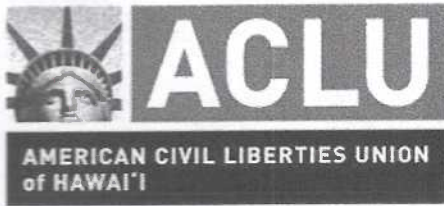


# LATE SB 603

## RELATING TO CORRECTIONS

Creates restrictions on the use of administrative segregation and disciplinary segregation in corrections facilities.



## LATE TESTIMONY

Committee: Committee on Judiciary and Labor  
Hearing Date/Time: Friday, February 24, 2017, 9:15 a.m.  
Place: Conference Room 016  
Re: Testimony of the ACLU of Hawaii in Support S.B.603, Relating to Corrections

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

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in support of S.B. 603, 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 identity<sup>1</sup> (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 the opportunity to testify.

Sincerely,

Mandy Finlay  
Advocacy Coordinator

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

Chair Keith-Agaran and Members of the Committee  
February 24, 2017  
Page 2 of 2

ACLU of Hawaii

*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.*

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# LATE TESTIMONY

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [JDL Testimony](#)  
**Cc:**  
**Subject:** Submitted testimony for SB603 on Feb 24, 2017 09:15AM  
**Date:** Friday, February 24, 2017 2:39:07 AM

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## **SB603**

Submitted on: 2/24/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Kim Coco Iwamoto	Individual	Support	No

Comments: Testimony in STRONG SUPPORT of SB603. Please include language in the bill that specifically clarifies that all the provisions apply to mainland prisons under contract to the state, as well as to those within the state. Thank you.

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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