

# DEPARTMENT OF CORRECTIONS AND REHABILITATION

DEPARTMENT ADMINISTRATION POLICY AND PROCEDURES

EFFECTIVE DATE: January 01, 2024

POLICY NO.: ADM.01.01

SUPERSEDES (Policy No. & Date): ADM.01.01 of December 29, 2020

SUBJECT:

POLICY COORDINATION AND CONTROL

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#### 1.0 PURPOSE

To establish a system of controls governing the development, implementation, maintenance, compliance with, and training in Department policy and procedures.

#### 2.0 SCOPE

This policy applies to all divisions, sections, branches, programs, units and staff offices within the Department.

#### 3.0 REFERENCES, DEFINITIONS & FORMS

#### .1 References

- a. Hawaii Revised Statutes (HRS) §353-A, Director of Corrections and Rehabilitation, Powers and Duties of the Director.
- b. HRS §92F, Uniform Information Practices Act.
- c. HRS §92F-12, Disclosure required.
- d. Department of Corrections and Rehabilitation (DCR), Policy and Procedures (P & P), ADM.01.02, Department Directive System.

#### .2 Definitions

a. <u>Type A Policies – Department policies providing procedural guidelines for one or more divisions.</u>

These are policies which establish standards for one or more divisions. Normally, only procedural guidelines are provided and it is the responsibility of each affected division, section, branch, program, unit or staff offices to develop the detailed procedures to implement the policy within the framework of the guidelines provided.

This type of policy is always signed by the Director and all Deputy Directors.

b. <u>Type B Policies – Policies which implement a Department policy.</u>

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These policies are developed by a division, section, branch, program, unit or staff offices to implement a Type A Policy. The policy may be tailored to the resources and capabilities of the particular division or branch but within the framework of the guidelines or parameters provided by the Department policy. The policy only provides procedures for the staff within a particular branch or division and does not apply to any other branch or division.

This type of policy is always signed by the Director and the Deputy Director responsible for the functional area.

c. <u>Type C Policies – Policies applicable only to a division or branch.</u>

These policies are developed by a division or branch, which are unique to that division or branch and apply to no other division or branch. They may be developed under the following circumstances.

- When no department policy exists to provide guidance in addressing a particular situation, a policy and procedure may be developed to guide their operations.
- 2. When the functions performed by the division or branch is unique to that organization; no other division or branch functions in that capacity. These functions may be governed by statutes, administrative rules, State or Federal laws, and current case law.

Policies of this type that apply to a division are signed by the division administrator, the respective deputy director, and the Director. Policies that apply only to a branch are signed by the branch administrator.

- d. <u>Acknowledgment –</u> A record, created by the recipient of each receipt and review of a directive.
- e. <u>Department Policy Coordinator Functions within the Litigation Coordination Office.</u>
- f. <u>Internal Controls The organizational structure</u>, operating procedures, and administrative practices of an organization.
- g. Receipt An issued directive that has been electronically addressed or printed out by the intended recipient.

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h. <u>Subject Matter Knowledgeable Staff Member (SMK) – Person who is an</u> authority in a particular area or topic and has direct knowledge of what is done on the job, what skills, abilities and other characteristics are required, and who performs specialized functions in given Department processes. These may include those currently doing the job, those that have been temporarily assigned, those who supervise others doing the job, and other acknowledged job-knowledgeable personnel.

#### .3 Forms

- a. DCR 1008 Policy Development Control.
- b. Appendix A HGEA Union Consultation Sample Letter.
- c. Appendix B UPW Union Consultation Sample Letter.
- d. Appendix C Directors Inter-Office Memorandum (IOM) Change Memo.
- e. Appendix D Directors Inter-Office Memorandum (IOM) Rescind Memo.

#### 4.0 POLICY

.1 The plans that an organization develops to achieve its goals and objectives are normally implemented through policy and procedure. To promote the implementation of those plans, an organizational structure must be established which will support the effective development of policy and procedures. Only through a well-organized system for the development and control of policy and procedures can the Department effectively achieve its goals and objectives.

A system shall be established within the Department, which will coordinate and control the development, implementation, maintenance, compliance with, and training in Department policy and procedure. The system shall be organized and responsibilities established in accordance with the provisions of this policy.

.2 All Type A policies shall be approved by the Director. The deputy directors shall recommend approval of those Type A policies that affect their area of responsibility.

#### Administration

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All Type A policies that govern functions common to all staff offices, divisions, and branches within the Department shall be signed by all Deputy Directors and the Director.

#### Corrections

All Type A policies that govern administrative and operational functions within all divisions under the Deputy Director for Corrections shall be signed by the Deputy Director for Corrections and the Director.

#### 5.0 PROCEDURES

.1 System Components

The Department policy and procedures coordination and control system shall consist of seven (7) control functions.

a. Policy Development Control

The Division Deputy Directors and/or the designated subject matter knowledgeable staff member (SMK) within a corresponding organizational segment is responsible for the development and review of all new or existing Type A, B, or C policies and procedures. The Deputy Directors and/or the designated SMK shall also ensure that any new and/or revised policy be routed to the Division and Branch Policy Coordinators for review.

All Types A, B, or C policies and procedures developed within the Department shall be reviewed prior to signature and promulgation for completeness and clarity. The Department Policy Coordinator shall coordinate and control this function.

The purpose of this review shall be:

1. To ensure the policy complies with the standard Department format, procedures are clearly written, there is compliance with the Department policy and statute where applicable, and responsibility for performance of functions are clearly established.

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- 2. To ensure any new and/or revised policy complies with statutes, administrative rules, State or Federal standards, current case law and/or accreditation standards, including NCCHC where applicable.
- 3. To ensure there has been consultation with the labor unions, where applicable, and this coordination has been properly documented.
- 4. To ensure there has been documented coordination with the Attorney General if a legal opinion is required concerning the subject matter.
- 5. To ensure any new and/or revised policy does not contradict other existing directives, policies or applicable law.
- 6. To ensure the confidentiality status of the policy is properly identified and consistent with the Office of Information Practices guidelines and HRS §92F-12, Disclosure required.

#### b. Implementation Control

Department policy (Type A) shall provide guidelines for implementation. It is the responsibility of those organizational segments within the Department that are affected by the policy to develop the necessary detailed procedures, which will implement Department policy within the framework of the guidelines provided.

The Department Policy Coordinator shall monitor implementation to ensure compliance with Department policy in this respect. All affected organizational segments shall be given 30 calendar days to complete implementation.

#### c. Monitoring Control

A monitoring system shall be established to ensure all Department operations and programs are operating in accordance with applicable statutes and established Department policy. The provisions of the Department Management Control and Assessment System (MCAS) including, but not limited to: Legal Based Standards (LBS); National Commission on Correctional Health Care (NCCHC); etc. and shall provide this control function (reference DCR, P & P, ADM.01.11).

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#### d. Maintenance Control

Deputy Directors shall ensure annually, all policies and procedures, directives, or internal controls for their respective divisions shall be reviewed to ensure they are operationally viable and reflect current Department policy and practices. The Department Policy Coordinator shall send a reminder annually, at the beginning of the fiscal year or the month of July and shall coordinate these functions to ensure compliance.

#### e. Memorandum Control

A memorandum issued by the Director or a Deputy Director shall be reviewed by the Department Policy Coordinator to determine if the memo affects current policy or establishes new policy. The appropriate offices shall be notified to change current policy and procedure and update their policy binders.

A memorandum issued by a division or branch administrator, which affects policy within that division or branch, shall also be reviewed by a controlling authority within the division or branch to determine the need to revise or develop policy for the division or branch.

## f. Training Control

Staff cannot be held accountable for their actions if they are not aware of Department policy and procedures. To ensure continued staff knowledge of those specific policies and procedures that are relevant to their job, policy distribution and documentation is key, also periodic training sessions should be held. New personnel shall be given special instruction and orientation in this respect, including Recruit Training, Corrections Familiarization Training (CFT), Supervisory Training, etc.

The training program shall be designed to provide each staff member with both classroom and on-the-job training experiences in not only those policies and procedures, which are pertinent to their specific job, but all policies and procedures for their operational unit. This may include all security and emergency policies and procedures, SOPs, and directives.

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Training through policy distribution, classroom training, or on-the-job training in policies and procedures shall become an on-going process, since new policies and procedures are developed, or existing ones revised.

The Training and Staff Development Administrator (TSO-A) shall be responsible for establishing and maintaining this control function.

g. System Coordination

Each Divisions Deputy Director shall be responsible for the overall coordination and control of the system components outlined above for their respective Divisions. This coordination and control may take place through development of policy and procedures, directives, or the establishment of internal controls as deemed necessary. The Deputy Directors shall be responsible for.

- 1. Ensuring, with the assistance of the Information Technology Systems (ITS) unit, that the master files of all policy and procedures are maintained in a secure location.
- 2. Providing guidance, direction, and training in the development of policy and procedures and the establishment and maintenance of policy manuals.
- .2 The Department policy and procedures coordination and control system shall be organized and responsibilities established according to the following provisions:
  - a. Department Policy Coordinator

A Department Policy Coordinator shall be established within the Litigation Coordination Office (LCO). The responsibilities of this position shall be:

1. To ensure all internal controls within the Department necessary for the operation of all components of the Department directive system are established and maintained.

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- 2. To function as the authority for the Department concerning the development and maintenance of policy and procedures.
- 3. To ensure all Department policies and procedures undergo consultation with labor unions and the Attorney General where applicable.
- 4. To ensure the confidentiality status of all Department policies are clearly identified and consistent with the Office of Information Practices guidelines.
- 5. To maintain controls over policy revisions and rescission.
- 6. To ensure Types A, B, and C policies are developed or revised in compliance with the standard department format, procedures are clearly written, conforms with Department policy, State statutes and administrative rules, current case law, and/or accreditation standards, including NCCHC where applicable, and responsibility for the performance of functions are clearly established.
- 7. To ensure that the final policy packet assembled by the Division or Branch Policy Coordinators includes:
  - a) a copy of DCR 1008, printed on a pink sheet of paper, with the appropriate sections under the division policy coordinator heading completed.
  - b) The Director's IOM Change memo.
  - c) A copy of the current and the "track changes" version of the policy and procedure.
  - d) Copies of references made in policy.
  - e) Copies of applicable Legal Based or NCCHC standard.
  - f) As applicable, copies of the Attorney General (AG) review or union response letters; and

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- g) That the policy and attachments are ready for signatures.
- b. Policy Coordinators for Divisions and Branches

Each of the following divisions and branches shall assign a person to function as the policy coordinator for their organization:

- Corrections Division
- Law Enforcement Division
- Administration Division
- Intake Service Centers Division
- Health Care Division
- Correctional Facilities
- Public Affairs Office
- Civil Rights Compliance Office
- Litigations Coordination Office
- Reentry Coordination Office
- Internal Affairs Office
- Inspections and Investigations Office
- Administrative Services Office
- Departmental Human Resources Office
- Fiscal Management Office
- Corrections Program Services
- Training and Staff Development

The responsibilities of the division or branch policy coordinators shall be:

- 1. To control the issuance of policy numbers, with the assistance of the Administrative Services Office, for Types Band C policies within their organization.
- 2. Review all initial drafts of Types B and C policies developed or revised within their organization prior to forwarding the draft to the Department Policy Coordinator for further review and acceptance. The purpose of this review shall be to:

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- a) Ensure the policy draft complies with the stand Department format.
- b) Ensure the procedures are clearly written.
- c) Ensure all procedures comply with applicable Department policy and statutes.
- d) Ensure the confidentiality status of the policy is identified.
- e) Ensure responsibility is clearly established for all procedures.
- f) Ensure any revisions or newly established policy is clearly indicated on the Directors IOM change memo according to established format.
- 3. Ensure the master copies (the original with the administrator's signature) of all Types Band C policies developed by their organization are maintained in a secure location.
- 4. Coordinate Types Band C policy master copy maintenance and policy revision control within their organization to ensure these functions are properly performed.
- 5. Review all IOMs issued by their division or branch administrator to determine if branch or division policy needs to be developed or revised and designate assignments accordingly.
- 6. Ensure that the Directors IOM change memo is developed for Directors review and signature and lists all major changes that impact affected staff.
- 7. Ensure, where applicable, that division or branch policies and procedures undergo consultation with labor unions and the Attorney General and draft correspondence and letters accordingly (refer to Appendix A & B).
- 8. Ensure that an AG or union consult packet is assembled that includes the "original" and the "track changes" version of the policy and procedures being consulted with the AG and labor unions is sent to

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the Labor Relations section of Personnel for review and that a copy of that packet is sent by email to the Department Policy Coordinator.

- g. Ensure that a follow up with the AG and labor unions are scheduled until which time a response is provided or the policy is ready to be implemented.
- 10. Ensure that if no response is given by the labor unions, that a final letter is prepared for Directors signature notifying the unions that the policy will be implemented by the date indicated in the previous union letter.
- 11. Prepare a final policy packet for the Department Policy Coordinator that includes:
  - a) a copy of DCR 1008, printed on a pink sheet of paper, with the appropriate sections under the division policy coordinator heading completed.
  - b) The Director's IOM Change memo.
  - c) A copy of the current and the "track changes" version of the policy and procedure.
  - d) Any attachments, appendices, and forms.
  - e) Copies of references made in policy.
  - f) Copies of applicable Legal Based, or NCCHC standards.
  - g) As applicable, emails or copies of the Attorney General (AG) review or union response letters.
- .3 Policy Maintenance

The Department Policy Coordinator shall be responsible for coordinating and controlling the maintenance, revision and rescission functions of all Department policies and procedures.

.4 Master Copy Maintenance for Departmental Policies

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The following offices shall, in part, be responsible for maintaining the master copy for departmental policies (the copy which contains the original signatures of approving authorities) and revisions, as well as the corresponding forms as directed by the Department Policy Coordinator. These offices shall also be responsible for maintaining all rescinded and superseded policies.

a. Administrative Services Office (ASO)

The office services staff of the ASO under the Deputy Director for Administration shall be responsible for maintaining the master of all Type A, B, and C policies that have been signed by the Director.

A designated management analyst within the ASO is responsible for managing the development of a new form or the modification of an existing one. This staff member shall also manage the numbering codification system of all new forms and polices, refer to DCR, P & P, ADM.01.02.

b. Information Technology Systems (ITS)

A designated IT specialist within the ITS is responsible for managing the process of updating new or revised policy and forms to the DCR internet and intranet sites. This staff member shall also be responsible for managing the current versions of policy to be stored in a secure location.

c. Correctional Facility Policy Coordinators

Each correctional facility policy coordinator shall be responsible for maintaining the master of all Types B and C policies, including those signed by two or more branch administrators.

#### .5 Revision Control

a. The designated SMK is responsible for conducting reviews of the existing Type A, B, or C policies of their corresponding organizational segment every year or as required to stay current with applicable laws, accreditive standards, and/or other applicable state policies.

The purpose of the review is to determine if the policy is correct and that procedures and forms are current, straightforward and easy to

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follow or if new technology or equipment has been introduced that the policy doesn't address.

- b. A revised Type A, B, or C policy or a Standard Operating Procedure (SOP) shall show the new effective date in the appropriate title boxes. If the revised policy or SOP supersedes an old policy or SOP, that section in the title block shall be properly completed. The effective date is the date the approving authority signs the policy. The superseded policy or SOP shall be removed from the manual, destroyed, and the latest policy or SOP inserted in its place at the division, section, branches, programs, units, and staff office level.
- c. ASO is responsible for maintaining the master copy of policies and shall also be responsible for maintaining a master table of contents. The table of contents shall include the latest effective date of each policy in their relevant manual. The divisions, branches, programs, units, and staff offices of the Department are responsible for maintaining a copy of the revised drafts of policies and all relevant resources used to develop those policies.
- d. Each quarter ASO shall send a copy of their master table of contents to the Department Policy Coordinator and all those to whom promulgate policy so that they may check to ensure their relevant manual is up-todate.

#### .6 Rescission Control

The rescission of a policy occurs when the current version of a policy is obsolete or has been combined with another policy, which makes it more effective.

Rescissions follow a similar process as a development or revision.

- a. Once a review with the Division or Branch Policy Coordinators has been completed, and a consultation with the respective Deputy Director has concluded, the SMK will submit the policy and a Directors IOM Rescind Memo (refer to Appendix D) to the Department Policy Coordinator.
- b. The Department Policy Coordinator will distribute to all Deputy Directors, Division Administrators, Branch Administrators, Facility

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Administrators, Section Offices, and Division and Branch Policy Coordinators. All affected staff will be notified, and all policy binders will be updated by their respective sections.

#### .7 Forms Control

A change in department procedures, the implementation of new technology or equipment, or a change in laws, statutes, or accreditation standards may result in the need for the development of a new department form or modification of existing forms. When an SMK recognizes that need, that person shall.

- a. Consult with their supervisor who will evaluate the recommendation and if appropriate, forward the request with a draft of the new or revised form to the ASO management analyst and the department policy coordinator.
- b. Distribute the new form with the newly revised date to all affected staff once the form has been approved.

Once the forms have been approved, the ASO management analyst shall forward the digital copies to the ITS IT specialist. The ITS IT specialist will update the policy the forms are attached to on the DCR internet and intranet sites.

#### .8 Policy Storage

Each division, branch and staff office shall maintain storage of all applicable policies and place them at specified accessible locations for reference by employees. If policies are disseminated electronically, back-up copies in an accessible media form shall be maintained and placed at specified accessible locations so that personnel can refer to them in a timely manner when, for example, the electronic system is not operating or otherwise inaccessible.

- .9 All policies (Type A, B, or C) are not to be signed by any authority until they have first been reviewed by the Department Policy Coordinator in accordance with the following provisions.
  - a. Type A Policies Development or Revision
    - Subject Matter Knowledgeable Staff Member (SMK)

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Any organization within the Department which develops, or revises Type A, B, or C policies, shall develop and process the policy according to the following provisions.

Each SMK will be designated by the Deputy Director or the respective Division or Branch Administrators. The responsibilities of the SMK shall be.

- a) Consult with the Department Policy Coordinator for guidance and direction in policy development, if necessary.
- b) Promulgate a draft of the policy for comment and concurrence to all administrative units within the Department who may have interest in or be affected by the policy.
- c) Consult with the Labor Relations section of Personnel to confirm whether consultation with labor unions and the Attorney General on the policy is required. If it is, to ensure that it has been conducted and to retain documented results of these consultations.
- d) Consult with the Administrative Services Office, Planning and Research Section's Management Analyst on proposed, amended, or rescinded forms.
- Ensure the policy complies with all applicable Department policies, State and statutes and administrative rules, case law, and/or applicable accreditation standards, including NCCHC.
- f) After a review of all documents and comments, prepare a final policy draft and forward through their respective division or branch policy coordinator to the Department Policy Coordinator through their chain-of-command. Form DCR 1008, Policy Development Control, shall be attached to the policy draft, and the appropriate policy development activities checked off. The purpose of this form is to ensure all provisions of the policy development process have been complied with.

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## 2. Department Policy Coordinator

Upon receipt of a Type A policy draft, the Department Policy Coordinator shall:

#### a) Review

- i) Ensure, where applicable, all necessary consultation with labor unions and the Attorney General have taken place and are documented.
- ii) Ensure procedures are clearly written.
- iii) Ensure the policy complies with all applicable Department policy, State statutes and administrative rules, case law, and/or applicable accreditation standards, including NCCHC.
- iv) Ensure the correct Department format for policy and procedure is employed.
- v) Ensure confidentiality status is identified properly.
- vi) Coordinate with any applicable administrative units within the Department for comment, if necessary.

#### b) Finalize

- i) Ensure policy packet is prepared for signature by the appropriate Deputy Director and Director. The packet shall include:
  - (1) Policy and attachments that are ready for signatures.
  - (2) Directors IOM change memo which specifies all major changes that impact affected staff and indicates that all organizations affected by the policy shall have 30 calendar days to implement the policy through development of procedures within the guidelines provided.

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- (3) Copies of union response letters and AG review reviewed by the Deputy Director or the respective division or branch administrator.
- ii) Forward the policy package through the appropriate division administrators to the Deputy Director and Director for signature and promulgation.
- iii) Disseminate new or newly revised directives to all affected personnel in paper or electronic form.
- All division and branch administrators or their designee shall place the printed or electronic copy of the policy or directive at a specified location so that affected personnel have timely access for reference, review, and receipt.
- All affected staff will be given 10 working days to sign and acknowledge the receipt and review of disseminated policy or directives. All affected staff are responsible, in effect, for knowing the contents of the policy. Staff who are absent due to vacation or extended sick leave shall fulfill this requirement at their earliest opportunity.
- vi) All division and branch administrators or their designee will be required to document the receipt and review of the policy or directive by all affected staff.
- b. Type B or C Policies Development or Revision
  - 1. Subject Matter Knowledgeable Staff Member (SMK)

Any organization within the Department, which develops or revises a Type B or C policy shall develop and process the policy according to the following provisions.

The responsibilities of the SMK shall be:

a) Consult with their organization's policy coordinator or Department Policy Coordinator for guidance and direction in policy

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development, if necessary.

- b) Upon completion of the policy and form draft, forward a copy to their Division or Branch policy coordinator for review.
- 2. Division or Branch Policy Coordinators Division or Branch Policy Coordinators shall:
  - a) Assign a policy number.
  - b) Review the policy to ensure:
    - Procedures are clearly written, understandable, and responsibilities clearly established for performing all functions.
    - ii) The policy complies with all applicable Department policy and statutes.
    - iii) The correct Department format for policy and procedure is used.
    - iv) The attached forms have been reviewed and approved by the Administrative Services Office, Planning and Research Section's, Management Analyst.
    - v) The confidentiality status is identified and consistent with the Office of Information Practices guidelines.
    - vi) The labor unions and Attorney General have been consulted on the policy where applicable.
  - Transmit the policy draft to the Department Policy Coordinator for further review and acceptance through their division or branch administrator. A checklist, Form DCR 1008, Policy Development Control, shall be attached to the policy draft, and the appropriate policy development activities checked off. An IOM change memo, Form (refer to Appendix C), shall also be attached to the policy listing the major changes that impact staff.

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For correctional facilities, all proposed policies must be forwarded to the Department Policy coordinator through the Facility Administrator even if the policy governs functions outside the jurisdiction of the Facility Administrator. In these cases, the policy would be forwarded through two authorities, the warden and the Branch Administrator having jurisdiction over the affected functions.

## 3. Department Policy Coordinator

Upon review and acceptance, the Department Policy Coordinator shall forward the policy for signature by the appropriate administrative authorities. The policy shall be returned to the Division or Branch Policy Coordinator for distribution electronically or in paper form with copies to the originating entity. If found unacceptable, it shall be returned to the division or branch through the Division or Branch Policy Coordinator for further work.

- a) All division, section, programs, units, and staff offices are responsible for the dissemination of policies and directives to all affected staff.
- b) All division, section, program, unit, and staff office managers or their designee shall place the printed or electronic copy of the policy or directive at a specified location so that affected personnel have timely access for reference, review, and receipt.
- c) All affected staff will be given 10 working days to sign and acknowledge the receipt and review of disseminated policy or directives. All affected staff are responsible, in effect, for knowing the contents of the policy. Staff who are absent due to vacation or extended sick leave shall fulfill this requirement at their earliest opportunity.
- d) All division, section, program, unit, and staff office managers or their designee will be required to document the receipt and review of the policy or directive by all affected staff.

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