



*The Judiciary, State of Hawai‘i*

**Testimony to the Thirty-First Legislature  
2022 Regular Session**

**Senate Committee on Public Safety, Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022, 1:00 p.m.  
State Capitol, Via Videoconference

by

Carol Matsuoka

Program Specialist

Family Court of the First Circuit

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**Bill No. and Title:** Senate Bill No. 2115, Relating to the Room Confinement of Minors.

**Purpose:** Limits the circumstances under which children and minors at secure detention or shelters may be subject to room confinement, and specifies the conditions and time limits for which room confinement may be imposed.

**Judiciary's Position: Strong Support**

Over the past decade, Hawai‘i’s juvenile justice system has undergone a major philosophical shift moving away from practices that exert control over youth through punishment and moving toward evidence-based and trauma responsive approaches for holding youth accountable for their conduct. In keeping with our significant advances in how we handle youth, facilities’ reliance on room confinement to control youth must also change. Both research and experience establish that any perceived brief benefits of room confinement obscure the fact that room confinement is not an effective deterrent for misbehavior nor does it give youth the skills needed to behave differently in the future.

Long periods of isolation have negative consequences for youth as youth are especially vulnerable to the mental and emotional effects of room confinement. Room confinement poses a safety risk for youth, including increasing the likelihood of self-harm, suicide, and re-traumatizing youth who were already victimized. Over the past decade, increased awareness



Senate Bill No. 2115, Relating to Room Confinement  
Senate Committee on Public Safety, Intergovernmental and Military Affairs  
Tuesday, February 1, 2022  
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about the over use and harm of room confinement have stimulated national momentum to end this practice.

Congress passed the First Step Act in 2018. This important law prohibits facilities that confine youth in federal custody from using room confinement as punishment and permits such confinement only when youth behavior poses a risk of physical harm that cannot be otherwise de-escalated. In addition to Congress, the United States Department of Justice, and prominent national professional organizations have taken strong positions against the isolation of youth.

Given our significant advances in juvenile justice system reform, recent national developments, and research, the time is right for the State of Hawai'i to ensure the basic safety and protection of our children by firmly establishing statutory limits on the use room confinement in secure detention facilities.

Thank you for the opportunity to testify on this measure.

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the Senate Committee on Public Safety,  
Intergovernmental, and Military Affairs**

February 1, 2022

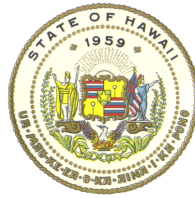
S.B. No. 2115: RELATING TO THE ROOM CONFINEMENT OF MINORS

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

The Office of the Public Defender supports S.B. 2115.

This measure codifies safety and custody policies that were recommended and implemented in 2019 by the Courts and the administration of the Juvenile Detention Facility. Nationally, there has been a recognition of the harmful effects of solitary confinement or prolonged “room confinement” on juveniles in detention. This is especially true for juveniles experiencing a mental health crisis or ongoing mental health issues and who have been separated from their family. This measure addresses many of our concerns and codifies necessary rules and procedures, as there is a need for limitations and guidelines on the appropriate use of “room confinement.”

Thank you for the opportunity to comment on this measure.



STATE OF HAWAII  
DEPARTMENT OF HUMAN SERVICES  
**OFFICE OF YOUTH SERVICES**  
1010 Richards Street, Suite 314  
Honolulu, Hawaii 96813

January 31, 2022

TO: The Honorable Senator Clarence K. Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental, and Military  
Affairs

The Honorable Senator Lynn DeCoite, Vice Chair  
Senate Committee on Public Safety, Intergovernmental, and Military  
Affairs

FROM: Leanne Gillespie, Acting Executive Director

SUBJECT: **SB 2115 – RELATING TO THE ROOM CONFINEMENT OF MINORS**

Hearing: February 1, 2022, 1:00 p.m.  
Via Videoconference, State Capitol

**OFFICE'S POSITION:** Office of Youth Services (OYS) supports this measure.

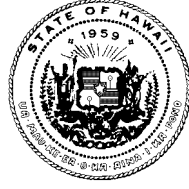
**PURPOSE:** The purpose of the bill is to specify the conditions and time limits for placing minors in room confinement at a detention or shelter facility.

OYS supports the primary focus of SB 2115 creating a safe and supportive environment while limiting the use of room confinement of minors in a detention or shelter facility. OYS supports the implementation of positive alternative behavior management techniques that utilize trauma informed practices and rehabilitative approaches. OYS agrees that the use of room confinement as a temporary response to behaviors that pose immediate and substantial risk of harm adds to the safety and welfare of youth and staff in juvenile detention and shelter facilities. SB 2115 provides a clear definition and limited circumstances of room confinement and procedures for due process prior to a minor being confined and during confinement.

Additionally, OYS strongly supports the use of qualified mental health professionals to implement effective treatment models and assessments, monitoring harmful behaviors, and accountability for the use of room confinement.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

January 31, 2022

TO: The Honorable Senator Clarence K. Nishihara, Chair  
Senate Committee on Public Safety, Intergovernmental, and Military  
Affairs

FROM: Cathy Betts, Director

SUBJECT: **SB 2115 – RELATING TO THE ROOM CONFINEMENT OF MINORS.**

Hearing: February 1, 2022, 1:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) supports the Judiciary's measure and offers comments.

**PURPOSE:** The purpose of the bill is to establish conditions and time limits for placing a minor in room confinement at a detention or shelter facility. Effective upon approval.

DHS supports efforts for State entities and programs to become more trauma-informed and that trauma-informed services should strive to prevent retraumatizing individuals. Most minor children involved with the juvenile justice system have experienced childhood adversities, and more trauma-informed services and supports are needed to reduce unnecessary confinement.<sup>1</sup> DHS agrees that additional mental health or substance abuse services for youth engaged with the juvenile justice or child welfare systems are necessary at all points in the system, especially for those who cannot remain with their families.

Thank you for the opportunity to testify on this measure.

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<sup>1</sup> See, [https://www.prisonpolicy.org/scans/Prevalence\\_of\\_ACE.pdf](https://www.prisonpolicy.org/scans/Prevalence_of_ACE.pdf)

**SB-2115**

Submitted on: 1/28/2022 7:13:47 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Louis Erteschik	Testifying for Hawaii Disability Rights Center	Comments	No

Comments:

Solitary confinement is not good for anyone-especially children. It really should never be used. However,if it must, these guidelines seem to be a step in the right direction.