

Honolulu, Hawaii

FEB 09 2022

RE: S.B. No. 2777
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 2777 entitled:

"A BILL FOR AN ACT RELATING TO SEARCHES OF FEMALE INMATES,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require pat downs and searches of female inmates be conducted by a female correctional facility employee unless the prisoner presents a risk of immediate harm to herself or others or risk of escape;
- (2) Prohibit male correctional facility employees from entering areas where female inmates may be in a state of undress including but not limited to restrooms, shower areas, or medical treatment areas, unless an inmate in the area presents a risk of immediate harm to herself or others or if there is a medical emergency in the area; and
- (3) Require any prohibited search, pat down, or entry by a male correctional facility employee be documented within three days of the incident, reviewed by the warden, and retained by the institution for reporting purposes.



Your Committee received testimony in support of this measure from the Women's Prison Project and one individual. Your Committee received testimony in opposition to this measure from the Department of Public Safety. Your Committee received comments on this measure from the Department of Human Services.

Your Committee finds that as state agencies become more trauma-informed in both programs and practices, policy changes should prevent re-traumatizing individuals. For example, body searches, including pat-downs and surveillance in vulnerable situations, are uncomfortable circumstances for any individual. Body searches can be particularly traumatizing for incarcerated women, as most female inmates have experienced some form of interpersonal violence. Almost ninety percent of incarcerated women have suffered from sexual violence, and at least forty percent suffer from posttraumatic stress disorder symptoms. Your Committee believes that male staff touching female inmates' bodies and viewing them undressed is further damaging and harmful for them. This measure will help prevent further traumatization of incarcerated women by requiring pat downs and searches of female inmates be conducted by a female correctional facility employee unless the prisoner presents a risk of immediate harm to herself or others or risk of escape, prohibiting male correctional facility employees from entering areas where female inmates are in a state of undress unless an inmate in the area presents a risk of immediate harm to herself or others or if there is a medical emergency in the area, and by requiring any prohibited search, pat down, or entry by a male correctional facility employee be documented within three days of the incident, reviewed by the warden, and retained by the institution for reporting purposes.

Your Committee has amended this measure by:

- (1) Requiring the Department of Public Safety to increase its recruitment and training of female adult corrections officers to satisfy the requirements of female gender specific posts;
- (2) Requiring the Department of Public Safety to make every effort within the law to address the concerns of the advocates, requirements of the Prison Rape Elimination Act, and staffing shortages of female gender specific



posts, as well as the hiring and training of female adult corrections officers;

- (3) Requiring the Department of Public Safety to submit a report of its efforts in recruiting, hiring, and training female adult corrections officers to the Legislature no later than twenty days prior to the convening of the Regular Session of 2023;
- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2777, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2777, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

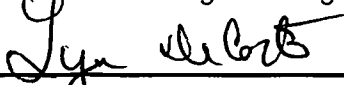
Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

| | | | | |
|--|--|--------------------------|----------|----------|
| Bill / Resolution No.:* <i>SB 2777</i> | Committee Referral: <i>PSM, JDC</i> | Date: <i>2/3/2022</i> | | |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____ | | | | |
| The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 | | | | |
| Members | Aye | Aye (WR) | Nay | Excused |
| NISHIHARA, Clarence K. (C) | ✓ | | | |
| DECOITE, Lynn (VC) | ✓ | | | |
| BAKER, Rosalyn H. | | | | ✓ |
| RIVIERE, Gil | ✓ | | | |
| FEVELLA, Kurt | ✓ | | | |
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| TOTAL | <i>4</i> | <i>0</i> | <i>0</i> | <i>1</i> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted | | | | |
| Chair's or Designee's Signature:  | | | | |
| Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy | | | | |

*Only one measure per Record of Votes