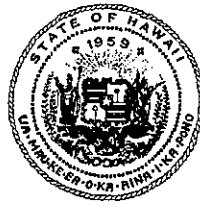


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON SENATE BILL 603
RELATING TO CORRECTIONS

By

Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Judiciary and Labor
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair

Friday, February 24, 2017; 9:15 a.m.
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Roads, and Members of the Committee:

The Department of Public Safety (PSD) is **opposed** to Senate Bill (SB) 603, 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, 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 CORRECTIONS ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: 11/28/2014	POLICY NO.: COR.11.01
	SUBJECT: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	SUPERSEDES (Policy No. & Date): COR.11.01, 12/12/09	

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.

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- 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.

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.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.

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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.

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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.

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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.

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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.

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.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.

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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

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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

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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.

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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

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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

11/28/2014
DATE

APPROVED:



DIRECTOR

11/28/2014
DATE

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**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 IIII



**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: <input type="checkbox"/> INMATE WAIVES OR DECLINES TO BE PRESENT AT PROGRAM COMMITTEE REVIEW <input type="checkbox"/> 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: ____/____/____	<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 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: <input type="checkbox"/> INMATE WAIVES OR DECLINES INTERVIEW WITH WARDEN/DEPUTY WARDEN <input type="checkbox"/> 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: ____/____/____	<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, 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/HEALTH MANAGER/CO	WATCH COMMANDER SUPERVISOR	SW / HSP ONEY / VOL	PM
	1												S
	2												U
	3												N
	1												M
	2												O
	3												N
	1												T
	2												U
	3												E
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	3												I
	1												S
	2												A
	3												T

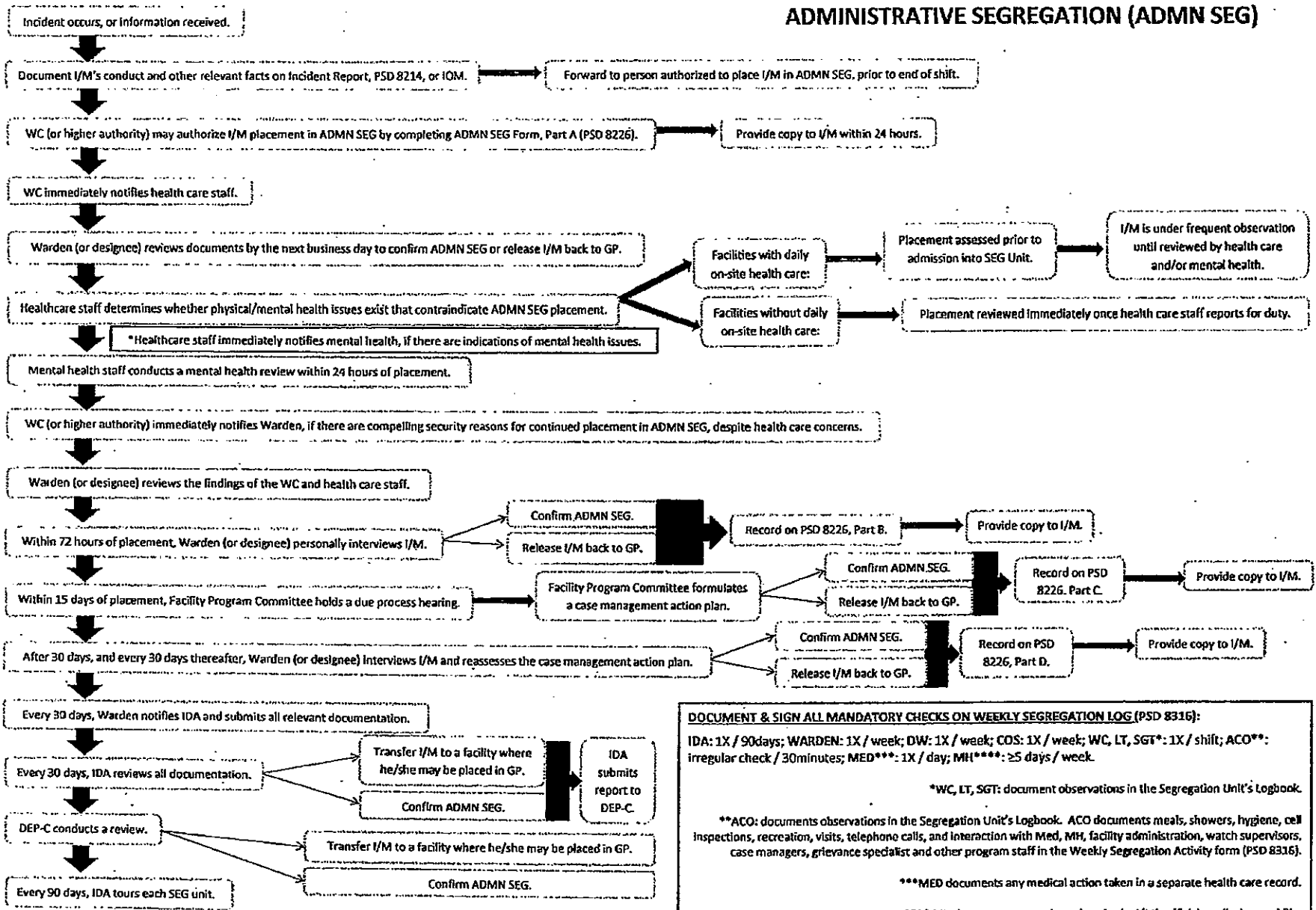
CHOW, SHOWER, CELL INSPECTION, RECREATION: (Y) for YES; (N) for NO; (R) for REFUSED, PRINT INITIALS AND THE TIME.

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 - ≥25x 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.

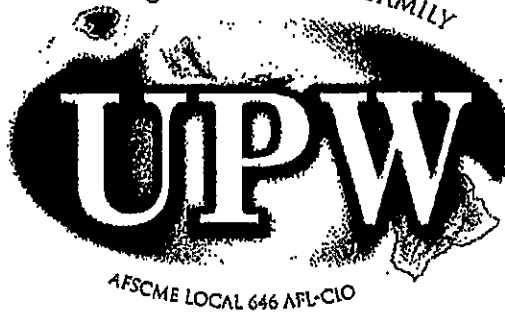
****MH documents any action taken, in the I/M's official medical record file.

OUR UNION OUR FAMILY

11/18/14 LR
PER P14-2494 151

PERSONNEL UNIT ONE

2014 NOV 18 PM 2:10



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 Direc or
Hawaii / Maui / Kauai Division Directors

HEADQUARTERS - 1426 North School Street ♦ Honolulu, Hawaii 96817-1914 ♦ Phone: (808) 847-2631
HAWAII - 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ Phone: (808) 961-8424
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 Mililani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

RECEIVED PER
7/17/14 LR
2014 JUL 17 A 10:46 P14-1239(A)
www.hgea.org
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

COMMUNITY ALLIANCE ON PRISONS

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



COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Karl Rhoads, Vice Chair

Friday, February 24, 2017

9:15 am

Room 016

STRONG SUPPORT SB 603 - RESTRICTING THE USE OF ADMIN SEGREGATION

Aloha Chair Keith-Agaran, Vice Chair Rhoads 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 approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,400 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 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.

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.

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 HARMS IMPOSED BY THE STATE

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).

RESEARCH

Bureau of Justice Statistics:

The Department of Justice² reports that **Hawai'i has the 7th highest number of prison suicides in the nation.**³ 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?

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 changes⁴ 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*⁵

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.

² Bureau of Justice Statistics, Mortality in State Prisons, 2001-2014 Statistical Tables, December 2016, NCJ 250150, Table 13 Number of state and federal prisoner deaths, by cause and jurisdiction, 2001–2014, page 12.

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

³ Id.

⁴ 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>

⁵ SEEING INTO SOLITARY REPORT:

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

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.

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.**"⁶
- **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.⁷

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.**"

SB 603 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 continue to be used as a tool of retaliation.

Mahalo for this opportunity to testify.

⁶ 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>

⁷ Id.

February 21, 2017

TESTIMONY IN STRONG SUPPORT of SB 603 RELATING TO CORRECTIONS
with SUGGESTIONS FOR AMENDMENTS
Hearing before JDL on February 24, 9:15am, in Room 016

TO: Chair Gilbert Keith-Agaram, Vice Chair Karl Rhoads and members of the
Senate Committee on Judiciary and Labor

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!

From:
To: [JDL Testimony](#)
Subject: SB603, RELATING TO CORRECTIONS
Date: Monday, February 20, 2017 6:35:40 AM

Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
STRONG SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads 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

Support

JUDICIARY AND LABOR COMMITTEE
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

I am Elsie Morikawa of Mililani writing in support of SB603.

Not knowing too much about the operation of the prison system, I am voicing my concerns on the effect of what segregation of a child did to my close friend.

She was devastated when her son was placed in segregation because he basically obeys the rules and he is a good person. Surely, serious consideration should be given to the emotional distress it causes not only to the inmate but the family involved when placing a person in segregation for minor offenses..

I am a mother and when my child is ill, I can help care for him, but if your child is incarcerated, there's nothing you can do to help care for him. When he's placed in segregation, he cannot call you so the worries and fears pile up. My friend went through all that.

Therefore, for the love of our children, I ask you to pass SB603 to avoid such sufferings for the parents who are so far away from their loved ones.

Thank you for your consideration and the opportunity to send you my testimony.

Aloha,

Elsie S. Morikawa
Elsie Morikawa
February 22, 2017

Support

February 22, 2017

Judiciary and Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoades, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB-603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith Agaran, Vice Chair Rhoades 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 be indiscriminately applied across the board. 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

Frances Serikaku

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.

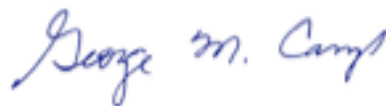
By way of back ground, up until February 1 when I retired, I served as Co-Executive Director of the Association of State Correctional Administrators for more than 30 years. In that capacity in 2014, I and others worked very closely with the Department of Public Safety to help them improve the manner 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

From:
To: [JDLTestimony](#)
Subject: SB 603, RELATING TO CORRECTIONS
Date: Monday, February 20, 2017 1:29:51 PM

Judiciary and Labor Committee

Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: **Feb. 24, 2017**
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads 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

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc:
Subject: Submitted testimony for SB603 on Feb 24, 2017 09:15AM
Date: Tuesday, February 21, 2017 10:08:34 PM

SB603

Submitted on: 2/21/2017

Testimony for JDL on Feb 24, 2017 09:15AM in Conference Room 016

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

Comments: this bill will keep the administration from exercising any biases they may have towards individuals. I believe it will keep all in check from undue/unfair practices.

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

February 20, 2017

Judiciary and Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

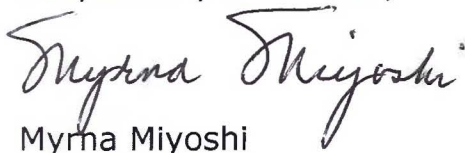
Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

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,


Myrna Miyoshi

From:
To: [JDLTestimony](#)
Date: Tuesday, February 21, 2017 12:51:41 PM

Judiciary & Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

I am Priscilla Robins, a supporter of SB-603, 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 to cut down on this type of punishment and relationships with the ACOs improve.

Aloha,

Priscilla Robins

From:
To: [JDLTestimony](#)
Subject: SB 603, RELATING TO CORRECTIONS
Date: Wednesday, February 22, 2017 2:07:13 PM

Judiciary & Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

I am Rhonda Mack and new to writing testimony. My friend asked me to review SB 603 to see if I could support it. I support the intent of the bill but as to line 15, 16, 17, I believe its not necessary to have the hearing every third day.

However, I strongly encourage the passage of this bill.

Thank you for your consideration.

Very respectfully yours,
Rhonda Mack

Support

February 20, 2017

Judiciary and Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

I am Rose Fletcher, a widow of an Army officer, living with my children in the Leeward Area.

Having been deported to Japan in exchange to free American prisoners there, even though I was a Japanese-American citizen, 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 restrictions un-American.

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

February 21, 2017

Judiciary and Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads 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.

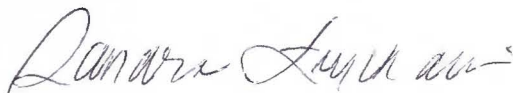
One of us had a spouse incarcerated and know the hardship families experience without their loved ones. To add to their financial problems the pain of their loved one's suffering sadly causes family friction.

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

Mahalo and Aloha,



Karen Yoza



Sandra Fujikawa

From:
To: [JDLTestimony](#)
Subject: SB603, RELATING TO CORRECTIONS
Date: Tuesday, February 21, 2017 3:35:47 PM

Judiciary and Labor Committee
Senator Gilbert S.C. Keith-Agaran, Chair
Senator Karl Rhoads, Vice Chair
Public Decision Making Date: Feb. 24, 2017
Time: 9:15 a.m.
Room: 016
SB 603, RELATING TO CORRECTIONS
SUPPORT

Dear Chair Keith-Agaran, Vice Chair Rhoads and Committee Members:

I am Theodore Robinson, a resident of Hawai`i for many years, writing in support of SB603.

I have heard "straight from the horse's mouth" of some of the uncalled for demeaning things that go on within the prison walls. These prisoners are placed in the state's hands to care for them while they serve their term in prison. What does the state want to gain from such treatments - they are not prisoners of war but part of our ohana.

If there's any legislation that would help to correct any kind of indecent treatment of our ohana in any situation, I support and thank the Legislators for their time and effort in doing so.

My heartfelt mahalo for SB603 and ask this committee to pass it out of committee.

With fond Aloha,
Theodore Robinson