

JAN 26 2022

A BILL FOR AN ACT

RELATING TO CORRECTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that many aspects of the
2 State's criminal justice system overall are designed to meet the
3 needs of men because they make up a larger proportion of the
4 criminal justice system's population. Consequently, the needs
5 of women, who made up about twelve per cent of the State's
6 combined jail and prison population in 2018, are often not being
7 met.

8 The legislature further finds that women often have very
9 different pathways into the criminal justice system than men.
10 Similarly, women in the correctional system have different needs
11 and experience different barriers to success. The legislature
12 finds that the State has an important interest in ensuring that
13 the unique needs of women in this system are being met.

14 The legislature also finds that establishing a commission
15 that specifically monitors the criminal justice system's
16 interactions with women will help to ensure that women are not
17 being left behind in a system that was designed primarily with



1 men in mind. Specifically, oversight is required to ensure that
2 the system is responsive to the needs of women by addressing
3 gender-specific issues and ensuring that women have access to
4 appropriate programs and services.

5 Accordingly, the purpose of this Act is to:

- 6 (1) Establish the women's correctional implementation
7 commission to provide oversight over state
8 correctional facilities that incarcerate women,
9 receive and investigate complaints from incarcerated
10 women, monitor the criminal justice system's progress
11 in implementing reforms, and monitor programs and data
12 that are important to ensuring successful outcomes for
13 women in the correctional system; and
14 (2) Appropriate moneys to fund the commission's
15 operations, including the hiring of necessary staff.

16 SECTION 2. The Hawaii Revised Statutes is amended by
17 adding a new chapter to be appropriately designated and to read
18 as follows:



1 "CHAPTER

2 WOMEN'S CORRECTIONS IMPLEMENTATION COMMISSION

3 § -1 Women's corrections implementation commission;

4 established. (a) There is established within the department of
5 public safety for administrative purposes only the women's
6 corrections implementation commission.

7 (b) The women's corrections implementation commission
8 shall comprise five members who shall be appointed by the
9 governor and shall be subject to senate confirmation as provided
10 in section 26-34; provided that:

11 (1) Two members shall be appointed from a list of nominees
12 provided by the president of the senate; and

13 (2) Two members shall be appointed from a list of nominees
14 provided by the speaker of the house of
15 representatives.

16 (c) The members of the women's corrections implementation
17 commission shall elect one of its members to serve as
18 chairperson.

19 (d) The members of the women's corrections implementation
20 commission shall serve without compensation but shall be



1 reimbursed for expenses, including travel expenses, necessary
2 for the performance of their duties.

3 **§ -2 Women's corrections implementation commission;**
4 **duties; powers.** (a) The women's corrections implementation
5 commission shall:

6 (1) Provide oversight over state correctional facilities
7 that incarcerate women by ensuring that:

8 (A) The facilities are staffed by employees,
9 contractors, volunteers, and other persons who
10 receive appropriate trauma-informed training;

11 (B) Inmates receive appropriate support services and
12 have access to appropriate community-based
13 programs and facilities; and

14 (C) The department of public safety develops
15 appropriate, gender-specific programs, including
16 rehabilitative and therapeutic programs and
17 evidence-based programs that will prepare inmates
18 for reentry into society;

19 (2) Receive and investigate complaints from incarcerated
20 women; provided that this paragraph shall not be
21 interpreted to preclude any person from filing a



1 complaint or bringing any action in any other forum
2 available to that person;

3 (3) Monitor the criminal justice system's progress in
4 implementing reforms identified by the report entitled
5 "Creating Better Outcomes, Safer Communities: Final
6 Report of the House Concurrent Resolution 85 Task
7 Force on Prison Reform to the Hawai'i Legislature";
8 and

9 (4) Provide oversight over other programs and monitor and
10 review other data important to ensuring successful
11 outcomes for women in the correctional system as
12 deemed necessary by the commission.

13 (b) To perform the duties described in subsection (a), the
14 women's corrections implementation commission may:

15 (1) Examine any part of any correctional facility;

16 (2) Visit a correctional facility without prior notice to
17 the department of public safety;

18 (3) Conduct confidential interviews with correctional
19 facility inmates, staff, and contractors;

20 (4) Review any relevant records; provided that the
21 commission shall enter into a written agreement



1 pursuant to section -4 with the department of
2 public safety to establish special procedures to
3 access information that must be kept confidential
4 pursuant to state or federal law or a court order;

5 (5) Hire an executive director and other staff and
6 prescribe their duties and compensation. The
7 executive director and staff shall be exempt from
8 chapter 76 but shall be entitled to any benefit
9 program generally applicable to the officers and
10 employees of the State; and

11 (6) Adopt rules pursuant to chapter 91 to implement this
12 chapter.

13 **§ -3 Access to information.** The department of public
14 safety shall provide full access to all information requested by
15 the women's corrections implementation commission and its staff.

16 **§ -4 Memorandum of understanding.** The women's
17 corrections implementation commission and the department of
18 public safety shall enter into a memorandum of understanding
19 that establishes:



- 1 (1) Procedures to allow the commission access to
- 2 information that must be kept confidential pursuant to
- 3 state or federal law or a court order;
- 4 (2) Procedures to allow correctional facility inmates,
- 5 staff, or contractors to communicate confidentially
- 6 with the commission; and
- 7 (3) Safeguards to protect from retaliation persons who
- 8 communicate with the commission.

9 **§ -5 Annual reports.** The women's corrections
10 implementation commission shall submit an annual report to the
11 legislature no later than twenty days prior to the convening of
12 each regular session. The report shall include:

- 13 (1) A summary of the commission's findings with regard to
- 14 whether state correctional facilities are operating
- 15 properly using the criteria described in
- 16 section -2(a)(1);
- 17 (2) A summary of complaints received by the commission
- 18 pursuant to section -2(a)(2), and any actions taken
- 19 by the commission in response; provided that the
- 20 commission shall not reveal any confidential
- 21 information;



1 (3) A summary of other actions taken by the commission
2 during the preceding year; and

3 (4) Any other findings and recommendations, including any
4 proposed legislation."

5 SECTION 3. There is appropriated out of the general
6 revenues of the State of Hawaii the sum of \$ or so much
7 thereof as may be necessary for fiscal year 2022-2023 to fund
8 the operations of the women's corrections implementation
9 commission, including the hiring of necessary staff.

10 The sum appropriated shall be expended by the women's
11 corrections implementation commission for the purposes of this
12 Act.

13 SECTION 4. This Act shall take effect on July 1, 2022.

14

INTRODUCED BY: Michelle A. Tedani



Report Title:

Corrections; DPS; Oversight; Women's Corrections Implementation Commission; Appropriation

Description:

Establishes the Women's Correctional Implementation Commission within the Department of Public Safety to provide oversight over state correctional facilities that incarcerate women, receive and investigate complaints from incarcerated women, monitor the criminal justice system's progress in implementing reforms, and monitor programs and data that are important to ensuring successful outcomes for women in the correctional system.

Appropriates moneys.

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