

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

Date: November 13, 2024

Name of Board: Hawaii Correctional System Oversight Commission (HCSOC)
Contact Person: Christin M. Johnson Tel: 808-587-4160
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Board's Attorney: Candace Park Tel: 808-586-0618
Fax: N/A Email: candace.j.park@hawaii.gov
Date of Proposed Limited Meeting: Thursday, November 21, 2024
Place/Location of Proposed Limited Meeting: Waiawa Correctional Facility (WCF)
94-560 Kamehameha Hwy, Waipahu Hawaii 96797

1. Type of Limited Meeting:

- location is dangerous to health or safety; OR
 public attendance is impracticable

2. (Attach relevant portion of draft or adopted minutes showing board's deliberation and vote to adopt the determination, including applicable timestamps if minutes were recorded.) After sufficient public deliberation at a prior regular meeting, and by vote of two-thirds of all members to which it is entitled, the Board has adopted a determination that:

- the limited meeting is necessary and the location would be dangerous to health or safety; OR
 the on-site inspection is necessary and public attendance is impracticable.

As shown in its minutes, the Board has made this determination based upon the following reasons:

<https://youtu.be/dNVRItn06HQ?si=uKkTu05HYolhzMIR&t=7702> (HCSOC monthly meeting)
On Thursday, December 21, 2023, The HCSOC held their monthly meeting to discuss and vote on holding a limited meeting at the Waiawa Correctional Facility (WCF).
Please see attached for further details and minutes for said Limited Meeting.

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

- was filed on _____, 20____; OR
 will be filed by Friday, November 15, 2024.

4. Required Videotape of the Limited Meeting:

- will be made; OR
 Board requests a waiver of this requirement because:
Please see attached for further details regarding Boards request for waiver of required videotaping requirement of the Limited Meeting.

CONCURRENCE

The Director of the Office of Information Practices concurs with the request made for a Limited Meeting and:

- does not waive the videotape requirement; OR
- waives the videotape requirement, with the following conditions:

If concurrence is granted, the Board must:

1. provide notice of the Limited Meeting 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 Limited Meeting and make the videotape available at its next regular meeting, unless this requirement is fully waived above.



Carlotta Amerino
Acting Director

November 13, 2024

Date

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:

On Thursday, December 21, 2023, the Hawaii Correctional System Oversight Commission (HCSOC) held their monthly meeting to discuss and vote on holding a limited meeting at the Waiawa Correctional Facility (KCF) (2:08:30 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 Corrections and Rehabilitation (DCR). 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.

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 DCR's procedure, and in potential violation of 353-7.

Further, it is strictly against DCR's 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 DCR, 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 with 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 to talk to you about this if you would like further explanation. His email is tommy.johnson@hawaii.gov.

JOSH GREEN, M.D.
GOVERNOR



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

MARK PATTERSON
CHAIR

CHRISTIN M. JOHNSON
OVERSIGHT COORDINATOR

COMMISSIONERS
HON. MICHAEL A. TOWN
(ret.)
HON. RONALD IBARRA
(ret.)
MARTHA TORNEY

Meeting Minutes

The monthly Hawaii Correctional System Oversight Commission meeting is offered as a hybrid meeting where Commissioners and members of the public can participate in person, or via teleconference. Details for both options are noted below.

Time: Thursday, December 21, 2023, 9:00 a.m.

Location: Department of Labor and Industrial Relations (DLIR)
830 Punchbowl Street, Room 310
Honolulu, Hawaii 96813

Teleconference: Zoom Meeting ID: 964 1109 6050

Click to join online:
<https://zoom.us/j/96411096050>

One tap mobile:
+12532158782,,96411096050# US

Items to be Discussed:

- I. Call to Order **(0:04:25)**
- II. Roll Call **(0:04:30)**
 - Present: Mark Patterson, Ronald Ibarra, Martha Torney, Mike Town, Christin Johnson, Cara Compani, and George Choe
- III. Approval of November 16, 2023, Meeting Minutes **(0:04:55)**
 - Moved by Mike Town
 - Seconded by Ronald Ibarra
 - Motion passed
- IV. Public Testimony on Agenda Items **(0:05:30)**

- V. Ted Sakai Resignation from Commission **(0:12:50)**
- VI. Department of Public Safety – Director’s Update **(0:20:00)**
- Transition to Corrections & Rehabilitation
 - i. Sheriffs, Narcotics Enforcement, and Criminal Internal Investigation Affairs Unit transitioned to the Department of Law Enforcement
 - ii. Began rebadging process
 - iii. Policies and procedures 95% complete
 - New Jail – OCCC
 - i. No changes but RFI (issued next spring) and RFP (to follow next fall) process
 - ii. Working with UH for planning and design
 1. Requested \$15M → not approved
 2. Requested \$10M in lieu
 - a. Initial release \$7.5M
 - i. \$4M to DCR
 - ii. \$3.5M to DHRD
 - HCCC – 48 beds completed in dormitory (anticipated to be completed April ’24)
 - Funding to relocate KCCC
 - Funding to add on medical services to HCF
 - Funding for MCCC
 - Announcement of new Deputy Director for Correctional Institution
 - Final employee service awards for 10, 20, and 30 years of service (January 29, 2024) as DPS
 - Academy to neighbor islands
- VII. Legislative Priorities **(0:32:15)**
- Governor’s budget presented to Legislators
 - i. Requested \$693K → \$462K
 1. Fund current staffing
 2. Add 2 Investigators (Jail & Prison)
 3. 1 position cut, salaries cut, travel and office supplies cut
- VIII. Job Stress Experienced by Correctional Officers in Hawai’i presented by Sophie Gralapp **(0:36:45)**
- IX. Monthly Oversight Coordinator Report **(1:17:25)**
- Safety and Sanitation Proposal Letter
 - Support for the Waiawa Correctional Facility Plan Review Use and Special Use Permits Letter
- X. Commissioner Report on Kulani Correctional Facility Observations **(1:23:40)**
- XI. HCR23 Task Force **(1:45:05)**
- Next meeting January 11, 2024
- XII. Vote on necessity for holding a limited meeting at the following correctional facilities: **(1:47:40)**

a. Oahu Community Correctional Center (1:49:05)

- Moved by Hon. Michael Town
- Seconded by Hon. Ronald Ibarra
- Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (1:52:05)

- Moved by Hon. Michael Town
- Seconded by Hon. Ronald Ibarra
- Motion passed unanimously

b. Kauai Community Correctional Center (1:53:30)

- Moved by Martha Torney
- Seconded by Hon. Michael Town
- Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (1:55:05)

- Moved by Martha Torney
- Seconded by Hon. Michael Town
- Motion passed unanimously

c. Hawaii Community Correctional Center (1:56:10)

- Moved by Hon. Ronald Ibarra
- Seconded by Martha Torney
- Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (1:57:40)

- Moved by Hon. Ronald Ibarra
- Seconded by Martha Torney
- Motion passed unanimously

d. Maui Community Correctional Center (1:59:15)

- Moved by Hon. Michael Town
- Seconded by Martha Torney
- Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (2:00:45)

- Moved by Hon. Michael Town
- Seconded by Martha Torney
- Motion passed unanimously

e. Women's Community Correctional Center (2:01:40)

- Moved by Martha Torney
- Seconded by Hon. Ronald Ibarra
- Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (2:03:10)

- Moved by Martha Torney
- Seconded by Hon. Ronald Ibarra
- Motion passed unanimously

- f. Halawa Correctional Facility (2:04:10)
 - Moved by Hon. Ronald Ibarra
 - Seconded by Hon. Michael Town
 - Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (2:05:20)

- Moved by Hon. Ronald Ibarra
- Seconded by Hon. Michael Town
- Motion passed unanimously

- g. Kulani Correctional Facility (2:06:15)
 - Moved by Martha Torney
 - Seconded by Hon. Michael Town
 - Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (2:07:30)

- Moved by Hon. Michael Town
- Seconded by Martha Torney
- Motion passed unanimously

- h. Waiawa Correctional Facility (2:08:30)
 - Moved by Martha Torney
 - Seconded by Hon. Michael Town
 - Motion passed unanimously

Vote on necessity for waiver of videotaping requirement (2:09:50)

- Moved by Martha Torney
- Seconded by Hon. Michael Town
- Motion passed unanimously

XIII. Public Comment (2:11:40)

XIV. Any announcements and scheduling of next meeting

- Next meeting Thursday, January 18, 2024

XV. Adjournment

Members of the public may submit written testimony on any item on this agenda before the meeting via e-mail or mail to the Oversight Coordinator, Christin Johnson. Testimony received after December 18, 2023, will be accepted but the Commissioners may not have time to read them before the meeting. Members of the public may also submit testimony at the meeting without submitting it to the Commission beforehand.

Email: hcsoc@hawaii.gov

Mail: Hawaii Correctional System Oversight Commission
State Office Tower, 16th Floor
235 S Beretania St.
Honolulu, Hawaii 96813

If you need an auxiliary aid/service or other accommodation due to a disability, contact Special Assistant George Choe (george.choe@hawaii.gov) as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

