

**Addendum and Extension of  
Settlement Agreement between the United States of America and the Hawaii Department  
of Public Safety under the Americans with Disabilities Act  
DJ # 204-21-88**

1. On March 20, 2019, the United States Department of Justice (Department) and Hawaii Department of Public Safety (HDPS) (collectively, the Parties) entered into a Settlement Agreement (Agreement) under Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-12134, and the Department's implementing regulation, 28 C.F.R. Part 35. The Agreement resolves allegations that HDPS excluded inmates with disabilities from its furlough program and that HDPS prison facilities were inaccessible in violation of the ADA.
2. This Addendum and Extension (Addendum) serves to extend the Agreement by eighteen (18) months from March 20, 2022 to September 20, 2023, except as to the provisions of the Agreement described below in Paragraph 3. This Addendum is necessary because the global COVID-19 pandemic required HDPS to take significant protective measures to prevent and mitigate the spread of the virus within its facilities. This included prohibiting visitors and other outsiders from entering HDPS facilities, and allocating additional administrative, planning, and operational resources to its COVID-19 response. The State of Hawaii also required travelers from other states to undergo a long quarantine period, including the Agreement's Independent Licensed Architect (ILA). As a result, contractors tasked with conducting remediations have been unable to complete their work, and the Agreement's ILA has been unable to review the completed work. As of the Effective Date of this Addendum, HDPS represents that 98 of the 232 barriers to access listed in Paragraphs 21–23 of the Agreement have been removed or remediated, but this work has not been verified by the ILA due to delays caused by the pandemic.
3. This Addendum does not extend the requirements set forth in Paragraphs 13, 18, 20, 26, 27, and 28, and they will terminate on March 20, 2022.
4. The Parties accordingly agree to extend the Agreement from March 20, 2022 to September 20, 2023, except as to the provisions of the Agreement described in Paragraph 3.
5. There are 232 barriers to access listed in Paragraphs 21–23 to the Agreement that have not been remediated and then certified by the ILA as compliant with applicable ADA Standards as of the Effective Date of this Addendum. On an ongoing basis throughout the period of this Addendum, each of the barriers to access will be terminated from the obligations of this Addendum and the Agreement as soon as the ILA certifies each remaining item and the Department verifies compliance.
6. The person(s) signing for the HDPS represent that they are authorized to bind HDPS to this Addendum and agree that HDPS shall continue to comply with the obligations set out in the Agreement throughout the term of this Addendum, unless otherwise specified in this Addendum.

7. On bi-monthly anniversaries of the Effective Date of this Addendum until it expires, HDPS will submit written reports to the Department summarizing the actions HDPS has taken pursuant to the Agreement and this Addendum and will include ILA certifications in its reports.
8. Unless otherwise provided herein, the Agreement shall extend throughout the term of this Addendum.
9. The Effective Date of this Addendum is the date of the last signature below.

**For Hawaii Department of Public Safety**



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3/14/22  
Date



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**For the United States of America**

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3/16/22  
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