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December 5, 2023

ELECTRONIC TRANSMISSION

Tommy Johnson, Director
Department of Public Safety
1177 Alakea Street
Honolulu Hawai'i 96813

RE: Proposed Action Item for the Department of Public Safety Inspections and Investigations Office

Dear Director Johnson,

Please see the proposal and corresponding rationale for strengthening the Department of Public Safety (Department of Corrections and Rehabilitation) Inspections and Investigations Office outlined below. It is the Commission's duty to identify and investigate serious issues within Hawaii correctional facilities that are dangerous or out of alignment with applicable laws and standards if they come to our attention; However, the main focus of the Commission must be on our clearly mandated responsibilities, as clearly delineated in HRS 353. Moreover, it is not the responsibility of the Commission to operationally fix the issues that are found, although we will continue to follow up on the specific issues that come to attention. Therefore, it is imperative to strengthen the protocols in the IIO and ensure proper training is conducted on a consistent basis to allow the Department to address issues of immediate concern efficiently and effectively.

Proposal:

It is strongly recommended that the Department of Public Safety should take immediate action to fully staff and strengthen its Inspections and Investigations Office (IIO). In particular, the IIO needs to be robust in:

- Implementing laws, standards, policies and procedures, and protocols in the area of safety and sanitation in all correctional facilities;
- Developing and implementing an ongoing training program for employees at all correctional facilities, from Wardens to line staff who work in each facility; and
- Developing and implementing an ongoing program of inspections and audits, conducted by each facility on a regular (monthly) basis and by a Department-level team independent of each facility on a quarterly or semi-annual basis.

In addition, the Department must ensure that leadership within the IIO has a strong working familiarity with laws and standards governing safety and sanitation in correctional settings, including OSHA and the National Fire Safety Protection Association, and with inspection and audit methods.

Rationale:

The HSCOC's focus should be areas defined by the HCSOC's mandate (HRS 353L):

- 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;
- 2) Establish maximum inmate population limits for each correctional facility and formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility;
- 3) Work with the department of public safety in monitoring and reviewing the comprehensive offender reentry program, including facility educational and treatment programs, rehabilitative services, work furloughs, and the Hawaii paroling authority's oversight of parolees. The commission may make recommendations to the department of public safety, the Hawaii paroling authority, and the legislature regarding reentry and parole services; and
- 4) Ensure that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole when the minimum terms have been served instead of delaying the release for lack of programs and services.

During the HCSOC tours of correctional facilities, Commissioners and staff observed more than a few safety and sanitation violations. As an official state agency on official business, the Commission has a duty to identify those that the Commission considers to be serious violations. These include:

- Fire safety violations at MCCC;
- Restricted access to medical housing areas at OCCC;
- Lack of staffing for container-cells at OCCC while inmates were housed within;
- Potential rodent infestation at WCCC;
- Dysfunctional temperature gauges at WCCC (also seen at Halawa and Maui);
- Food handling violations at OCCC (lack of temperature control for plated foods).

It is not the function of the HCSOC to operationally fix these kinds of issues. However, if these issues are not addressed and attended to, they will detract from the overall mission of the Department and may lead to litigation for individual incidents and potential conditions of confinement.

The Commission thanks the Department for their immediate attention to this recommendation and looks forward to their response.

Respectfully,



Mark Patterson, Chair

Hawaii Correctional System Oversight Commission