
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A PERFORMANCE AUDIT OF THE DEPARTMENT OF PUBLIC SAFETY, MAINLAND AND FDC BRANCH, ON CONTRACT COMPLIANCE OF PRIVATE PRISONS THAT HOUSE HAWAII INMATES.

1 WHEREAS, in 1996, the State initiated a prison transfer
2 program to alleviate overcrowding in State owned and operated
3 correctional facilities by sending Hawaii inmates to private
4 correctional facilities on the mainland; and
5

6 WHEREAS, since the inception of this program, the number of
7 Hawaii inmates serving sentences abroad has increased from 300
8 individuals in 1996 to more than 2,000 individuals in 2008, a
9 population which now constitutes more than one-third of Hawaii's
10 entire incarcerated population; and
11

12 WHEREAS, Hawaii currently ranks third in the nation for the
13 number of inmates incarcerated outside of its state borders; and
14

15 WHEREAS, in fiscal year 2007, the Department of Public
16 Safety (PSD) spent \$50,291,460 to transfer inmates from Hawaii
17 to private prisons in Arizona and Kentucky; and
18

19 WHEREAS, these costs went to the for-profit company
20 Corrections Corporation of America, the sole vendor charged with
21 housing Hawaii's inmates; and
22

23 WHEREAS, although the population of Hawaii inmates in these
24 private mainland prisons continues to grow, there has never been
25 an audit of these facilities that Hawaii has contracted with to
26 house the state's inmates, despite the fact that deaths and
27 serious injuries have occurred at several of the prisons, and
28 there are indications that various programs and services that
29 are being paid for are not currently being provided; and



1 WHEREAS, there have been several instances of cell doors
2 opening "by mistake" at several Corrections Corporation of
3 America prisons in which Hawaii inmates have been incarcerated,
4 and one of Hawaii's inmates was severely beaten when this
5 occurred in Tallahatchie, Mississippi; and

6
7 WHEREAS, there have been numerous complaints of abuses and
8 unwarranted and prolonged lockdowns within the Special Housing
9 Incentive Program in Saguaro Corrections Center in Arizona,
10 which sells such lockdown services under the banner of a
11 behavioral-modification program for people who are violent and
12 cannot live in the general population; and

13
14 WHEREAS, in August of 2007, the Honolulu Star Bulletin
15 reported on the resignation of the heads of the education and
16 addiction-treatment programs at a private Arizona prison holding
17 Hawaii inmates, and the two attributed their resignation to poor
18 management, inadequate facilities, and lack of staffing; and

19
20 WHEREAS, in Otter Creek Correctional Center in Wheelwright,
21 Kentucky, three of Hawaii's inmates were rushed to the hospital
22 after repeatedly asking for medical care, one of whom died on
23 December 31, 2005, after being threatened with lockdown because
24 she continued to ask for help; and

25
26 WHEREAS, legislators have questioned whether Hawaii inmates
27 are receiving the services and programs paid for by the State;
28 and

29
30 WHEREAS, an independent audit will help in determining if
31 out-of-state transfers are cost-effective and reduce recidivism
32 rates in Hawaii; now, therefore,

33
34 BE IT RESOLVED by the House of Representatives of the
35 Twenty-Fourth Legislature of the State of Hawaii, Regular
36 Session of 2008, the Senate concurring, that the Auditor is
37 requested to conduct a performance audit of PSD's Mainland and
38 FDC Branch, on contract compliance of private prisons that house
39 Hawaii inmates, including the Red Rock Correctional Facility and
40 Saguaro Correctional Center in Eloy, Arizona, and Otter Creek
41 Correctional Center in Wheelwright, Kentucky; and



1 BE IT FURTHER RESOLVED that the performance audit shall
2 include the following:

3
4 (1) Treatment and services provided to Hawaii inmates,
5 including:

- 6
- 7 (A) Medical services;
- 8 (B) Mental health services, including suicide
- 9 prevention;
- 10 (C) Substance abuse treatment;
- 11 (D) Education;
- 12 (E) Vocational training; and
- 13 (F) Food services;
- 14

15 (2) Facilitation of family and community connections,
16 including:

- 17
- 18 (A) Visitation;
- 19 (B) Videoconferencing; and
- 20 (C) Telephone communication;
- 21

22 (3) PSD's execution of its statutory duties, including:

- 23
- 24 (A) Monitoring of private prisons;
- 25 (B) Enforcement of contract provisions; and
- 26 (C) Public access to contracts and monitoring
- 27 reports;
- 28

29 (4) PSD's oversight of the private prison's management of
30 Hawaii inmates, including:

- 31
- 32 (A) Due process hearings;
- 33 (B) Incident reports;
- 34 (C) Disciplinary actions;
- 35 (D) Time in segregation;
- 36 (E) Repeat offenders;
- 37 (F) Administrative actions;
- 38 (G) Criminal actions;
- 39 (H) Administrative or criminal actions against
- 40 employees of the private prison; and
- 41 (I) Internal quality assurance;
- 42

43 and



1 BE IT FURTHER RESOLVED that the Auditor is requested to
2 report its findings and recommendations to the Legislature no
3 later than 20 days prior to the convening of the Regular Session
4 of 2009; and

5

6 BE IT FURTHER RESOLVED that certified copies of this
7 Concurrent Resolution be transmitted to the Governor, the
8 Director of Public Safety, and the Auditor.

