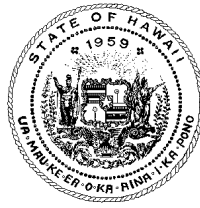


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY

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No. _____

**TESTIMONY ON SENATE BILL 2777
RELATING TO SEARCHES OF FEMALE INMATES.**

by
Max N. Otani, Director
Department of Public Safety

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Tuesday, February 1, 2022; 1:00 p.m.
State Capitol, Via Video Conference

Chair Nishihara, Vice Chair DeCoite, and Members of the Committee:

Senate Bill (SB) 2777 seeks to require pat downs and searches of female inmates be conducted by female correctional facility employees unless the inmate presents a risk of immediate harm to herself or others or risk of escape. This measure also seeks to 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, again, with the exceptions of an inmate presenting a risk of immediate harm to herself or others or risk of escape.

The Department of Public Safety (PSD) strongly adheres to Departmental Policy (COR.08.31 – Searches of Inmates) and the federal Prison Rape Elimination Act (PREA), which specifically address gender-related issues with respect to pat downs and searches of female inmates. Moreover, facilities' post assignments address male correctional officers' restricted access to areas in which female inmates may be in a state of undress, including, but not limited to, restrooms, shower areas, medical treatment areas, etc.

In addition, as written, certain terminology, such as, “Area” and “medical emergency” are not clearly defined, which will cause confusion in the implementation of any policies and procedures.

For these reasons, the Department opposes this measure and respectfully requests that it be held.

Thank you for the opportunity submit testimony on SB 2777.

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

Honorable Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

HEARING DATE: Tuesday, February 1, 2022

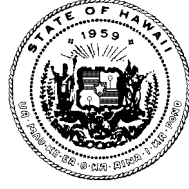
TIME: 1:00 PM, Via Videoconference

SUPPORT FOR SB2777 RELATING TO SEARCHES OF FEMALE INMATES

The Women's Prison Project (WPP) strongly supports this measure prohibiting males employed at Hawai'i correctional facilities from performing pat down searches of incarcerated females; from entering any area in the facilities where females are undressed, e.g., restrooms, showers, etc.; and from entering areas where females may be undressed without announcing that they are entering "unless the prisoner presents a risk of immediate harm to herself or others or risk of escape and a female correctional facility employee is not available to conduct the search." This bill will help prevent further traumatization of incarcerated women. Almost ninety percent of incarcerated women have suffered from sexual violence ([Lynch, et al](#), 2012, p. 32), and at least forty percent suffer from post posttraumatic stress disorder (PTSD) symptoms ([Komarovskaya, et al](#), 2011, p. 1). Male staff touching their bodies and viewing them undressed is further damaging and harmful for them. For these and other reasons the state of [California enacted](#) legislation in 2018 prohibiting males from searching incarcerated females except under specific circumstances as SB2777 also provides.

We urge the Committee to please pass this bill. If you have any questions about WPP's support for this measure please contact Lorenn Walker, JD, MPH, at lorenn@hawaii.edu or (808) 218-3712. Mahalo for your public service.

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

January 30, 2022

TO: The Honorable Senator Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

FROM: Cathy Betts, Director

SUBJECT: **SB 2777 – RELATING TO SEARCHES OF FEMALE INMATES.**

Hearing: February 1, 2022, 1:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Department of Public Safety, and offers comments.

PURPOSE: The purpose of the bill is to 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, to 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 to 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.

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. In cases of incarcerated females, most incarcerated females have experienced interpersonal violence, such as domestic violence, sexual assault, sex abuse, and sex trafficking. A body search requiring touching the body parts is a traumatizing and re-traumatizing experience regardless of whether a female officer or a male officer conducts the search.

DHS understands the need to maintain the safety of all incarcerated individuals and staff is paramount, and implementing this measure will be difficult. DHS asks the Legislature to provide the necessary support to agencies to implement trauma-informed and trauma-responsive practices and increase funds for trauma-informed services for incarcerated individuals.

Thank you for the opportunity to testify on this measure.

SB-2777

Submitted on: 1/31/2022 2:44:56 PM

Testimony for PSM on 2/1/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in support.