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HONOLULU – This morning, the Hawai‘i Supreme Court issued an order concluding its proceeding that had prevented judges from setting bail and, in some cases, keeping certain alleged criminals in custody during the COVID-19 pandemic. Today’s order marks a significant step toward returning Hawaii’s criminal justice system to normal, allowing judges the discretion to set bail for all eligible defendants or remand defendants to custody while awaiting trial. The ruling was the culmination of a motion filed by the Department of the Prosecuting Attorney amid the repeated release of a man who had allegedly gone on a sexual assault spree in Downtown Honolulu beginning in March.

“The Hawai‘i Supreme Court moved swiftly last year to keep Hawaii’s correctional facilities safe amid the worsening COVID-19 pandemic,” said Prosecuting Attorney Steve Alm. “This morning, the Court recognized that the situation in Hawaii’s correctional facilities has significantly improved since then and we thank the Court for allowing Hawaii’s criminal justice system to move one step closer to normalcy,” he said.

“The Department of Public Safety has implemented robust testing of inmates and a comprehensive vaccination program for both inmates and staff that will help ensure that these facilities stay safe,” he said. “It is crucial that these measures continue for the duration of the pandemic and that all inmates be given the opportunity to be vaccinated,” he continued. “And while inmates have a choice not to be vaccinated, they must continue to be educated on the safety and efficacy of the vaccine,” he said.

“While we are very concerned about the safety of inmates in our correctional facilities, we are also concerned about the safety of the public, which is why we filed our motion and are pleased with the Court’s actions today,” he continued. “And although the Court’s order gives judges the discretion to set bail or keep certain defendants in custody, we do not intend to seek this for every defendant,” he said. “Our focus will be on keeping those who are truly violent and dangerous, as well as those who repeatedly commit theft, in custody pending trial so that the public is protected,” he said.

Enclosed is a copy of the order issued by the Hawai‘i Supreme Court this morning.

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