

**Request for the Office of Information Practices' Concurrence  
for a Limited Meeting**  
(HRS § 92-3.1)

Date: November 6, 2023

Name of Board: Hawaii Correctional System Oversight Commission (HCSOC)  
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Date of Proposed Limited Meeting: Thursday, November 16, 2023  
Place/Location of Proposed Limited Meeting: Kulani Correctional Facility (KCF)  
Hc 1, Hilo, Hawaii 96720

1. Type of Limited Meeting:

- ☐ location is dangerous to health or safety of the public  
☒ public attendance is impracticable

2. (Attach relevant portion of draft or adopted minutes.) Board has, after sufficient public deliberation at a prior regular meeting, determined by vote of two-thirds of all voting members that:

- ☐ the limited meeting is necessary and the location would be dangerous to the health or safety of the attending public, or  
☒ the on-site inspection is necessary and public attendance is impracticable

The Board has made this determination based upon the following reasons:

As shown in its minutes, the Board has made this determination based upon the following reasons: <https://youtu.be/gaQD6C4Ypms> (HCSOC Monthly Meeting).

On Thursday, August 18<sup>th</sup>, 2022, the Hawaii Correctional System Oversight Commission (HCSOC) held their monthly meeting to discuss and vote on holding a limited meeting at the Kulani Correctional Facility (HCF) (1:45:48 in recording) and noted in the minutes (see attached). The Commission stated that the "on-site inspection is necessary and public attendance is impracticable".

As the Commission discussed, the onsite inspection is necessary to get an idea of what is happening within the facilities as it's extremely different to do oversight in general without having the opportunity to experience the tour and discuss, publicly, as a whole. Attendance is impractical for the public due to specific facility policy and procedures – the public is not invited into jails or prisons under any circumstances as you must have an official reason to go into correctional facilities.

Further, the Commission has specific duties to oversee correctional facilities and it is important the entire Commission be able to tour together

to collectively find solutions for issues related to the Commission's mandate (HRS 353L). Per HRS 353-3, the Hawaii Correctional System Oversight Commission (HCSOC) shall:

- (1) Oversee the State's correctional system and have jurisdiction over investigating complaints at correctional facilities and facilitating a correctional system transition to a rehabilitative and therapeutic model.

To achieve these ends, it is vital that the Commission be able to visit every jail and prison overseen and run by the Hawaii Department of Public Safety. The Commission must tour collectively together so they can discuss their findings as a group, publicly. This will allow all Commissioners to use their unique perspectives and backgrounds while facilitating a correctional system transition to a rehabilitative and therapeutic model.

Notice of the Limited Meeting under HRS § 92-7 (attach agenda):

- ☐ was filed on \_\_\_\_\_, 20\_\_\_\_; OR  
☒ will be filed by Thursday, November 9<sup>th</sup>, 2023.

3. Required Videotape of the Limited Meeting:

- ☐ will be made  
☒ Board requests a waiver of this requirement because:

Videotaping is strictly prohibited in any jail or prison in addition to the privacy of staff and people in custody being of high priority. Per 353-7, the Coordinator is required to maintain confidentiality in respect to all matters and the identities of the complainants or witnesses coming before the Oversight Coordinator except so far as disclosures may be necessary to enable the Oversight Coordinator to carry out the Oversight Coordinator's duties and to support the Oversight Coordinator's recommendations. It is common for complainants to bring issues forward while the Oversight Coordinator and/or Commission visit the jail and prison facilities. Therefore, any recording of this jail visit would be inappropriate, against the Department of Public Safety procedure, and in potential violation of 353-7.

Further, it is strictly against Department of Public Safety Policy ADM.02.05 Cellular Telephones, CL21-2764 Cellular Phone – Electronic Device Authorization and COR.08.02 Searches of Visitors, Staff, Delivery Vehicles, and Delivered Items to take electronic devices in the facilities.

Additionally, on behalf of the Commission, the Oversight Coordinator spoke to the Director of Public Safety, Tommy Johnson regarding this issue. He supports the Commission's efforts to bring light to facility conditions and to do so collectively. However, Director Johnson has made it clear that no recording devices are allowable on the premise

for distribution of said recording to the public. This is in accordance to Department policy, Hawaii Administrative Rules Title 23 Subtitle 2, Chapter 101, Contraband, and Hawaii Revised Statute 710-1022, Promoting Prison Contraband in the First Degree and Hawaii Revised Statute 710-1023, Promoting Prison Contraband in the Second Degree. He told me he is happy talk to you about this if you would like further explanation. His email is [tommy.johnson@hawaii.gov](mailto:tommy.johnson@hawaii.gov).

## CONCURRENCE

The Director of the Office of Information Practices has reviewed the request made for a Limited Meeting and:

- ☒ concurs
- ☐ does not concur
  
- ☒ waives the videotape requirement

If concurrence is granted above, the Board must:

1. provide notice in accordance with HRS § 92-7;
2. make no decisions at the Limited Meeting;
3. comply with all requirements of HRS § 92-9; and
4. videotape the meeting and make it available at its next regular meeting, unless this requirement is waived above.

  
\_\_\_\_\_  
Cheryl Kakazu Park  
Director

