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# 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  
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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  
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12           WHEREAS, Hawaii currently ranks third in the nation for the  
13 number of inmates incarcerated outside of its state borders; and  
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15           WHEREAS, in fiscal year 2007, the Department of Public  
16 Safety (DPS) spent \$50,291,460 to transfer inmates from Hawaii  
17 to private prisons in Arizona and Kentucky; and  
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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  
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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 Correctional 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

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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

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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

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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,

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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 DPS's Mainland and  
38 Federal Detention Center Branch, on contract compliance of  
39 private prisons that house Hawaii inmates, including the Red  
40 Rock Correctional Center and Saguaro Correctional Center in  
41 Eloy, Arizona, and Otter Creek Correctional Center in  
42 Wheelwright, Kentucky; and



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

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4 (1) Treatment and services provided to Hawaii inmates,  
5 including:  
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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;  
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15 (2) Facilitation of family and community connections,  
16 including:  
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18 (A) Visitation;  
19 (B) Videoconferencing; and  
20 (C) Telephone communication;  
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22 (3) DPS's execution of its statutory duties, including:  
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24 (A) Monitoring of private prisons;  
25 (B) Enforcement of contract provisions; and  
26 (C) Public access to contracts and monitoring  
27 reports;  
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29 (4) DPS's oversight of the private prison's management of  
30 Hawaii inmates, including:  
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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

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

