



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
AND REHABILITATION**
*Ka 'Oihana Ho'omalu Kalaima
a Ho'oponopono Ola*
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Honolulu, Hawaii'i 96813

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and
Programs

No. _____

AMENDED

TESTIMONY ON SENATE BILL 104, SENATE DRAFT 2, HOUSE DRAFT 2
RELATING TO CORRECTIONS.

by
Tommy Johnson

House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair

Wednesday, April 2, 2025, 3:30 p.m.
State Capitol, Conference Room 308 & via Videoconference

Chair Yamashita, Vice Chair Takenouchi, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) **opposes** Senate Bill (SB) 104, Senate Draft (SD) 2, House Draft (HD) 2, which seeks to restrict the use of solitary confinement in state-operated and state-contracted correctional facilities, with certain specific exceptions. As written, this measure also requires DCR to use appropriate alternatives to "solitary confinement" for vulnerable inmates as defined in SB 104, SD 2, HD 2, and requires:

1. DCR to develop written policies and procedures regarding restrictive housing by July 1, 2026;
2. The Hawai'i Correctional System Oversight Commission (HCSOC) to review certain housing placements;
3. DCR, by April 1, 2026, to develop policies and procedures to review committed persons placed in restrictive housing and develop a plan for committed persons currently in restrictive housing; and
4. A report to the legislature and HCSOC.

DCR opposes this measure as it is unnecessary, and in many ways, duplicative in several areas of DCR's attached correctional policy Administrative Segregation and Disciplinary Segregation (COR.11.01). DCR's policies and procedures are periodically reviewed and updated to ensure continued alignment with the guidelines of the National Institute of Corrections (NIC), and the American Correctional Association (ACA). As written, SB 104, SD 1, HD 2 does not follow the guidelines of the NIC nor the ACA. The attached DCR policy was recently updated in 2024, as part of the periodic review and update procedures, and is posted on our website for anyone to access and review.

However, after further review and discussions with the Hawaii Correctional Systems Oversight Commission (HCSOC), Mr. Christin Johnson, the DCR believes we can work together along with interested parties to address concerns by appropriately amending COR.11.01 policy regarding Administrative and Disciplinary Segregation.

Therefore, the DCR respectfully request SB 104, SD2, HD 2, be deferred to allow the parties to work together to resolve differences.

Thank you for the opportunity to provide testimony in **opposition** to SB 104, SD 2, HD 2 and for considering **deferring** this measure to allow all parties to resolve their respective differences.

Encl.

	DEPARTMENT OF CORRECTIONS AND REHABILITATION CORRECTION ADMINISTRATION POLICY AND PROCEDURES	EFFECTIVE DATE: January 1, 2024	POLICY NO.: COR.11.01
		SUPERSEDES (Policy No. & Date): COR.11.01 of November 28, 2014	
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 Corrections and Rehabilitation (DCR) Correctional Facility.

2.0 SCOPE

This policy shall apply to all Departmental Facilities of the Corrections Division, and it is applicable to all staff, contractors, volunteers, and inmates.

3.0 REFERENCES, DEFINITIONS & FORMS

.1 References:

- a. Hawaii Revised Statutes (HRS), Section 353-A, Director of Corrections and Rehabilitation, Powers and Duties.
- b. Department Directives from Director Ted Sakai dated May 7, 2013, Placement of Inmates in Segregation is hereby superseded by this policy.
- c. Department Policy and Procedure (P&P), COR 13.02, Adjustment Committee Composition.
- d. Department 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 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 DCR 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 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. Wardens or Designees – The facility administrator or next supervisory level in 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 Forms

- a. Administrative Segregation Form (DCR 8226), Parts A, B, C, D.
- b. Weekly Administrative Segregation Unit Log (DCR 8316).
- c. Administrative Segregation Facility Report for the Institutions Division Administrator.

4.0 POLICY

It is the policy of DCR, 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.

5.0 PROCEDURES

.1 ADMINISTRATIVE SEGREGATION

- a. Inmates may be segregated from the general inmate population according to DCR policy by the Watch Commander or higher authority, when the continue 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, DCR 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 (DCR 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 "DCR 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 "DCR 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 the 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 inmate 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.
5. If there are compelling security reasons for the continued placement of an inmate in administrative segregation, despite health care

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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 DCR 8226, Part B.
4. By the fifteenth (15th) day after an inmate's initial placement in administering 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 placement.
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 DCR 8226, Part C.

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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 administrated 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 DCR 8226, Part D.
7. The Warden shall notify the IDA every thirty (3) 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.

.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.

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- 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, he 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 (DCR 8210A).
 2. A copy of the Notice of Report of Misconduct and Hearing form (DCR 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.
 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 misconduct 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.

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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. As any facility without twenty-four (24) on site health care to 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 weekend in a facility without seven-day mental health coverage, mental health staff shall conduct a review immediately upon next reporting day.
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 that most appropriate placement for the

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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 (DCR 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 cell timer (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.

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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 Office (ACO) in the segregation unit shall personally observe each inmate in segregation once every thirty (3) 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 (DCR 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.
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 DCR 8316.
8. The Warden, Deputy Warde, and COS shall tour each segregation unit once each week to observe each inmate, review DCR 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 DCR 8316, and sign the unit logbook.

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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 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.

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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.

APPROVAL RECOMMENDED:


 _____ JAN 01 2024
 Deputy Director for Corrections Date

APPROVED:


 _____ JAN 01 2024
 DIRECTOR Date

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**DEPARTMENT OF CORRECTIONS AND
REHABILITATION
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 CORRECTIONS AND
REHABILITATION
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: _____ / _____
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WITNESSES REQUESTED FOR PROGRAM COMMITTEE	
WITNESS NAME AND SID:	WITNESS NAME & SID:
WITNESS NAME AND SID:	WITNESS NAME & SID:

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

DECISION: RELEASE TO _____ MAINTAIN SEG HOUSING SUBJECT TO NEXT SCHEDULED REVIEW
 (HOUSING) MUST BE HOUSED IN A SINGLE CELL

REASON FOR DECISION (IF NECESSARY, ATTACH ADDITIONAL PAGES):

PRINT NAME OF CHAIRPERSON:	SIGNATURE OF CHAIRPERSON: DATE/TIME: _____ / _____
PRINT NAME AND TITLE OF STAFF SERVING RESULTS:	SIGNATURE OF STAFF SERVING RESULTS: DATE/TIME: _____ / _____
INMATE SIGNATURE AND DATE/TIME DATE/TIME: _____ / _____	<input type="checkbox"/> INMATE REFUSED TO SIGN. THE STAFF MEMBER SERVING THE FORM WITNESSED THE REFUSAL AND PROVIDED THE INMATE A COPY THIS FORM.

DISTRIBUTION: INMATE, INSTITUTIONAL FILE, SEG UNIT, FACILITY HCU CLINICAL SECTION ADMINISTRATOR, COS, CS III



**DEPARTMENT OF CORRECTIONS AND
REHABILITATION
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:

- INMATE WAIVES OR DECLINES INTERVIEW WITH WARDEN/DEPUTY WARDEN
- NO WITNESS(ES) REQUESTED BY INMATE

INMATE SIGNATURE

DATE/TIME:

WITNESSES REQUESTED FOR REVIEW

WITNESS NAME AND SID:

WITNESS NAME & SID:

WITNESS NAME AND SID:

WITNESS NAME & SID:

DECISION: RELEASE TO _____ MAINTAIN SEG HOUSING PENDING PROG COMMITTEE REVIEW
(HOUSING) MUST BE HOUSED IN A SINGLE CELL

REASON FOR DECISION (IF NECESSARY, ATTACH ADDITIONAL PAGES):

PRINT NAME OF WARDEN OR DESIGNEE:

SIGNATURE OF WARDEN OR DESIGNEE:

DATE/TIME: /

PRINT NAME AND TITLE OF STAFF SERVING RESULTS:

SIGNATURE OF STAFF SERVING RESULTS:

DATE/TIME: /

INMATE SIGNATURE AND DATE/TIME

DATE/TIME: /

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 CORRECTIONS AND REHABILITATION
WEEKLY ADMINISTRATIVE SEGREGATION LOG**

WEEK OF _____

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

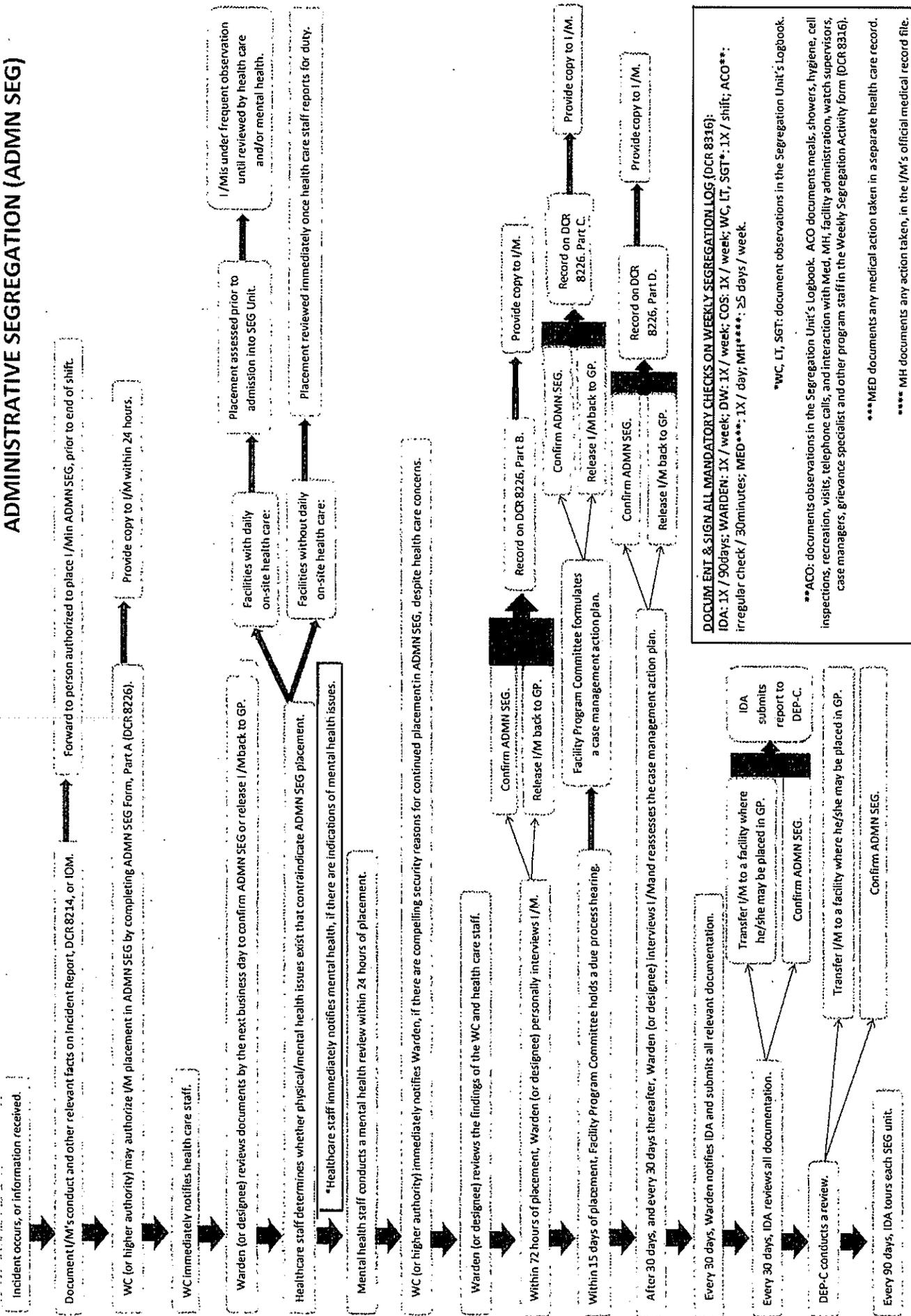
DATE	SHIFT	CHOW (B/D) JW (B/L/D)	SHOWER SHOWER	HYGIENE (Per Tooth Toothbrush, Hair, Nails, Etc.)	CELL INSPECTION	RECREATION	VISITS (V) PHONE (P)	MENTAL HEALTH	MEDICAL	WARDEN/DEPUTY WARDEN/COS	WATCH COMMANDER/ SUPERVISOR	SW, HSP, GRIEV, VOL.	DAY
	1												S
	2												U
	3												N
	1												M
	2												O
	3												N
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	3												I
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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 - ≥5x per week. TURN IN COMPLETED FORM TO COS AT THE END OF THIRD WATCH (SATURDAY).

REVIEWED BY ADMIN CAPT/LT/WC DATE _____

ADMINISTRATIVE SEGREGATION (ADMN SEG)



DOCUMENT & SIGN ALL MANDATORY CHECKS ON WEEKLY SEGREGATION LOG (DCR 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 (DCR 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.

**STATE OF HAWAII
DEPARTMENT OF CORRECTIONS AND REHABILITATION**

INCIDENT REPORT

Facility: _____

Prepared on: _____

TO: _____ THRU: _____
(Administrator/Section Supervisor) (Watch Supervisor)

DATE	TIME	NARRATIVE (Specify inmate name & ID and location if related to misconduct)

By: _____
Reporting Officer/Employee Title

ORIG - FACILITY ADMINISTRATOR
CANARY - CONTROL OFFICER
PINK - ATTACH TO MISCONDUCT REPORT

STATE OF HAWAII
DEPARTMENT OF CORRECTIONS AND REHABILITATION
CORRECTIONS DIVISION

Prepared On: _____ Facility: _____
Date: _____ Time: _____

NOTICE OF REPORT OF MISCONDUCT AND HEARING

TO: _____
NAME SID NO. HOUSING UNIT

You are herein notified that a written report of misconduct was filed against you on _____.
A copy of the charge(s) is listed below.

A hearing on the charge(s) has been scheduled and you are to be present at _____
(LOCATION)
_____, on _____
(TIME) (DATE)

As required by Department of Corrections and Rehabilitation procedure, this hearing has been scheduled to determine the facts and administer just corrective action. You have the right to: 1) Have any charge explained to you; 2) Explain any written material concerning the charge; 3) Request charge(s):

CHAIRMAN

.....
Received notice of charges and rights:

I acknowledge receipt of the Notice of Report of Misconduct and Hearing. I understand I may have counsel substitute. The Adjustment Committee must be notified as to who your counsel substitute is within a reasonable time, not less than 12 hours prior to the hearing.

I do I do not waive my right to 24 hour prior notice.

Date: _____ Signature: _____
RESIDENT

Findings and Disposition of Corrective Action with evidence relied upon for decision:

COMMITTEE CHAIRPERSON

DATE

.....
Findings and disposition:

INMATE

DATE

ORIGINAL: Inmate Active File
COPY: Committee Chairperson; Inmate



OFFICE OF HAWAIIAN AFFAIRS

TESTIMONY IN SUPPORT OF SENATE BILL 104 SD 2 HD 2 RELATING TO CORRECTIONS

House Committee on Finance
Hawai'i State Capitol

April 2, 2025

3:30PM

Room 308

Dear Chair Yamashita, Vice Chair Takenouchi, and Members of the House Committee on Finance:

The Office of Hawaiian Affairs (OHA) **SUPPORTS SB 104 SD 2 HD 2**, which restricts the use of restrictive housing in State-operated and State-contracted correctional facilities, requires the Department of Corrections and Rehabilitation to develop written policies and procedures regarding restrictive housing, requires the Hawai'i Correctional System Oversight Commission to review certain housing placements, and requires a report to the Legislature and Hawai'i Correctional System Oversight Commission.

OHA strongly supports policies which reduce harmful psychological, social, cultural, and economic impacts on pa'ahao, their 'ohana, and the greater Hawaiian community. Native Hawaiians continue to be disproportionately impacted by Hawai'i's criminal justice system, comprising approximately 37% of the state's correctional facilities, while representing only 21% of the total state population.¹ In 2021, 5.1% of Hawai'i's total prison population was held in solitary confinement.² 245 people were held in solitary confinement for 15 or more days, and 103 people in men's prisons were held in solitary confinement for one year or more.³

The Nelson Mandela Rules prohibit the use of solitary confinement for a time exceeding fifteen consecutive days and characterize this disciplinary sanction as a form of

¹ "Creating Better Outcomes, Safer Communities – Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform to the Hawai'i Legislature – 2019 Regular Session," HCR 85 Task Force; Legislative Reference Bureau (December 2018) at p. xiii, https://www.courts.state.hi.us/wp-content/uploads/2018/12/HCR-85_task_force_final_report.pdf

² "Time-In-Cell: A 2021 Snapshot of Restrictive Housing based on a Nationwide Survey of U.S. Prison Systems," The Correctional Leaders Association & The Arthur Liman Center for Public Interest Law at Yale Law School (August 2022) at p. 8, [time in cell 2021.pdf](#)

³ "Time-In-Cell: A 2021 Snapshot of Restrictive Housing based on a Nationwide Survey of U.S. Prison Systems," The Correctional Leaders Association & The Arthur Liman Center for Public Interest Law at Yale Law School (August 2022) at p. 8; p. 11, [time in cell 2021.pdf](#)

"torture or other cruel, inhuman or degrading treatment or punishment".⁴ A year in solitary averages \$75,000 per prisoner – about three times the average annual cost of incarceration in the United States.⁵ Despite the significant cost, both to the prisoners and the public, solitary confinement does not actually reduce violence or prison problems.⁶

Further, Native Hawaiians experience higher rates of depression, suicide, and anxiety compared to other ethnic groups in Hawai'i.⁷ Although the risk of serious harm exists for all prisoners, it is intensified for those who suffer from a pre-existing mental illness or other vulnerabilities.⁸ Solitary confinement often has catastrophic consequences for those who are subjected, including worsening symptoms such as depression, anxiety, and hallucinations, the impediment of rehabilitation, recovery, and community re-integration and adverse long-term consequences for cognitive and adaptive functioning.⁹

The impacts of restrictive housing on the mental and psychological health of incarcerated persons are extensive and well documented. Since 2009, 42 states have established laws restricting or eliminating solitary confinement.¹⁰ In 2018, Congress adopted the bipartisan First Step Act, which eliminated solitary confinement in federal prisons for young people except for those posing immediate, physical risks. Such an extreme form of punishment should accordingly be upheld to scrupulous standards of conduct, with frequent evaluations of inmates before, throughout, and following.

For these reasons, OHA urges this Committee to **PASS SB104 SD 2 HD 2**. Mahalo nui for the opportunity to testify on this critical issue.

⁴ "The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)," United Nations Office on Drugs and Crime (2015) at p. 14, https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf

⁵ "Solitary Confinement in the United States: The Facts," Solitary Watch (2023), <https://solitarywatch.org/facts/faq/#:~:text=How%20much%20does%20solitary%20confinement,a%20regular%20maximum%20security%20prison.>

⁶ Keramet Reiter "The Root of America's Over-Use of Solitary Confinements in Prison – And How Reform Can Happen," Scholars Strategy Network (November 2, 2018), [The Root of America's Over-Use of Solitary Confinements in Prison — and How Reform Can Happen | Scholars Strategy Network](https://www.scholarsstrategynetwork.org/insights/the-root-of-americas-over-use-of-solitary-confinements-in-prison-and-how-reform-can-happen/)

⁷ Catherine Jara, Ngoc Phan, "Understanding Hawaiian Identity and Well-being to Improve Mental Health Outcomes for Hawaiian Young Adults," PMC PubMed Central (May 2024), [https://pmc.ncbi.nlm.nih.gov/articles/PMC11070781/#:~:text=Mental%20health%20is%20a%20serious,Pacific%20Islander%20\(NHPI\)%20community.&text=The%20NHPI%20community%20experience%20higher,ethnic%20groups%20in%20Hawai'i](https://pmc.ncbi.nlm.nih.gov/articles/PMC11070781/#:~:text=Mental%20health%20is%20a%20serious,Pacific%20Islander%20(NHPI)%20community.&text=The%20NHPI%20community%20experience%20higher,ethnic%20groups%20in%20Hawai'i)

⁸ Craig Haney, "Restricting the Use of Solitary Confinement," Annual Reviews (January 2018), <https://www.annualreviews.org/content/journals/10.1146/annurev-criminol-032317-092326>

⁹ "Solitary Confinement," NAMI (2025), <https://www.nami.org/advocacy/policy-priorities/stopping-harmful-practices/solitary-confinement/>

¹⁰ Hernandez D. Stroud, "Reforming Solitary Confinement Without the High Court," Brennan Center for Justice (February 21, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/reforming-solitary-confinement-without-high-court>

JOSH GREEN, M.D.
GOVERNOR



MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. R. MARK BROWNING (ret.)

HON. RONALD IBARRA (ret.)

MARTHA TORNEY

HON. MICHAEL A. TOWN (ret.)

STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION
E HUIKALA A MA'EMA'E NŌ
235 S. Beretania Street, 16th Floor
HONOLULU, HAWAII 96813
(808) 587-4160

TO: The Honorable Kyle T. Yamashita, Chair
The Honorable Jenna Takenouchi, Vice Chair
House Committee on Finance

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: Senate Bill 104, Senate Draft 2, House Draft 2, Relating to Corrections
Hearing: Wednesday, April 2, 2025; 3:30 p.m.
State Capitol, Room 308

Chair Yamashita, Vice Chair Takenouchi, and Members of the Committees:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** Senate Bill 104, Senate Draft 2, House Draft 2, Relating to Corrections, which restricts the use of restrictive housing in state-operated and state-contracted correctional facilities.

The Commission has been concerned regarding the use of restrictive housing throughout the state and state contracted correctional facilities and has consistently reported on these concerns to the Department of Corrections and Rehabilitation and the public since 2023. A small example of this is the Commission's July 2023 reporting on the usage of a program called, Special Housing Incentive Program (SHIP) utilized by the contracted CoreCivic Saguaro facility in Arizona. Regarding SHIP, the July 2023 monthly Oversight Coordinator report¹ states:

The Commission has serious concerns regarding the Special Housing Incentive Program (SHIP). Although SHIP is noted to be a programming house, **the reality is that it is 12-plus months in a segregated housing setting**. SHIP placement occurs after the violation of specific institutional rules. SHIP is broken down into three Phases, each four months long, with more out-of-cell time introduced in each phase. Phase one has one hour of outdoor recreation time per day (**23 hours in cell**), phase two has one hour of outdoor recreation and one hour of dayroom recreation per day (**22 hours in cell**), and phase three has three hours of combined outdoor and dayroom recreation time per day (**21 hours in cell**).

During the visit, more than 80 people from Hawaii were in the three phases of SHIP. Saguaro also houses people in custody from Idaho, and SHIP is not an option for or offered

¹ Oversight Coordinator Monthly Report, Date of Report: July 20, 2023 at <https://hcsoc.hawaii.gov/wp-content/uploads/2023/07/July-Oversight-Coordinator-Report-FINAL.pdf>

to those from Idaho. None of the facilities operated by Hawaii PSD offer SHIP either. For example, if an institutional rule violation occurs at Halawa Correctional Facility, the person in custody usually faces up to 60 days in disciplinary segregation if found guilty, not 12 months in SHIP.

The Commission is extremely concerned about the long-term physical and psychological effects of 12-plus months in a segregated housing setting, which are now well-documented and studied. The trend nationally is to decrease the amount of time in segregated housing settings. With the state of Hawaii's transition to a therapeutic model of corrections, SHIP should be reevaluated and potentially eliminated in totality as it does not align with a rehabilitative framework.

To this day, SHIP is still utilized daily and again, this is only one example. The Commission has also reported concerns of the over utilization of restrictive housing in the Oahu Community Correctional Center (OCCC)², the Maui Community Correctional Center (MCCC)³, and the Kauai Community Correctional Center (KCCC)⁴. The Commission believes there are various examples of segregated and restrictive housing utilized throughout the corrections system and appreciates the legislature's foresight to include required quarterly reporting from the Commission on the usage of restrictive housing through the corrections system.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at christin.m.johnson@hawaii.gov. Thank you for the opportunity to testify.

² Oahu Community Correctional Center (OCCC), July 2024 Site Tour Observations at <https://hcsoc.hawaii.gov/wp-content/uploads/2024/08/2024-08-August-OCCC-Commission-Tour.pdf>

³ Maui Community Correctional Center (MCCC) May/June 2023 Site Tour Observations at <https://hcsoc.hawaii.gov/wp-content/uploads/2023/08/MCCC-Observation-Report.pdf>, and Maui Community Correctional Center (MCCC) June 2024 Site Visit Observations Report at <https://hcsoc.hawaii.gov/wp-content/uploads/2024/07/2024-06-June-MCCC-Commissioner-Tour.pdf>

⁴ Kauai Community Correctional Center (KCCC) March 2024 Site Tour Observations at <https://hcsoc.hawaii.gov/wp-content/uploads/2024/04/2024-03-March-KCCC-Commissioner-Tour.pdf>

SB-104-HD-2

Submitted on: 3/31/2025 6:08:32 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Louis Erteschik	Hawaii Disability Rights Center	Support	Remotely Via Zoom

Comments:

We have always felt that solitary confinement should either never be utilized or at most rarely, and only under exigent circumstances. It is particularly damaging to individuals who already have a mental illness. We understand from the testimony that there may currently be protocols in place regarding the use of solitary confinement. However, we believe that codifying these restrictions would be much better. For example, the Department's Policies state that while an inmate is supposed to receive a mental health evaluation within 24 hours of placement in solitary confinement, there is an exemption if it is on a weekend and no staff is available. That to a great degree sums up the concern. It goes without saying that there should never be a situation in any prison where any time goes by without a mental health worker available. So for the Department to say that we should not worry and they have it all covered, we submit that this alone is cause for worry.

In light of the experiences regarding the lack of quality mental health care provided in the prisons and the alarming number of suicides, it is clear that the current system is not adequate and that the assurances provided by the Department of Corrections and Rehabilitation offer little comfort.



April 1, 2025

Hawai'i House Committee on Finance
Representative Kyle T. Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair
Representatives Tina Nakada Grandinetti, Daniel Holt, Ikaika Hussey, Sue L. Keohokapu-Lee Loy,
Lisa Kitagawa, Matthias Kusch, Rachele F. Lamosao, Mike Lee, Tyson K. Miyake, Dee Morikawa,
Shirley Ann Templo, David Alcos III, and Julie Reyes Oda, Committee Members

RE: SB 104 RELATING TO CORRECTIONS – SUPPORT

Dear Chair Yamashita, Vice Chair Takenouchi, and Committee Members,

I am submitting this letter in support of SB 104 on behalf of Easterseals Hawaii. Easterseals Hawaii served 2,025 Hawaii community members with intellectual and developmental disabilities (I/DD) in 2024. Our purpose is to create a more equitable world where people with I/DD can choose their own path.

SB 104 would protect vulnerable populations by establishing limitations on restrictive housing, especially for individuals with I/DD as well as LGBTQIA+ individuals. Easterseals Hawaii recognizes the importance of intersectional identities and the implications of this bill for LGBTQIA+/MVPFAFF+ people with disabilities. Research demonstrates that the disabled and LGBTQIA+ populations are disproportionately affected by restrictive housing.¹ Restrictive housing significantly deteriorates one's mental health and has many long-term negative effects such as a 78% higher likelihood of suicide as compared to inmates who were not placed in restrictive housing.² Such punitive measures should only be taken if necessary and should not be used for non-disciplinary reasons. This bill is an essential step in protecting vulnerable populations from being unjustly punished through such cruel, isolating means as restrictive housing.

Easterseals Hawaii supports SB 104 and respectfully requests your "aye" vote. Mahalo for the opportunity to submit this letter.

A handwritten signature in black ink, appearing to read "Rachel Liebert Lewis".

Rachel Liebert Lewis
Director, Public Policy and Advocacy
Easterseals Hawaii
PublicPolicyAndAdvocacy@eshawaii.org

¹ <https://vera-institute.files.svdcn.com/production/downloads/publications/the-impacts-of-solitary-confinement.pdf>

² <https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2752350>



COMMITTEE ON FIANACE
Rep. Kyle T. Yamashita, Chair
Rep. Jenna Takenouchi, Vice Chair

Wednesday, April 2, 2025
TIME: 3:300 p.m.
VIA VIDEOCONFERENCE 7 Conference Room 308

SB 104 SD2 HB 2 RELATING TO CORRECTIONS

The Hawai'i Friends of Restorative Justice (HFRJ) strongly supports this measure to restrict the harmful use of solitary confinement in our correctional facilities. Despite the Department of Corrections and Rehabilitation's (DCR) claims, solitary confinement—regardless of how it is labeled—has been [repeatedly shown to cause severe](#) psychological and physical harm, particularly for vulnerable populations.

One young woman we worked with had outstanding promise, and the potential to greatly contribute to the community—if only she had been given the chance. Instead, she took her life when she was suffering emotional turmoil and had been put in solitary confinement as punishment. Her tragic death underscores the urgent need for reform.

The DCR argues that existing policies align with national standards, yet these same policies have failed to prevent prolonged isolation, inadequate oversight, and conditions that escalate mental health crises rather than resolve them. This bill ensures greater transparency, accountability, and the implementation of humane alternatives, particularly for individuals with mental illness, developmental disabilities, or other vulnerabilities.

SB 104, SD 2, HD 2 does not eliminate the ability to manage dangerous situations. Instead, it ensures that restrictive housing is used as a last resort, with proper oversight and review. This is not an unnecessary restriction—it is a safeguard against the misuse of extreme isolation, which has led to documented abuses and long-term harm.

Our correctional facilities should prioritize rehabilitation and public safety, not outdated punitive practices. [Research](#) shows that: “Both incarcerated persons and staff members reported improvements in their health and well-being, enhanced interactions with one another, and less exposure to violence following the reforms” that this bill seeks to implement.

We urge you to support this measure to bring Hawai'i's correctional system in line with modern, humane standards.

Thank you for your public service for our community. Please contact me at lorenn@hawaiiifriends if you have any questions about our support for this bill.

Aloha, Lorenn Walker, JD, MPH, Director, HFRJ

COMMUNITY ALLIANCE ON PRISONS

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

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

Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON FINANCE

Representative Kyle Yamashita, Chair

Representative Jenna Takenouchi, Vice Chair

Wednesday, April 2, 2025

Room 308 & VIDEOCONFERENCE

3:30 PM

STRONG SUPPORT for SB 104 SD2, HD2 - RELATING TO RESTRICTIVE HOUSING

Aloha Chair Yamashita, Vice Chair Takenouchi 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 more than two decades. This testimony is respectfully offered on behalf of the 3,767 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation as of March 24, 2025. We are always mindful that 936 persons - 49.5% - of Hawai'i's male prison population (1,890) are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in strong support of SB 104 SD2, HD2 and thanks the committee for hearing this important bill about a subject that has lived in the darkest corners of public policy. We are happy to have these discussions in the light of awareness, research, and human rights.

The harms caused by isolating a human being from others is a form of torture, as the United Nations and many other entities around the world have asserted. In fact, 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."

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.**"
- **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.

We urge the committee to understand that there are better alternatives. Here is some information:

¹ DCR Weekly Population Report, March 24, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/03/Pop-Reports-Weekly-2025-03-24.pdf>

- **Bureau of Justice Statistics:** The Department of Justice reports that **Hawai`i has the 7th highest number of prison suicides in the nation.**
(<http://www.seattlepi.com/news/us/article/Rethinking-solitary-National-prisons-group-6763615.php>).

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 this 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 that will reduce the use and long term-impact of segregation include the following:
 - using alternative sanctions for minor violations
 - reducing segregation time for certain categories of violations
 - employing standardized incentivized reductions in segregation time for sustained good behavior
 - providing opportunities for gradual resocialization to the general prison population
 (<http://archive.vera.org/sites/default/files/resources/downloads/prisons-within-prisons-segregation.pdf>)

- **CALCULATING TORTURE (2023).** This report documents that the incidence of solitary confinement in this country is far greater than anyone has previously reported. It is now more urgent than ever that local, state, and federal jurisdictions across the United States end this massive system of government torture that causes devastating harm; leads to death; increases the risks of violence in places of detention and outside communities; and is disproportionately inflicted on Black people, Latino/a/x people, Native people, and other people of color. Ending solitary confinement would stop torture, save lives, and improve safety – not only for 122,000 people, but for everyone. (<https://solitarywatch.org/wp-content/uploads/2023/05/Calculating-Torture-Report-May-2023-R2.pdf>)

- **ALTERNATIVES TO SOLITARY**

- **Decarceration:**
- **Increased Visitation:**
- **Racial Diversity Among Staff:**
- **Positive Incentives:**
- **Increased Autonomy:**
- **Enhanced Programming:**
- **Staff Training and Approaches:**
(<https://solitarywatch.org/2023/02/28/new-fact-sheet-explodes-the-myth-that-solitary-confinement-reduces-violence-in-prison/>)

It is always good to know there are better, safer, and more humane ways of addressing behavioral challenges in a closed environment. Let's shine the light of truth on one of the darkest public policies. In 30 years, we have never heard a person who was subject to this awful sanction say that it was a good thing for them. Please respect the humanity and dignity of every person in the care and custody of the state by passing SB 104 SD2, HD2!

Mahalo nui!



Committee: Finance
Hearing Date/Time: Wednesday, April 2nd, 2025 at 3:30pm
Place: Conference Room 308 & via Videoconference
Re: **Testimony of the ACLU of Hawai'i in support of S.B. 104 S.D. 2 H.D. 2 Relating to Corrections**

Dear Chair Yamashita, Vice Chair Takenouchi and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **support of S.B. 104 S.D. 2 H.D. 2** that limits the use of restrictive housing in state-operated and state-contracted correctional facilities, with certain specified exceptions and requires the Department of Corrections and Rehabilitation to develop written policies and procedures regarding restrictive housing by 7/1/2026. In addition, the proposed measure requires the Hawai'i Correctional System Oversight Commission to review certain housing placements and for DCR to submit a report to the Legislature and Hawaii Correctional System Oversight Commission.

Over the past few decades, Hawai'i, and its contractor, CoreCivic, has increasingly used solitary confinement to hold incarcerated people in isolation. Although the Department of Corrections and Rehabilitation ("DCR") uses the label "restrictive housing," "administrative segregation," or "disciplinary segregation" rather than solitary confinement, this is merely a difference in terminology that amounts to the same practice.

Solitary confinement that lasts more than 15 consecutive days is recognized by the National Commission on Correctional Health¹, the United Nations and various human rights organizations as torture. The practice of placing incarcerated persons alone in cells for 22-24 hours per day with little or no human interaction or outside stimulus, often causes negative psychological reactions in all persons subjected to it. Solitary confinement is known to be especially devastating for people with mental illness who are disproportionately represented in solitary confinement.² It can also bring on mental illness where it did not exist before. Some people are confined in solitary for months, years, and even decades.

¹ In 2016, the National Commission on Correctional Health Care issued guidance to correctional health officials explaining that this type of confinement beyond 15 consecutive days is "inhumane, degrading treatment, and harmful to an individual's health." <https://www.ncchc.org/wp-content/uploads/Solitary-Confinement-Isolation.pdf>

² Roy King, The Rise and Rise of Supermax: An American Solution in Search of a Problem? 1 PUNISHMENT & SOC. 163, 177 (1999). See also, <https://news.un.org/en/story/2011/10/392012>

*Solitary confinement is extremely costly, and studies show that it neither deters violent behavior in jails and prisons nor prevents recidivism.*³ Research also shows that incarcerated people deprived of normal human contact cannot properly reintegrate into society, resulting in higher recidivism rates.⁴

As long as jails and prisons exist, we must limit the use of solitary confinement. **At minimum, Hawai'i's practices must meet the American Bar Association Standards for Criminal Justice, Treatment of Prisoners.**⁵ This requires appropriate procedures prior to placing a person in solitary; decreasing extreme isolation, close mental health monitoring for people in solitary and ending the solitary confinement of persons with mental illness.

In addition, **better alternatives exist to placing people in solitary confinement. Here are a few examples of successful federal and state measures:**

- Colorado Department of Corrections had an external review conducted of its administrative segregation policies and practices. As a result of reforms implemented, Colorado reduced its administrative segregation by 36.9%.
- Michigan reformed its administrative segregation practices through incentive programs. As a result, the number of violent incidents and misconduct dropped.
- Maine reduced its special management population by over 50% and expanded access to programming and social stimulation.
- Mississippi changed its use of solitary confinement and reduced the segregated population of one institution from 1000 to 150 and eventually closed the entire unit.

DCR Has Failed to Provide Solitary Confinement Data for Consideration by Lawmakers

In the past, and even now, DCR has opposed this bill, in part, because it “has many similarities with DCR’s established policies and procedures which are periodically reviewed and updated as appropriate.”

Rather than citing system-wide data to support their opposition in the past, DCR cited anecdotal data. **While anecdotal data should be considered in shaping public policy, it is not a substitute for system-wide data.** DCR, like all governmental agencies, have a responsibility to provide agency wide data to assist Hawai'i lawmakers while deliberating on proposed bills that may become public policies.

To assist with meaningful discussion on this measure, the following questions are offered for consideration by lawmakers:

³ DANIEL P. MEARS, URBAN INST., EVALUATING THE EFFECTIVENESS OF SUPERMAX PRISONS 4 (2006).

⁴ See, e.g., KERAMET REITER, PAROLE, SNITCH, OR DIE: CALIFORNIA’S SUPERMAX PRISONS AND PRISONERS 50 (2006).

⁵ ABA Standards for Criminal Justice, Treatment of Prisoners, 23-1, et. Seq (2010).

1. **Is it a goal or objective of DCR to reduce the number of people placed under administrative and disciplinary segregation?**⁶
2. What is the **current total number and percentage** of people in **administrative segregation** compared to the general population in Hawai‘i’s jails and prisons and out-of state private for profit prisons? How does the current total number and percentage of people placed in administrative segregation compared to 5 years ago?
3. What is the **current total number and percentage of people in disciplinary segregation** compared to the general population in Hawai‘i’s jails and prisons and out-of state private for profit prisons? How does the current total number and percentage of people placed in disciplinary segregation compared to 5 and 10 years ago?
4. What **reforms** have DCR implemented in the past five years to reduce the number of people placed under administrative and disciplinary segregation?
5. How are DCR’s current policies and practices relating to administrative and disciplinary segregation **similar** to the proposed bill?
6. How are DCR’s current policies and practices relating to administrative and disciplinary segregation **different** from the proposed bill?
7. How **many people** are placed under **administrative segregation** in Hawai‘i’s jails and prisons, as well as Saguaro prison in Arizona?
8. How **many people** are placed under **disciplinary segregation** in Hawai‘i’s jails and prisons, as well as Saguaro prison in Arizona under the SHIP Program⁷?
9. What is the **duration** under **administrative segregation (shortest to longest length)**?
10. What is the **duration** under **disciplinary segregation (shortest to longest length)**?
11. How many people in our jails and prisons in Hawai‘i and out of state private for profit prisons have **committed suicide** while under administrative segregation or disciplinary segregation, or upon release from administrative segregation or disciplinary segregation in the past five years?
12. Has the Department of Public Safety **consulted with experts to conduct a third party external review of its administrative and administrative segregation policies and**

⁶ <https://www.civilbeat.org/2016/12/do-hawaii-prisons-overuse-solitary-confinement/>

⁷ The Hawai‘i Correctional System Oversight Commission has repeatedly expressed serious concerns regarding the Special Housing Incentive Program (SHIP) at Saguaro prison operated by CoreCivic in Saguaro. Although SHIP is noted to be a programming house, the reality is that it is 12-plus months in a segregated housing setting. Regardless of CoreCivic and DCR’s characterization of SHIP as a “program,” this restrictive housing amounts to torture.

practices similar to Colorado that reduced its administrative segregation population by 30%?

Since the vast majority of people in solitary confinement are eventually released back into the community, it is essential that we invest our limited public dollars in proven alternatives that lead to greater rehabilitation and pave the way for successful re-entry and reintegration.

In closing, we request that you pass **S.B. 104 S.D. 2 H.D. 2** and restrict DCR and its contractors from torturing people through long-term solitary while incarcerated under the custody of Hawai'i.

Sincerely,

Carrie Ann Shirota
Policy Director
ACLU of Hawai'i
cshirota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. Since 1965, the ACLU of Hawai'i has been serving Hawai'i.

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April 2, 2025

To: Representative Kyle Yamashita, Chair
Representative Jenna Takenouchi, Vice Chair and
Members of the Committee on Finance

From: Jeanne Y. Ohta

RE: SB 104 SD2, HD2 Relating to Corrections

POSITION: SUPPORT

I am writing in support of SB 104 SD2, HD2 Relating to Corrections which would place necessary restrictions on the use of “restrictive housing” also known as solitary confinement for facilities in Hawai‘i and facilities contracted by the Department of Corrections and Rehabilitation.

Evidence based research has shown that solitary confinement is detrimental and carries a high risk of mental and physical harm to incarcerated individuals.

This measure provides needed restrictions and regulations on the use of solitary confinement by our prison system.

I ask the committee to pass this important measure. Thank you for the opportunity to testify in support of SB 104 SD2, HD2.

SB-104-HD-2

Submitted on: 4/1/2025 10:24:04 AM

Testimony for FIN on 4/2/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Carla Allison	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Yamashita, Vice Chair Takenouchi and Members of the Committee,

I **strongly support** SB 104 SD2, HD2 and plead that you, our leaders, do the same. How can we continue to look the other way when the Department of Justice reports that **Hawai`i has the 7th highest number of prison suicides in the nation?**

The CALCULATING TORTURE Analysis includes federal, state, and local data of the more than 122,000 people in solitary confinement in U.S. prisons and jails.

<https://solitarywatch.org/wp-content/uploads/2023/05/Calculating-Torture-Report-May-2023-R2.pdf>

This report documents that the incidence of solitary confinement in this country is far greater than anyone has previously reported and calls for an end to this massive system of government torture that causes devastating harm, leads to death; increases the risks of violence in places of detention and outside in our communities. This torture is disproportionately inflicted on our indigenous siblings and people of color.

How can we possibly let this continue?

Changes that will reduce the use and long term-impact of segregation are documented in this *Vera Institute of Justice* policy.

<http://archive.vera.org/sites/default/files/resources/downloads/prisons-within-prisons-segregation.pdf>

Alternatives to Solitary can be found here: <https://solitarywatch.org/2023/02/28/new-fact-sheet-explodes-the-myth-that-solitary-confinement-reduces-violence-in-prison/>

Please be part of changing our future in Hawaii by calling a halt to the inhumane treatment of our people by supporting SB 104 SD2, HD2.

Gratefully,
Carla Allison - Honolulu

SB-104-HD-2

Submitted on: 4/1/2025 3:06:05 PM

Testimony for FIN on 4/2/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Yamashita, Vice Chair Moriwaki, and members of the Committee,

My name is Carolyn Eaton and I am a resident of Honolulu. I stand in the strongest support of this bill's passing with full funding.

I have followed the regular meetings of the Hawaii Correctional System Oversight Commission and witnessed the wise leadership the late Ted Sakai contributed as Commissioner. The several measures of this bill are ones favored by the former Commissioner, who led the Dept. of Public Safety, now Department of Corrections and Rehabilitation, under two governors.

He had worked in the criminal justice field in Hawai'i for over forty-three years at the time of his second appointment and confirmation in 2013.

The current gentleman who serves as Director of the Department of Corrections and Rehabilitation has testified against this measure. He has not embraced the reform of the Department for which Ted Sakai was a champion. Please consider the communities across of State who care about the well-being of the men and women in State custody, the toll "segregation" takes on the those inside and outside witnessing each suicide.

Mahalo for your hard work in the very busy State Legislature and the care you bring to advancing good change by voting to finance it.