
To: pbstestimony
Cc: tulsigreenlee@icloud.com
Subject: *Submitted testimony for SB603 on Mar 16, 2017 10:00AM*

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Tulsi Greenlee	Individual	Support	No

Comments:

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Iopresti1 - Randy

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 14, 2017 9:56 PM
To: pbstestimony
Cc: evernw@aol.com
Subject: Submitted testimony for SB603 on Mar 16, 2017 10:00AM

SB603

Submitted on: 3/14/2017

Testimony for PBS on Mar 16, 2017 10:00AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Evern Williams	Individual	Support	No

Comments: I strongly support this legislation and urge you to pass it. Hawai'i is 7th in the nation in suicides in correctional facilities and the department needs more oversight. Our maximum custody is inhumane and must be corrected.

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March 15, 2017

**TESTIMONY IN STRONG SUPPORT of SB 603 RELATING TO CORRECTIONS
with SUGGESTIONS FOR AMENDMENTS**

Hearing before Public Safety on March 16, 10:00 am, in Room 312

TO: Chair Greg Takayama, Vice Chair Matthew LoPresti, and members of the
House Committee on Public Safety

FROM: Barbara Polk

Thank you for hearing SB 603, a very important bill. Hawaii has been criticized for its excessive use of administrative and disciplinary segregation, better known as solitary confinement, in its jails and prisons. This bill is an important step in reining in the excessive use of this measure.

I am especially glad to see that continued use of solitary confinement would no longer be permissible for trivial violations of rules (such as being late to stand outside one's cell during one of the several counts per day, as reportedly happens at OCCC), or for filing complaints, requesting medical aid, or other non-violent actions. I am also glad to see the rights of those in solitary confinement spelled out.

While I am glad to see restrictions on the amount of time a person may be held in solitary confinement, I would point out that the United Nations has found solitary confinement of more than 15 days to be excessive. Although this bill would call for review after ten days for inmates in disciplinary confinement, it would not prevent a continuous stint of 60 days—four times the length of time that may cause psychological or physical harm to individuals according to numerous research reports. Doing so may result in a permanent impediment to reintegration into the society at a later date. **I urge that the bill be amended to require that no inmate be subjected to solitary confinement for longer than 15 days at a time, with at least 15 days of a less restrictive arrangement, including human contact, intervening, if necessary to again place the inmate in solitary.**

I am also concerned that one third to one half of the individuals held in our jails are pre-trial detainees—that is, they are, according to the US Constitution, innocent. To subject someone not found guilty of a crime to harsh punishment, even to a few days in solitary confinement, is not appropriate. **I suggest that pre-trial detainees be provided the additional screening and approval that would be accorded vulnerable populations.**

Training for correctional facilities' staff is very important to protect the rights of those inmates who are placed in solitary confinement, as well as to help prevent the need for this measure. **I urge you to add that training must include modern alternatives to solitary confinement, as well as the handling of difficult situations in ways that de-escalate, rather than escalate violent or other inappropriate behavior.**

Finally, I urge that the bill make clear that its provisions apply to mainland prisons under contract to the state, as well as to those within the state. Reports by people who have been held in private prisons, as well as the high rate of murder and suicide in those prisons, make it imperative that the values of Hawaii be implemented wherever inmates are incarcerated.

Thank you for the opportunity to provide testimony, and for seeking to humanize our correctional system!