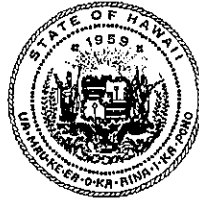


DAVID Y. IGE
GOVERNOR



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

NOLAN P. ESPINDA
DIRECTOR

Cathy Ross
Deputy Director
Administration

Jodie F. Maesaka-Hirata
Deputy Director
Corrections

Renee R. Sonobe Hong
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 2859
RELATING TO CORRECTIONAL INSTITUTIONS.**

by
Nolan P. Espinda, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, January 30, 2018; 1:15 p.m.
State Capitol, Conference Room 229

Chair Nishihara, Vice Chair Wakai, and Members of the Committee:

The Department of Public Safety (PSD) offers the following comments relative to operational and legal issues that are likely to arise as unintended consequences of Senate Bill (SB) 2859. Inclusive in our testimony is the current PSD policy on Administrative Segregation.

This policy was originally adopted as far back as 2014, when the issue of "solitary confinement" was traversing the country. At the time, PSD got way out in front of the issue in contracting with the Association of State Correctional Administrators (ASCA) to develop a responsive policy, with the full endorsement of ASCA. (Letters of endorsement are attached.) To be clear, this policy meets and exceeds current national standards and trends on this critical matter, and a review of the policy indicates that PSD's policy already meets the goals and objectives set forth in this measure.


The collaboration included policy review, site inspections, interviews with staff and inmates, proposals for changes to the PSD Administrative and Disciplinary Segregation policy, consultation with HGEA and UPW on the new

policy, and implementation of the finalized policy through a training curriculum for staff.

The Department contends that it may not be prudent to place operational matters into statute, due to the possibility of creating civil liabilities for Hawai'i taxpayers, as well as, potentially criminalizing what should more rightfully be primarily staff duties and responsibilities.

Further, the Department has a responsibility to assure the safety of all staff and inmates who live and work in our facilities. Continuation of the methodically and thoughtfully developed current policy assures continued staff and inmate safety while simultaneously assuring the kind of protections required to assure that abuses are not institutionalized.

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 Statues (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: ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	POLICY NO.: COR.11.01
		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:	POLICY NO.: COR.11.01
	ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	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:	POLICY NO.: COR.11.01
	ADMINISTRATIVE SEGREGATION AND DISCIPLINARY SEGREGATION	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

11/28/2014
DATE

APPROVED:



DIRECTOR

11/28/2014
DATE

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: <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 _____ (HOUSING) MAINTAIN SEG HOUSING SUBJECT TO NEXT SCHEDULED REVIEW
 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 IIII



**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 _____ (HOUSING) 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 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.

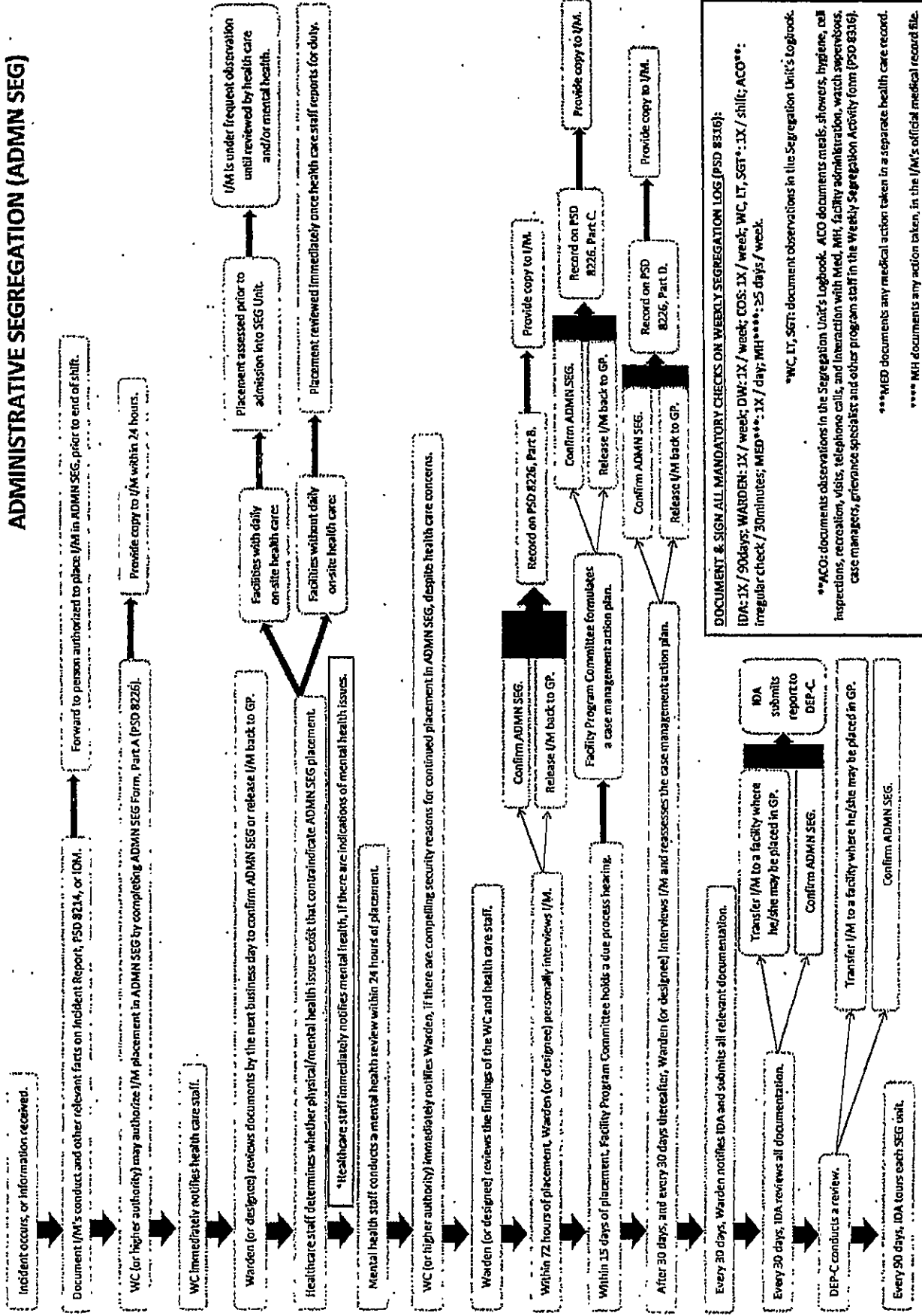
**DEPARTMENT OF PUBLIC SAFETY
WEEKLY ADMINISTRATIVE SEGREGATION LOG**
WEEK OF _____

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 (N LD)	SHOWER	HYGIENE (Hand Washing)	CELL INSPECTION	RECREATION	VISITS (V) PHONE (P)	MENTAL HEALTH	MEDICAL	WARDEN/PROPERTY MANAGER	WIC/COMMUNITY SERVICES	DW / ISS (ONE) VOL	PW
	1												S
	2												U
	3												N
	1												M
	2												O
	3												N
	1												T
	2												U
	3												E
	1												W
	2												E
	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 - 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; DM: 1X / week; COS: 1X / week; WC, LT, SGT: 1X / shift; ACO: irregular check / 30minutes; MED: 1X / day; MH: 25 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.

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

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*

• 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

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,



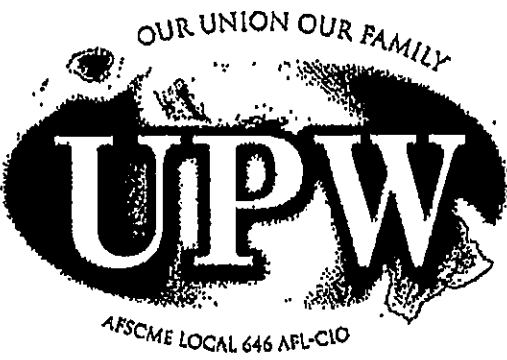
George M. Camp

Attachments
cc: Nolan Espinda

11/18/14 LR
PER P14-2494 151

PERSONNEL SERVICES

2014 NOV 18 PM 2: 10



RECEIVED

2014 NOV 17 P 2:46

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 - 362 East Lanikaula Street ♦ Hilo, Hawaii 96720-4336 ♦ 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 Milliani 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)
DIRECTOR'S OFFICE
DEPARTMENT OF
PUBLIC SAFETY 2014-1118

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 Mililani Street, Suite 601
Honolulu, HI 96813

Elizabeth Ho
Area Field Services Director
AFSCME
888 Mililani 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

SB-2859

Submitted on: 1/28/2018 1:06:01 PM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Erteschik	Hawaii Disability Rights Center	Support	Yes

Comments:

There are numerous national and international studies which demonstrate the severe psychological harm that is caused to individuals with mental illness who are placed in solitary confinement in prisons. Sadly, a large percentage of the inmates at our penal facilities do suffer from a mental illness. For that reason, some guidelines and protocols and restrictions on the use of solitary confinement would be an appropriate step to take towards ensuring that prisoners are not treated in a way which will needlessly damage their well being.



Aloha chair nishihara, vice chair wakai, and members of the Committee on Public Safety, Intergovernmental, and Military Affairs,

The Young Progressives Demanding Action – Hawai‘i has reservations about SB 2859, which seeks to establish procedures for the use of administrative and disciplinary segregation in correctional institutions.

On principle, YPDA Hawai‘i does not support the policy of disciplinary segregation as a form of punishment in prisons. The practice of confinement, segregation and isolation in various forms has been proven to be extremely detrimental to the mental health and wellbeing of inmates and adds additional and undue punishment to an inmates legally prescribed sentence. The inmate has already been stripped of many of his or her civil and human rights, removed from society, family and sense of place, and subjected to hardship in confinement. He or she should not be further targeted for punishment.

That being said, we understand the practice is already in place, and that strict rules governing when it can be implemented is important in preventing abuse. However, we have issues with the way the bill is written. We also know of model legislation that already exists, as written by the American Civil Liberties Union, who have done their research and due diligence in crafting legislation that will limit the practice as much as possible and takes into account the severe nature of the punishment. In other words, we feel the potential for abuse is limited as much as is possible through the vehicle the ACLU has already provided, and we suggest that the committee use the language presented in the ACLU bill to redraft SB 2859. It is our understanding that ACLU Hawai‘i will be presenting that bill to the committee in its own testimony, and we would ask that you accept their recommendations.

Mahalo,

Will Caron

Social Justice Action Committee Chair
Young Progressives Demanding Action – Hawai‘i

SB-2859

Submitted on: 1/29/2018 12:32:32 PM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
E. Ileina Funakoshi		Support	No

Comments:

SB-2859

Submitted on: 1/29/2018 12:11:39 PM

Testimony for PSM on 1/30/2018 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Polk		Comments	No

Comments:

Chair Nishihara, Vice Chair Wakai and members of the committee

Although I strongly support SB 2859, I wish to recommend some changes. This bill brings the state into compliance with international standards with respect to solitary confinement in most ways. However, because DPS has two names for solitary confinement, disciplinary segregation and administrative segregation, it leave open the possibility that both will be used for the same person in a given month. As a result, SB 2859 would allow a person to be held in solitary confinement for 28 out of 30 days!

I urge that you amend this bill to make clear that the limit on administrative and disciplinary segregation **combined** is 14 days in 30. Otherwise, the state would be in the position of legalizing what international standards regard as torture. I do not think we want the HRS to support torture!

Finally, I am concerned that the bill would allow use of solitary confinement for people who are mentally ill, although with strong constraints. Again, I believe this is in contravention of international standards. Having worked in a mental hospital, I understand that people with severe mental illness can be difficult to control at times, but a few hours of isolation was sufficient to allow the person to calm down. However, in general, people with this degree of severity of illness should not be in a jail or prison at all, but should be transferred promptly to a mental hospital where they can be cared for appropriately and treated humanely.

I urge you to pass SB2859 with the amendments above.