


October 10, 2022

MEMORANDUM:

TO: Deputy Directors, Division Administrators, Wardens, and Staff Officers

FROM: Max N. Otani, Director 

SUBJECT: PRIVILEGED MAIL – INMATE AND HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION CORRESPONDENCE

As you know, House Bill 1552, HD2, SD2, CD1, which was enacted in 2019 as Act 179, created, in part, the Hawaii Correctional System Oversight Commission (HCSOC). The Commission's role and responsibilities are far reaching and include, but are not limited, to the authority to inspect correctional facilities and PSD workspaces, receive inmate complaints, and conduct investigations regarding complaints received, etc. Maintaining confidentiality is a critical component of the investigatory process as is the ability of those incarcerated to freely correspond with the HCSOC and for the HCSOC to respond likewise freely.

Effective immediately, any and all mail from offenders originating from State (PSD) correctional facilities, including facilities under contract with PSD, will be treated as "privileged" mail. Other facilities outside of Hawaii that house Hawaii inmates under the jurisdiction of PSD will also be required to treat inmate mail as "privileged," according to an approved MOA/MOU. PSD is currently reviewing and will be amending the following policies to ensure the inclusion of this directive:

1. COR.12.02 (Inmate Legal Activities)
2. COR.12.04 (Access to Ombudsman)
3. COR.15.02 (Correspondence)
4. COR.15.03 (Access to Telephone and Tablets)
5. Other appropriate Policies

In addition, this directive also requires that any mail originating from the Commission, and its members, including the Commission's Coordinator and staff is also to be treated as "privileged" mail. All such correspondence will be deemed "privileged," without exception.

If you and/or your staff have any questions regarding this directive, please contact, Mr. Tommy Johnson, DEP-C for PSD. Thank you, in advance, for your cooperation and assistance in ensuring the widest dissemination of and compliance with this directive.