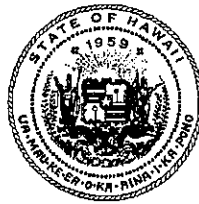


DAVID Y. IGE  
GOVERNOR



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

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

Tuesday, February 7, 2017; 1:20 p.m.  
State Capitol, Conference Room 229

Chair Nishihara, Vice Chair Wakai, 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) 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, consultation with HGEA and UPW 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.

Thank you for the opportunity to present this testimony.

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

## 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 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 (15<sup>TH</sup>) DAY FOLLOWING SEGREGATION PLACEMENT

INMATE WAIVERS:

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

INMATE SIGNATURE

DATE/TIME:

**WITNESSES REQUESTED FOR PROGRAM COMMITTEE**

WITNESS NAME AND SID:

WITNESS NAME & SID:

WITNESS NAME AND SID:

WITNESS NAME & SID:

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

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

PRINT NAME OF CHAIRPERSON:

SIGNATURE OF CHAIRPERSON:

DATE/TIME: /

PRINT NAME AND TITLE OF STAFF SERVING RESULTS:

SIGNATURE OF STAFF SERVING RESULTS:

DATE/TIME: /

INMATE SIGNATURE AND DATE/TIME

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

DATE/TIME: /

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

<b>INMATE WAIVERS:</b> <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.

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 \_\_\_\_\_

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

DATE	SHIFT	CHOW (B L D)	SHOWER	HYGIENE (Hand Wash, Toilet, Hair Wash)	CELL INSPECTION	RECREATION	VISITS (V), PHONE (P)	MENTAL HEALTH	MEDICAL	WARDEN/PERUITY WARDEN/COS	WATCH COMMAND/SUPERVISOR	SW, HSP, GRIEV, VOL	DAY
	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

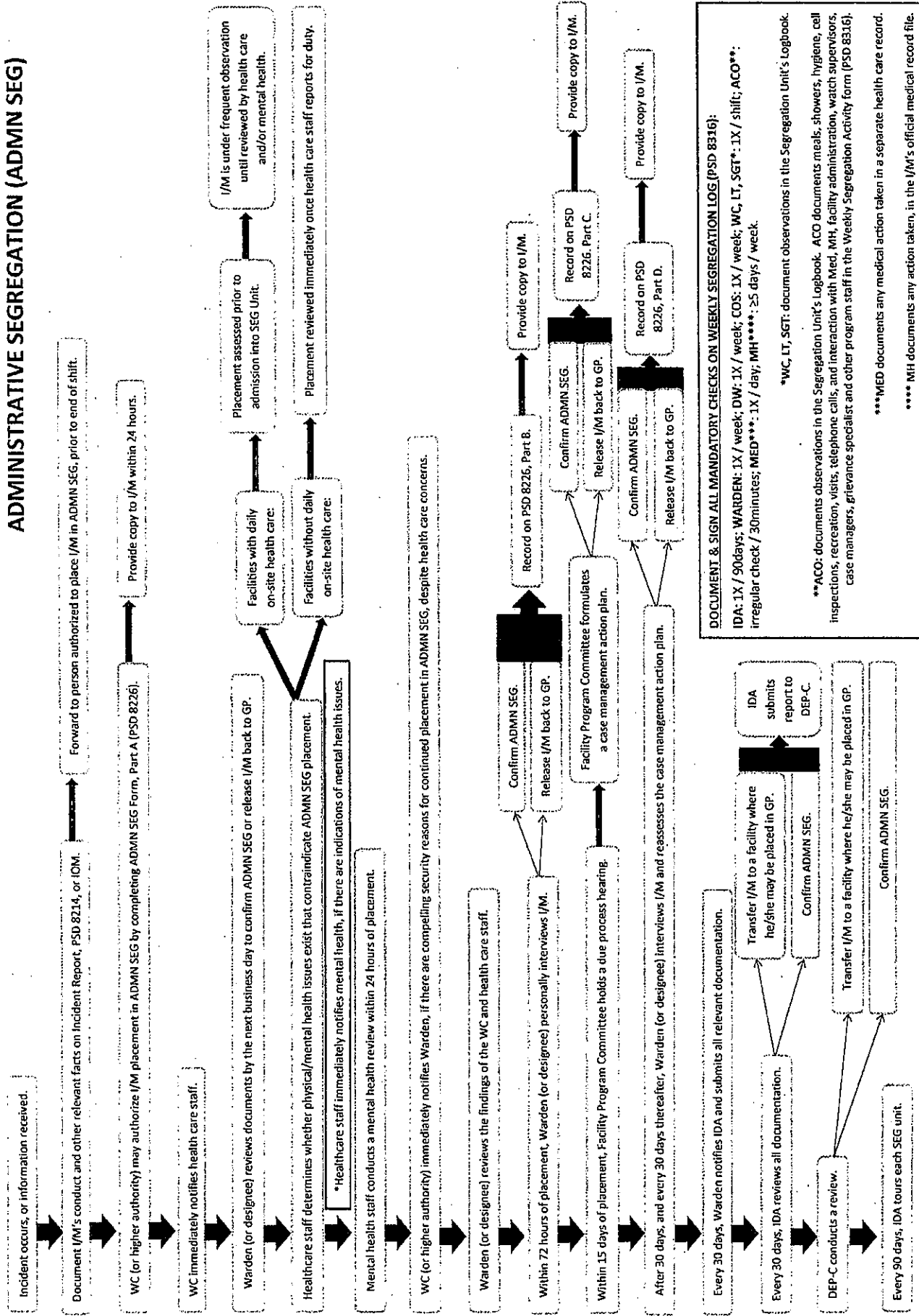
CHOW, SHOWER, CELL INSPECTION, RECREATION: (Y) for YES; (N) for NO; (R) for REFUSED, PRINT INITIALS AND THE TIME.

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 (ADMIN 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.

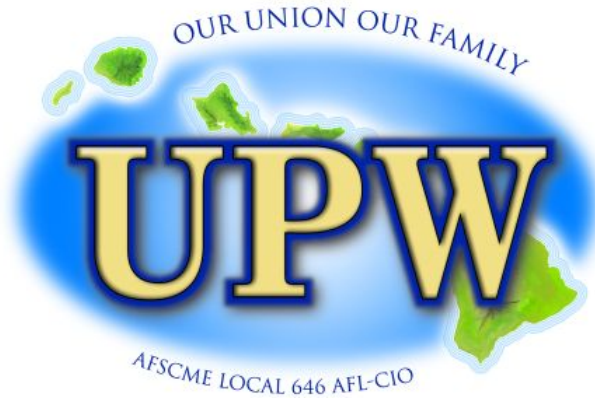
\*WC, LT, SGT: document observations in the Segregation Unit's Logbook.

\*\*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.





THE HAWAII STATE SENATE  
The Twenty-Ninth Legislature  
Regular Session of 2017

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair

DATE OF HEARING: Tuesday, February 7, 2017  
TIME OF HEARING: 1:15 p.m.  
PLACE OF HEARING: State Capitol, Rm. 229  
415 South Beretania Street

**TESTIMONY ON SENATE BILL 603 RELATING TO CORRECTIONS**

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

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

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

We believe that the Department of Corrections has in place policies and procedures to meet the concerns of SB603. The UPW respectfully opposes SB603 and requests that the committee to hold the bill.

Thank you for the opportunity to submit this testimony.

# COMMUNITY ALLIANCE ON PRISONS

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

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



## COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Clarence Nishihara, Chair

Sen. Glenn Wakai, Vice Chair

Tuesday, February 7, 2017

1:20 pm

Room 229

### SUPPORT SB 603 - RESTRICTING THE USE OF ADMIN SEGREGATION

Aloha Chair Nishihara, Vice Chair Wakai 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 support of SB 603 and thanks the committee for hearing this important bill 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 SOLITARY<sup>1</sup>

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.

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<sup>1</sup> 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>



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

### THE HARMS IMPOSED BY THE STATE

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

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

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

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

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

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

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

### ADMINISTRATIVE SEGREGATION USED AS RETALIAITION

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

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

## WHAT CORRECTIONS OFFICIALS AND OTHERS HAVE SAID ABOUT ISOLATION

Here are some thoughts by corrections officials:

- The Association of State Correctional Administrators issued a report calling prolonged isolation of inmates in jails and prisons "**a grave problem in the United States.**"<sup>2</sup>
- **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.<sup>3</sup>

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

## RESEARCH

### *Bureau of Justice Statistics:*

The Department of Justice<sup>4</sup> reports that **Hawai'i has the 7<sup>th</sup> highest number of prison suicides in the nation.** Isn't this a clarion call for reform? If it isn't, how many people have to die in state correctional facilities before something is done to reform a broken system?

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 changes<sup>5</sup> 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

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<sup>2</sup> 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>

<sup>3</sup> Id.

<sup>4</sup> 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>

<sup>5</sup> 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>

- providing opportunities for gradual resocialization to the general prison population

### *United Nations Special Rapporteur of the Human Rights Council*<sup>6</sup>

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

### RECOMMENDATIONS

- The Special Rapporteur recommends that States conduct regular reviews of the system of solitary confinement.
- The Special Rapporteur calls upon States to ensure that all persons deprived of their liberty are treated with humanity and respect for the inherent dignity of the human person as protected by article 10, paragraph 1, of the International Covenant on Civil and Political Rights.
- The Special Rapporteur urges States to prohibit the imposition of solitary confinement as punishment – either as a part of a judicially imposed sentence or a disciplinary measure. He recommends that States develop and implement alternative disciplinary sanctions to avoid the use of solitary confinement.
- States should take necessary steps to put an end to the practice of solitary confinement in pretrial detention.
- States should abolish the use of solitary confinement for juveniles and persons with mental disabilities.
- Indefinite solitary confinement should be abolished.
- It is clear that short-term solitary confinement can amount to torture or cruel, inhuman or degrading treatment or punishment; it can, however, be a legitimate device in other circumstances, provided that adequate safeguards are in place. In the opinion of the Special Rapporteur, prolonged solitary confinement, in excess of 15 days, should be subject to an absolute prohibition.
- The Special Rapporteur reiterates that solitary confinement should be used only in very exceptional circumstances, as a last resort, for as short a time as possible.

### GUIDING PRINCIPLES

- Throughout the period of detention, the physical conditions and prison regime of the solitary confinement, and in particular the duration of confinement, must be proportional to the severity of the criminal or disciplinary infraction for which solitary confinement is imposed.

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<sup>6</sup> SEEING INTO SOLITARY REPORT:

[http://www.weil.com/~media/files/pdfs/2016/un\\_special\\_report\\_solitary\\_confinement.pdf](http://www.weil.com/~media/files/pdfs/2016/un_special_report_solitary_confinement.pdf)

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

One of the first things that the Legislature could do to reform the department is by encouraging strong leadership that underscores that abuse will not be tolerated. Devon Brown, Commissioner from the New Jersey Department of Corrections issued a memo to all employees on July 14, 2004 with the subject "Code of Silence" ([attached](#)). The memo opens with this paragraph:

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

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

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

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

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

Mahalo for this opportunity to testify.

Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m.  
Room 229  
SB 603, RELATING TO CORRECTIOONS  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai, 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  
**Sent:** Monday, February 6, 2017 12:27 PM  
**To:** PSMTestimony  
**Cc:** shannonkona@gmail.com  
**Subject:** Submitted testimony for SB603 on Feb 7, 2017 13:20PM

**SB603**

Submitted on: 2/6/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Shannon Rudolph	Individual	Support	No

Comments: STRONGLY SUPPORT!

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, February 6, 2017 12:15 PM  
**To:** PSMTestimony  
**Cc:** loisjyoung@gmail.com  
**Subject:** \*Submitted testimony for SB603 on Feb 7, 2017 13:20PM\*

**SB603**

Submitted on: 2/6/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois J Young	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 4:08 PM  
**To:** PSMTestimony  
**Cc:** lady.flach@gmail.com  
**Subject:** \*Submitted testimony for SB603 on Feb 7, 2017 13:20PM\*

**SB603**

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Teri Heede	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, February 5, 2017 1:12 PM  
**To:** PSMTestimony  
**Cc:** blawaiianlvr@icloud.com  
**Subject:** Submitted testimony for SB603 on Feb 7, 2017 13:20PM

**SB603**

Submitted on: 2/5/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Individual	Support	Yes

Comments: I FULLY SUPPORT this bill. As someone who has done 27 years in our prison system, spent most of my time in some form of solitary confinement, & who has been actively involved in litigating against the Corrections System & the State (See Sandin v. Conner, 515 U.S. 472 (1995)), I know first hand the damage that long term & quite often "indefinite" solitary confinement can inflict upon the individual whom the State & its public policy says that it wants to REHABILITATE. While it is true that these various forms of solitary confinement are necessary for the "good government & orderly running of the facility", it is also true that too often, such confinement is regularly abused and "stacked" upon the prisoner to keep him/her in solitary confinement. I personally know of prisoners who enter solitary confinement under "pre-hearing" detention, then flow into either "disciplinary segregation" (if the disciplinary hearing is held within the required time.), or "administrative segregation" (if the disciplinary hearing is not held in the required time). Then once "administrative segregation" or "disciplinary segregation" is completed, the new other label is placed on the individual. Even "protective custody" is used in some instances to keep individuals confined in solitary confinement. What this bill does, is drastically limit the use of the disciplinary and administrative segregation. This age-old draconian forms of solitary confinement must end. I seek an amendment to his bill, that would mandate ALL FACILITIES WHERE HAWAII PRISONERS ARE DULY CONFINED! I FURTHER SEEK THIS COMMITTEE TO SPECIFICALLY FIND THAT SUCH EXTENDED CONDITIONS OF CONFINEMENT, if NOT used in the manner prescribed by this bill is "ATYPICAL AND SIGNIFICANT HARDSHIP UPON THE INMATE". I urge each member of this committee to read Sandin v. Conner, 515 U.S. 472 (1995), to understand the DUE PROCESS requirement for prisoners. This is a LANDMARK DECISION. I am the "Conner" in Sandin v. Conner, 515 U.S. 472 (1995), I know this decision VERY WELL.

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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Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Feb. 7, 2017, 1:20 PM  
Room 229  
SB-603, RELATING TO CORRECTIONS  
STRONG SUPPORT

Aloha Chair Nishihara, Vice Chair Wakai, and Committee Members:

I appreciate the committee for developing this bill with new restrictions on administrative and disciplinary segregations. There needs to be an oversight to curtail the use of segregations for cases not falling in the category of danger to self or others. Such matters as to drawing a picture or some other minor infraction puts an inmate in seg for 30 days accompanied by a write-up which deters his/her chances for getting paroled.

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.

If at all possible, could the committee add that when the person is put in seg that all their belongings be kept intact until their release. At present, their laundry and hygiene items are destroyed so they need to repurchase on the next commissary purchase date.

Because I'm not an attorney or expert, may I raise some questions/concerns which the committee or the Public Safety Department could address:

PAGE 1

From line 10 on pg 1 to line 21 on pg 2, I don't know what the present policy is, but for the program committee to hold a hearing for the number of days suggested, would the program committee be able to comply with the number of inmates in segregation.

PAGE 2

Line 3 and 18. Does basic necessities include having to be outdoors daily and being able to use the restroom freely?

PAGE 4:

Line 14. What is a misconduct violation? Could it be used as a loop hole?

Line 16. What kinds of privileges does the department policy deny them of.

Line 17. ... As authorized by appropriate officer. Is the "appropriate" officer a supervisor or an ACO?

Segregation is a terrible punishment so more oversight in the write-up process to assure honesty and fairness prevailed, and the charged person concurs with the write-up by signing to its accuracy. If coerced to agree with the write-up, there will be a recourse for the charged person.

Thank you for the opportunity to submit my testimony and this bill.

Aloha,  
e. ileina funakoshi

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 4, 2017 5:05 PM  
**To:** PSMTestimony  
**Cc:** aurasaki@hawaiiantel.net  
**Subject:** Submitted testimony for SB603 on Feb 7, 2017 13:20PM

**SB603**

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Urasaki	Individual	Comments Only	No

Comments: In support of the intent, however, I do not think it should be codified into law.

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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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Saturday, February 4, 2017 2:14 PM  
**To:** PSMTestimony  
**Cc:** evernw@aol.com  
**Subject:** Submitted testimony for SB603 on Feb 7, 2017 13:20PM

**SB603**

Submitted on: 2/4/2017

Testimony for PSM on Feb 7, 2017 13:20PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Evern Williams	Individual	Support	No

Comments: Administrative actions should not be allowed to retaliate against people who complain or who they do not like.

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Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m.  
Room 229  
SB 603, RELATING TO CORRECTIOONS  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai and Committee Members:

I am Frank Ocalvey of Kailua. This is the first time I'm writing to the Legislature so forgive me if the words I write in support of SB603 does not reflect the strong support I have for this bill. Segregating an individual for a minor offense should not be condoned. I counsel my son for minor infractions and that's all he needs.

Thank you for your consideration for passing this bill.

Mahalo and Aloha

Frank Ocalvey

Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017, Room 229  
Time: 1:20 p.m.

SB 603, Relating to Corrections  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai, and Committee Members:

Thank you for SB 603 which I fully support.

My name is Grace Sakamoto. I am a Pearl City resident employed at a Leeward school.

Because I did not agree with the reason for one of my relatives being put in segregation, I believe something had to be done so offenders of minor incidents will be considered for a much lesser penalty than segregation. This bill will do that so I ask this committee to approve SB603 for passage.

Thank you for the opportunity to submit my testimony.

Sincerely,

Grace Sakamoto



Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m.  
Room 229  
SB 603, RELATING TO CORRECTIOONS  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai and committee members:

My name is Janet Rawlerson a retired teacher who has a heart for justice and fairness to be taught to my students.

I support SB603 for that reason. Anyone who is segregated from the rest of the community should be for very good reasons and not by a haphazard opinion or for acts which are not in violation of physical danger to self or anyone else.

Thank you so much for giving me this opportunity to submit and testimony.

With much aloha,  
Janet Rawlerson

PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS COMMITTEE  
Senator Clarence K. Nishihara  
Senator Glenn Wakai, Vice Chair  
Tues., Feb. 7, 2017, 1:20 p.m.  
Rm 229

SB 603, RELATING TO CORRECTIONS  
SUPPORT

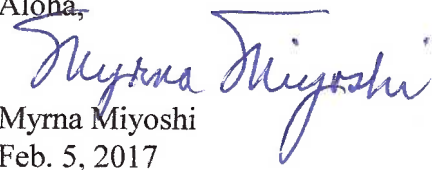
Dear Chair Nishihara, Vic Chair Wakai and Committee Members:

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

I totally agree with SB603 in setting a restriction on the use of Administrative and disciplinary restrictions. 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.

I commend the legislators for this much needed bill, and I thank you for the opportunity to submit my testimony.

Aloha,



Myrna Miyoshi

Feb. 5, 2017

Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m.  
Room 229  
SB 603, RELATING TO CORRECTIONS  
SUPPORT

Aloha Chair Nishihara, Vice Chair Wakai, and Committee Members:

I am Mel Corpuz of Ewa and writing in support of SB 603.

My job requires me to counsel and advise people to make wise decisions; however, we all make mistakes which we regret after the fact. Those who make bad decisions, which leads to incarceration, need to learn how to make better choices. Locking them up does not help in their rehabilitation. So, segregating people for bad behavior, especially minor ones, would work against "corrections" of an individual.

Although I do not believe in segregation, this bill may prevent minor offenders from being segregated and be counseled.

Mahalo and Aloha,

Mel Corpuz

Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m.  
Room 229  
SB 603, RELATING TO CORRECTIOONS  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai 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

Public Safety, Intergovernmental and Military Affairs Committee  
Senator Clarence K. Nishihara, Chair  
Senator Glenn Wakai, Vice Chair  
Hearing Date: Feb. 7, 2017  
Time: 1:20p.m., Rm 229

**SB 603, RELATING TO CORRECTIONS  
Support**

Aloha Chair Nishihara, Vice Chair Wakai, 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 a 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

February 6, 2017

PUBLIC SAFETY, INTERGOVERNMENTAL AFFAIRS COMMITTEE

Senator Clarence K. Nishihara

Senator Glenn Wakai, Vice Chair

Tues., Feb. 7, 2017, 1:20 p.m.

Rm 229

SB 603, RELATING TO CORRECTIONS  
SUPPORT

Dear Chair Nishihara, Vice Chair Wakai and Committee Members:

Sandy Furukawa 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.

Thank you for the opportunity to submit our testimony.

Mahalo for this legislation,



Karen Yoza



Sandy Fujikawa

February 6, 2017

TESTIMONY IN STRONG SUPPORT With Comments  
on SB 603 Relating to Corrections

Dear Chair Clarence Nishihara, Vice Chair Glen Wakai and members of the  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs:

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 request 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 is 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 in suicide in those prisons, make it imperative that the values of Hawaii be implemented wherever inmates are incarcerated.

This is an excellent bill, and I hope you will consider my suggestions for improvement. Thank you for the opportunity to provide testimony, and for seeking to humanize our correctional system!

Sincerely,  
Barbara B. Polk