

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon Har, Vice Chair

Thursday, March 20, 2008

9:00 AM

Room 309

STRONG SUPPORT

HCR 214 – PERFORMANCE AUDITS OF PRIVATE PRISONS

Stacia Ohira

523 Kaikoo Place

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Dear Chair Evans and Committee Members:

Aloha my name is Stacia Ohira and I writing to you in strong support of HCR 214. It is imperative that we conduct this audit of this private prison. I know I don't need to mention to you all the scandal that is happening, as it unfolds right in front of our faces we are learning more and more what a horrible business CCA is in particular is. I beg you to please support this resolution and help the community by demanding an audit of all of our tax dollars that go to fund this crazy place.

I need to share with you a personal story about my family and how I am involved with the CCA facilities. My partner of almost 10 years is incarcerated now at the Saguaro facility and before that he was incarcerated at the facility in Mississippi. He has been complaining of a pinched nerve in his neck since 2005 and he has been seen by retired doctors who don't seem to know what is going on. In Mississippi he was seen by a retired doctor who could not figure out what was wrong with him and they kept giving him a pain reliever also known as Aspirin. I am sad to report that in 2008 his neck is still killing him and at times he cannot even get out of bed to call me to let me know that he is still alive. Since being housed in Arizona he was sent out to see a doctor and the doctor ordered a cat scan and they found numerous problems with various parts or pieces of his neck all the way down his back. What confuses me is that my tax dollars is being spent on supposedly taking care of our inmates that are being sent away? However my personal experience tells me other wise.

Again I beg you as elected officials to help my family, my partner, our community members by supporting this bill HCR 214 and demand an audit of this facility who brings hurt, dissatisfaction and shame to public safety.

Mahalo for your time:

Stacia Ohira

Ahuwale ka nane huna

"that which was a secret is no longer hidden"

Aloha kakou,

My name is Karin Hokoana, and I am in strong support of prison audits. I am a prisoner advocate, mother of an incarcerated son and aunt to several incarcerated nephews, all currently serving their time in Saguaro Correctional Ctr, a facility owned and operated by CCA.

One tends to wonder how much of these written testimonies are even considered when reading what others submit. First and foremost, clarification should be sought so that some of these written testimonies can even be entertained.

Case in point:

In an article published in the Honolulu Advertiser several months ago, the Dept of Public Safety defends the CCA contract as legitimate without having to go through the procurement process as set forth by the State of Hawaii because "it is a government to government contract, therefore exempt". In written, public testimony from the State of Hawaii's AG office, this contract vendor should not be audited because it is NOT a government to government contract. Hum.....one can wonder what else should an audit be run on.

Dirty water to drink, lack of promised programs, increases in prices for store orders, possible insider trading within the corporation, possible 2 sets of books (the hidden and the published), missing personal property with no explanation or resolution for almost half a year, ethics violations, civil rights violations, lack of prompt healthcare, the list can go on and on and continue to do so, because there is NO ACCOUNTABILITY! And there will be no accountability unless this bill is passed.

We sit helpless on the side lines. To bring forth the issues, results in retaliation towards loved ones that are not allowed to stand up and argue for their rights, and retaliation towards us for being whistle blowers. Do you honestly think CCA tells DPS the truth? They are thousands of miles away and it would take several

hours under the best circumstances, for anyone here to get over to the mainland to see what's going on. Several hours, enough time to cover up the issues, hide the truths, bribe those that can be and threaten the others.

We have to rely on those we've elected to help us. We have to rely on YOU to see through all the smoke and mirrors, to see the truth and make them accountable. Audits by independent entities, not from DPS, not from CCA, nor affiliated with either, need to be done. I want my family home! I'm powerless to bring him back. There's no room in our facilities, there's nothing here in our system to help except YOU. CCA made a contract with the State of Hawaii. They made promises to the State of Hawaii. We ARE the State of Hawaii. We need accountability. You can give the State of Hawaii what it needs!

The cost an issue? The cost of NOT doing this will ultimately be higher than the proposed amount. The State has paid more than this amount to bring in one consultant to tell us, in less than a few hours, "you need to work together", therefore this seems a small price to pay for safety and peace of mind.

Mahalo nui loa for listening and allowing me the opportunity to give this testimony.

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March 19, 2008

COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon E. Har, Vice Chair

Thursday, March 20, 2008

9:00 a.m.

Conference Room 309

Hawaii State Capitol

SUPPORT - HCR214

Performance Audits of Private Prisons

Relating to Public Safety

My name is Andy Botts, author of Nightmare In Bangkok. I strongly support this bill, and have followed it through the previous committees. I was alarmed when I heard the Dept of Public Safety object to this bill in a previous hearing. Especially when they stated that CCA wouldn't negotiate another contract if we required them to disclose their records. Assuming this to be true, this raises concerns that we have become dependant on them. It also signals a cover-up, as people who have something to hide, usually have something to hide. An article that I read in Time magazine, regarding the CCA, convincingly suggests that the CCA is in fact covering-up of their records.

In this case, considering where and how much of the taxpayer's money is being invested in CCA, it would be scandalous not to disclose this info to the public. Accountability of tax dollars should be treated in the same manner as any investor in a corporation or any business. We are the investors, and we have a right to know where our hard earned dollars are going. I strongly support this bill, and I urge you to pass it on behalf of the investors of this state.

Aloha, Andy Botts

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _____

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 214
Requesting the Auditor to Conduct Performance Audits of
Private Prisons on the Mainland that House Hawaii Inmates

by
Clayton A. Frank, Director
Department of Public Safety

House Committee on Public Safety and Military Affairs
Representative Cindy Evans, Chair
Representative Sharon E. Har, Vice Chair

Thursday, March 20, 2008, 9:00 a.m.
State Capitol, Conference Room 309

Representative Evans, Representative Har, and Members of the Committee:

The Department of Public Safety (Department) opposes House Concurrent Resolution (HCR) 214. The measure requires performance audits of private prisons on the mainland housing Hawaii prisoners with regard to the issues of delivery of services, visitation, and the Department monitoring of these contracts. Currently, the Department contracts with Corrections Corporation of America (CCA) on its current out-of-state population. All CCA facilities nationwide are accredited and audited under the American Correctional Association (ACA). ACA has a comprehensive audit of all facility operations, its policies and procedures are mandatory standards. The Department's contractual terms and conditions require all private prisons to meet ACA standards and be accredited within eighteen (18) months of activation.

This measure is unnecessary and repetitive as the Department already conducts quarterly contractual audits of its private prison facilities using its subject matter experts from various divisions and branches (i.e. Health Care Division, Substance Abuse, Education, Security, etc.). Further, a detailed deficiency notice on all non-compliant contractual items is

issued to the respective facility and a plan of corrective action is provided to the Department within thirty (30) days of the deficiency notice. The contract also allows the Department to assess liquidated damages for staffing requirements and substance abuse programs. To date, no liquidated damages have been assessed as all deficiencies have been corrected within the required thirty (30) days response period. Also, the Department's contracts and monitoring reports are public record and made available to the Legislature and the public.

Lastly, this measure is based on the premise that performance audits should be applied to a very specific type of contractor (private prisons) under contract with the Department. If the intent is to implement a performance audit process to provide accountability and transparency to the public regarding the services provided by any vendor for any contract made with the State as a legal requirement, then it should apply to all State contracts and not be limited to just the Department of Public Safety.

Therefore, for the reasons listed above and on the preceding page, the PSD does not support HCR 214.

Thank you for the opportunity to provide testimony on this matter.

CARRIE ANN SHIROTA, ESQ.
1839 Wells Street
Wailuku, Hawaii 96793
Phone: 808-269-3858

Committee on Public Safety and Military Affairs
Rep. Cindy Evans, Chair
Rep. Sharon E. Har, Chair
Thursday, March 20, 2009
9:00am in Conference Room 309

SUPPORT: HCR 214 REQUIRING THE AUDITOR TO CONDUCT PERFORMANCE AUDITS OF PRIVATE PRISONS ON THE MAINLAND THAT HOUSE HAWAII INMATES

Aloha Chair Evans, Vice Chair Har and Members of the Committee:

My name is Carrie Ann Shiota, and I am writing in strong support of HCR 214. Given that the State of Hawai'i has the highest rate of out of state prisoner transfers in the United States, it is imperative that our elected officials and community are fully aware of the fiscal costs associated with these for profit private prison contracts, and whether this practice enhances or decreases public safety. In fiscal year 2007, the Department of Public Safety spent \$50,291,459.61 to transfer inmates from Hawai'i out of state private prisons in Oklahoma, Mississippi, Arizona, and Kentucky.

As a taxpayer and citizen who believes in rehabilitation opportunities to stop the cycle of incarceration, I would like to know the breakdown of how the \$50 million dollars were spent. In particular, I am interested in learning about the amount of money spent on programs, such as education, substance abuse treatment, mental health services, vocational training and medical care, as well as the effectiveness of these services. I am also interested in the number of in person and teleconference visits, and contracts outlining the telephone rates. We should be investing in programs that work, and better prepare men and women for their transition back into the community as law-abiding, contributing members of their families and our community.

In addition, the audit should detail the Department of Public Safety's execution of its duties in the areas of: 1) monitoring private prisons; 2) enforcement of contract provisions and c) public access to contract and monitoring reports. Public access to these contracts, monitoring reports, and other demographic data relating to persons housed out of state is critical in order to provide for accountability and transparency, and to determine if out-of-state transfers is cost-effective to reducing recidivism rates in Hawai'i.

As elected officials, our community looks to you for leadership in shaping legislation and ensuring that hard earned tax dollars are spent in a fiscally responsible matter. Please hold the Department of Public Safety responsible for an accounting of its \$50+million dollar expenditure. In addition, I humbly ask that you contemplate the real costs associated with warehousing prisoners both in Hawai'i and in out of state prisons. In order to reduce the revolving door to prison, we must increase educational and vocational training, treatment programs and reentry support services starting from the first day of incarceration.

Mahalo for this opportunity to submit testimony in support of HB 214.

Sincerely,

Carrie Ann Shiota



the
**Drug Policy
Forum**
of hawaii

March 20, 2008

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To: Representative Cindy Evans, Chair
Representative Sharon Har, Vice Chair
And Members of the Committee on Public Safety & Military Affairs

From: Jeanne Y. Ohta
Executive Director

Re: HCR 214 REQUESTING THE AUDITOR TO CONDUCT
PERFORMANCE AUDITS OF PRIVATE PRISONS

Hearing: March 20, 2008, 9:00 a.m., Room 309

Position: Strong Support

The Drug Policy Forum of Hawaii supports this resolution which would request the legislative auditor to conduct performance audits of private prisons on the mainland that hold Hawaii prisoners.

The contracts with private prisons are some of the most expensive contracts that the state enters into and no audits have been conducted in the approximately ten years that Hawaii has been contracting with private prisons. These contracts also involve persons whose care is entrusted to the State of Hawaii. It is because of this important responsibility that an independent audit of private prisons is necessary. The Department of Public Safety has not provided public access to monitoring reports.

Private prisons have different objectives than those run by government entities. They are for-profit operations; whose goal is to keep as many beds occupied as possible while keeping expenses low. There have been numerous problems at the prisons; sometimes with questions as to implementation of programs that are required under the contracts. Is the department enforcing the terms of the contract? An independent auditor will be able to answer that question for the public. Are we getting what we pay for? We'd like to know.

Please pass this bill so that we can know whether the contractors are complying with the terms of their contract. They must be held accountable.

Thank you for allowing me to testify today.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Rep. Cindy Evans, Chair

Rep. Sharon Har, Vice Chair

Thursday, March 20, 2008

9:00 AM

Room 309

STRONG SUPPORT HCR 214 – PERFORMANCE AUDIT OF PRIVATE PRISONS

Aloha Chair Evans, Vice Chair Har and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai'i for a decade. I respectfully offer our testimony, always being mindful that Hawai'i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

HCR 214 requests the auditor to conduct performance audits of private prisons on the mainland that house Hawai'i inmates.

Community Alliance on Prisons is in strong support of this measure. Recent news of CCA 'cooking the books' by having an internal set with the real reports of what is happening inside their prisons and the 'sanitized' set for clients and public consumption reveal that we must have an INDEPENDENT AUDIT of CCA prisons.

Hawai'i has been exporting prisoners since 1996, yet there has never been a performance audit or an independent audit of these operations and the effect on our incarcerated people. Since Hawai'i is CCA's second largest customer and CCA is our only contract prison vendor, it behooves us to be vigilant that services are being delivered and our contracts closely monitored.

Since public money is being used, the monitor's reports should be publicly posted on the department's website with names of inmates redacted. We are happy that PSD reported to the committee that they will finally be posting the CCA contracts on their website.

The audit would consist of

- 1) treatment and services provided to inmates (including – medical, mental health, substance abuse, education, vocational training, and food services);
- 2) Facilitation of family and community connections (visitation, videoconferencing, telephone communication); and
- 3) PSD's execution of its statutory duties to monitor, enforce and provide public access to monitoring reports.



OFFICE OF HAWAIIAN AFFAIRS
Legislative Testimony

HCR 214

**REQUESTING THE AUDITOR TO CONDUCT PERFORMANCE AUDITS OF
PRIVATE PRISONS ON THE MAINLAND THAT HOUSE HAWAII INMATES**
House Committee on Public Safety & Military Affairs

March 20, 2008
Room 309

9:00 A.M.

The Office of Hawaiian Affairs supports HCR 214. Our interest in this legislation is primarily based on our concern that approximately 45% of men and women incarcerated in both in-state and out-of-state correctional facilities are Native Hawaiian and that 39% of the 1,844 inmates from Hawaii in contracted out-of-state correctional facilities are Hawaiian.

There is also growing concern in the Hawaiian community that because correctional facilities in Hawaii remain overcrowded, Hawaiian offenders sentenced to incarceration will continue to be transferred to contracted out-of-state facilities, further removing and disconnecting them from their families.

We support HCR 214 because if Hawaiian pa`ahao continue to be housed and transferred to out-of-state facilities, we need to know and ensure that those who operate these facilities and are charged with the care and rehabilitation of Hawaiians are performing according to acceptable standards. A performance audit by the State auditor of these facilities will help us determine whether the standards are being met satisfactorily.

We urge your support. Mahalo nui loa for the opportunity to testify.



BY FAX 586-8504

Committee: Committee on Public Safety and Military Affairs
 Hearing Date/Time: Thursday, March 19, 2008, 9:00 a.m.
 Place: Room 309
 Re: Testimony of the ACLU of Hawaii in Support of HCR 214

Dear Chair Evans and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of HCR 214, which requests the auditor to conduct performance audits of private prisons on the mainland that house Hawaii inmates.

The ACLU of Hawaii has received numerous complaints from inmates and their families about the treatment inmates receive at private prisons on the mainland. Requesting that the auditor conduct performance audits of these private prisons will help to ensure that the inmates' legal rights, as well as their health and safety, are maintained by adding some level of accountability to the correctional system.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
 Staff Attorney
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The Twenty-Fourth Legislature, State of Hawaii
Hawaii State House of Representatives
Committee on Public Safety and Military Affairs

Testimony by
Hawaii Government Employees Association
March 20, 2008

H.C.R. 214 – REQUESTING THE AUDITOR TO
CONDUCT PERFORMANCE AUDITS OF PRIVATE
PRISONS ON THE MAINLAND THAT HOUSE
HAWAII PRISONERS

The Hawaii Government Employees Association supports H.C.R 214, which calls for the Auditor to conduct performance audits of private prisons on the Mainland with Hawaii inmates. The performance audits of private prisons would focus on the treatment and services provided to Hawaii inmates, the facilitation of family and community connections and the department of public safety's monitoring and enforcement of those contracts.

It is disturbing there has never been an audit of the private mainland prisons Hawaii has contracted with to house the State's inmates, despite the fact that the state spent more than \$50 million in 2007 to transfer inmates from Hawaii to private prisons in Arizona and Kentucky. What is especially disturbing is that deaths and serious injuries have occurred at several of the contract prisons. We believe that an independent audit could be helpful in determining how cost-effective it is to transfer prisoners out-of-state, and whether it reduces recidivism in Hawaii.

Thank you for the opportunity to testify in support of H.C.R. 214.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director