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Hawaii Government Employees Association  
AFSCME Local 152, AFL-CIO

The Twenty-Fourth Legislature, State of Hawaii  
Hawaii State Senate  
Committee on Public Safety

Testimony by  
Hawaii Government Employees Association  
January 29, 2008

S.B. 2342 – RELATING TO THE AUDITOR

The Hawaii Government Employees Association supports this bill. S.B. 2342 requires performance audits of private prisons on the Mainland housing Hawaii prisoners concerning the delivery of services, visitation, 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 deaths and serious injuries have occurred at several of the contract prisons. Under this bill, the Office of the Auditor is charged with conducting these performance audits of all private prisons on the Mainland.

Thank you for the opportunity to testify in support of S.B. 2342.

Respectfully submitted,

Nora A. Nomura  
Deputy Executive Director

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## COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, January 29, 2008

2:45 PM

Room 225

## STRONG SUPPORT - SB 2342 - PERFORMANCE AUDIT OF PRIVATE PRISONS HOUSING HAWAI`I PRISONERS

Aloha Chair Espero, Vice Chair Nishihara 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 being 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.

SB 2342 requires the auditor to conduct performance audits of private prisons on the mainland that house Hawai`i prisoners. Makes appropriation.

Community Alliance on Prisons strongly supports this bill. This audit is long overdue. We started shipping people out - the first 300 - in 1996. Twelve years later, Hawai`i still has no exit strategy for this 'temporary situation'. In 2006, that number of inmates exported rose to 1,844 Hawai`i inmates serving their sentences in prisons across the U.S. continent. As of January 7, 2008, we had 2,022 Hawai`i people serving their sentences abroad - more than one-third of Hawai`i's entire incarcerated population of 6,010.

What has shipping out - the exportation of the bulk of our prison population brought us? Sadly, it has delivered multiple gangs, individuals returning from U.S. prisons more hardened, and an increasing number of devastated families trying to survive back home. Hawai`i needs to train a more critical eye on what is happening in these contract prisons. Are we getting the programs and services for which we are paying more than \$50 million a year?

This bill would give us an independent view of how our contracts are being enforced and how private prisons are complying with contract provisions. The glaring facts are that our people have died in these prisons, several of our people have been hospitalized for serious medical conditions, and now we find out that an employee at Otter Creek smuggled in a loaded 22 in the prison with no one noticing anything. This is more than a breach of security. This is a clear indication that something is wrong. Something is very wrong. The state is still responsible for the care of individuals sentenced by our courts regardless of where that individual is housed.

In November 2007, I traveled with this committee to Eloy, Arizona to visit the two prisons housing the majority of our male prisoners. Saguaro Correctional Facility was built by Corrections Corporation of America in the Sonoran desert exclusively for Hawai'i's prisoners and 'sold' to Hawai'i as a program-intensive prison.

The staff at the prisons is young and inexperienced in corrections best practices. This has been illustrated with the problems of cell doors opening 'by mistake' at several CCA prisons. When this happened in Tallahatchie in Mississippi, one of our inmates was beaten to within an inch of his life. It's interesting that these events occurred in the administrative segregation unit, called SHIP.

Sadly, the most constant program in Saguaro is SHIP - Special Holding Intensive Program. SHIP is described as a behavior-modification program for people who are violent and cannot live in the general population because they are 'always violating the rules'. The individual does discipline time and gets a due process hearing, we were told. He can appeal the decision to the warden. SHIP has six month levels:

- SHIP I: 1 - 16 people - locked down 23 hours a day with 1 hour out for recreation
  - SHIP II: 11 - 13 people - locked down 22 hours a day with 2 hours out for recreation
  - SHIP III: 11 - 16 people - locked down 20-21 hours a day with 3-4 hours out for recreation
- (CCA mentioned that these numbers are from October 25, 2007)

Does this sound like a program? What could someone learn being locked down for 20-23 hours a day? Community Alliance on Prisons has received numerous letters from our men in Saguaro and from their families advising us that 'write-ups' are increasing for minor infractions. In other words, men are being put in lockdown (aka SHIP I program) for taking an extra 8 ounce cup of juice with meals, for not lining up correctly, or for not displaying their ID badges prominently. We have been advised that the SHIP program is full. Is this the 'intensive programming' that we are paying for?

On August 12, 2007, the Honolulu Star Bulletin, in an article entitled "Mainland prison slammed" (<http://starbulletin.com/2007/08/12/news/story03.html>) reported that:

"The heads of the education and addiction-treatment programs at a private Arizona prison holding Hawaii inmates abruptly quit their jobs complaining of poor management, inadequate facilities and lack of staffing.

Their resignations came just days before an Aug. 3 incident in which the staff at Saguaro Correctional Facility inadvertently opened security doors, releasing Hawaii inmates from their cells. Seven inmates left their cells when the doors opened, one was injured in a fight with another inmate and a third inmate had to be subdued for refusing to return to his cell, Hawaii Department of Public Safety officials said.

Rich Stokes was the principal at Saguaro Correctional Facility in Eloy. Michael VanSlyke was the facility's addiction treatment manager.

"They essentially walked out," said Steve Owen, spokesman for the Tennessee-based Corrections Corporation of America, which runs the Saguaro facility. "Their leaving was not expected."

Stokes and VanSlyke did not explain their departures to CCA officials but instead sent e-mails to Shari Kimoto, state Department of Public Safety mainland branch administrator.

In the e-mails, Stokes said upper management at the facility spies on staff, controls all communication with the outside, and devalues and degrades inmates and programs for them. He said water runs into cells when inmates take showers because the drains are higher than the surrounding floors, the air-conditioning system experiences frequent failure and staff are often locked in or out of their units because doors cannot be opened."

In a briefing earlier this month, the department of public safety reported that the Electrical Engineering teacher had also quit. Community Alliance on Prisons has also heard that there is little to no programming taking place at Saguaro since the Hawai'i delegation's trip in November. Something is very wrong.

At Otter Creek Correctional Center in Wheelwright, KY, there has been and continues to be many problems for our women banished there.

In December 2005, three of our women were rushed to the hospital after repeatedly asking for medical care. One had pneumonia, one had triple by-pass surgery, and Sarah Ah Mau died on December 31, 2005 after being threatened with lockdown if she continued to ask for help.

A Kentucky inmate died in August of 2007. When we questioned public safety about the death, they told us that it was a Kentucky inmate, so they had no reason to question anything. Why would we not be concerned if someone died in a facility holding our women? Isn't any death a serious situation?

The health care at Otter Creek leaves a lot to be desired. Women have reported to us that their physician-prescribed medications are denied or changed by the facility, nurses who have left the facility confided to me that they were asked to perform procedures outside their scope of practice, and that Otter Creek is 'a mess'.

Of course, the latest incident involving the warden's secretary who smuggled a loaded 22 into Otter Creek is of great concern and is indicative of much more than a 'security breach'. Something is very wrong.

There also appear to be some shenanigans going on with the money that families and loved ones send to prisoners' accounts. The system recently changed so that all money sent to inmate accounts goes to a company in Georgia. I know of families who sent money to be placed in inmates' accounts in early December. By mid-January that money had not been deposited in the inmate's account. Why? Who is keeping track of these funds? Is this just another scam to make money off the backs of some of Hawai'i's most economically-challenged families?

Again, we reiterate that the state bears the responsibility for the health and safety of our people in prisons thousands of miles away. Corrections Corporation of America is a private company listed on the NYSE. Where do you think their first responsibility lies? Correct...their first responsibility is to their shareholders.

We're sure that it is very convenient to house states' prisoners thousands of miles away - CCA is enjoying relative autonomy as evidenced by this statement that was overheard recently by a family member. "If it was up to me, you'd get nothing," said Assistant Warden Ben Griego, who is now Acting Warden at Saguaro - the program-intensive prison built for Hawai'i's inmates.

Community Alliance on Prisons respectfully urges the committee to pass this bill with appropriate funding so that a full and independent audit of these contract prisons can be done. Hawai'i is in its twelfth year of exporting prisoners. It is about time that we thoroughly and independently analyze the wisdom of that policy decision, the rigor of contract compliance from the vendor, and the level of scrutiny that Hawai'i applies to monitoring these contracts.

An independent audit is the only way we will discover what is really going on in these private prisons.

Our trip in November revealed that the department of public safety has been making excuses for CCA's non-compliance. When Senators questioned the lack of programming in Saguaro, the program-intensive prison, the department repeatedly jumped in to answer for CCA saying they are 'ramping up'. Our question is simple, "Why did they open the prison if they were not ready to provide the services we have been paying for?"

We need answers, not more hardened criminals.

Community Alliance on Prisons urges you to pass SB 2342 onto the Ways and Means Committee with a strong recommendation for passage. An audit will provide the data you need to make necessary and important policy changes.

Mahalo for this opportunity to testify.

COMMITTEE ON PUBLIC SAFETY

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Tuesday, January 29, 2008 2:45 PM Room 225

**SUPPORT FOR SB 2342 - RELATING TO THE AUDITOR. PBS, WAM**

My name is Ka`iana Haili I am the director of Ke Kahua Pa`a providing rehabilitation programs with cultural and spiritual based curriculum and facilitators. I work with Nā Maka Hāloa 501c3 non profit organization that obtains grants and funding for these programs. In addition, we work with numerous individuals and organizations implementing these programs in Hawai`i and mainland facilities.

We strongly support this bill SB 2342 calling for the legislative auditor, Marian Higa, to do performance audits of the three contract prisons on the mainland. We are extremely concerned that there has never been a performance audit or an independent audit of these operations since Hawai`i began to export inmates to the mainland in 1996. Hawai`i is CCA's second largest customer. The contracts, though paid with public funds, have been unobtainable, despite repeated requests for copies or for them to be posted on the department's website. The monitor's reports should be publicly posted on the department's website with the performance records of the contractor[s] including treatment and services provided to inmates; Facilitation of family and community connections; and PSD's execution of its statutory duties to monitor, enforce and provide public access to monitoring reports.

Hawai`i has a responsibility to ensure that the private prisons that Hawai`i contracts with are complying with our contract. The state is responsible for the care of individuals entrusted to them. Lawmakers and the general public need to know what is going on in these prisons thousands of miles away. We are paying for a treatment-intensive prison, built exclusively for Hawai`i inmates in the mainland but are these contracts actually providing treatment programs that are consistent and effective, if so and what are the results?

If we demand accountability from our inmates, it is only right to demand the same from CCA, DPS and our legislation. This bill is crucial and your responsibility to provide the public with this audit as the consequences are imperative.

Mahalo for doing that which will benefit all of Hawai`i nei.

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**COMMITTEE ON PUBLIC SAFETY**  
**Sen. Will Espero, Chair**  
**Sen. Clarence Nishihara, Vice Chair**  
**Tuesday, January 29, 2008**  
**Room 225 at 2:45pm**

**SUPPORT: SB 2342 RELATING TO THE AUDITOR**  
Requiring the Auditor to Conduct Performance Audits of Private Prisons

Aloha Chair Espero, Vice Chair Nishihara and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in strong support of SB 2342.

Given the State of Hawai'i's increased reliance of transferring our prisoners to out of state correctional facilities, it is imperative that our elected officials and community are fully aware of the fiscal costs associated with these transfers. In fiscal year, 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 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 SB 2342.

Sincerely,  
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COMMITTEE ON PUBLIC SAFETY  
Sen. Will Espero, Chair  
Sen. Clarence Nishihara, Vice Chair  
Tuesday, January 29, 2008  
2:45 PM  
Room 225

SB 2342 - RELATING TO THE AUDITOR.

Requires the auditor to conduct performance audits of private prisons on the mainland that house Hawaii prisoners. Makes appropriation.

Dear Senator Espero and all Public Safety Committee members,

My name is Karin Hokoana. I am a mother, aunt, prisoner advocate and friend to various Hawaii inmates incarcerated both here in Hawaii and on the Mainland.

Please understand that I have read the current contract that our State has with CCA. I could write you a book on all the discrepancies I've found and researched, between what is supposed to be and what is. Instead I have chosen just a few of these to use in my support for SB 2342. At this point, I ask that you take my letter written as family member, not an advocate.

Failure to receive prompt medical attention for prevention: My son was transferred to the Mainland in June 2007. He was incarcerated at Red Rock until December, then relocated to Saguaro. For months, he has been complaining of a toothache and his fear of having the minimal care the prisons offer (extraction only) has led him to self medicate with the over the counter pain relief available to him to relieve his pain: Did you know that an infection in the oral cavity, whether it be tooth, gum, tongue or jawbone has a direct path to the heart? My son does, so he called me for help. I contacted the mainland branch office of DPS and was referred to their health division. DPS was far more helpful than their health unit. Basically what I wanted and found out could be done, was to pay the dentist in Arizona to "fix", not just remove the problem. After all, I've spent a small fortune in the past to insure all my children have healthy teeth. Prisoners have a hard enough time finding work and fitting back into society when they are release. The appearance they have when released, because of cost effectiveness to CCA, adds to that hardship. The same day I got the answer, my son called and I told him what DPS said he must do. That was weeks ago. He is still waiting to be seen. Now I ask, what if it is an infection and it travels to his heart? Is CCA prepared to give him the expensive antibiotics that combat this type of infection? I think not. I will be taking the estimate from the dentist (when he finally sees my son) to a dentist here, to see if it is a fair or grossly inflated price. I anticipate it will not be a fair amount. Since we are on the subject of health care, why is the system set up in our Hawaii facilities, also failing in this area? Inmates have had to lie to get proper care. My official job is a patient care advocate and I have had my own clients denied their life sustaining meds (cancer, hepatitis C, renal, etc) while incarcerated.



Security of property belonging to prisoners: Movement from Red Rock to Saguaro basically is short, after all they both are on the same road. Yet, more often than not, personal property of the inmates is conveniently "lost". The process to find out what happened and get a replacement is so long, that most inmates don't even pursue it. After the excuses they get from CCA, they have to write to Shari Kimoto's office. It seems redundant, doesn't it? Maybe this is a way to increase the revenue of CCA's contract vendor, by purchasing replacements, of course all at the cost of family here, some barely making ends meet already. Two months have past and there has still been no answer to my son about his lost piece of property, his TV. I understand several TVs went "missing" during the moves. Makes a person wonder.....

Investigations: I realize that DPS in most cases, has only the word of CCA when it comes to investigations. You may remember a letter I wrote 2 months ago on behalf of inmate George Hookano. I wrote the letter as a prisoner's advocate, not a family member. DPS saw fit to put the fact that inmate Hookano is my nephew, after I sent an e-mail that I preferred not to have that fact revealed. Nor did I expect my personal e-mail quoted in the official response totally out of context. I feel that the investigation done, being so speedy for a change, relied only on the response from CCA. Neither inmate was called into this investigation, although I was told otherwise. I since have learned more of the facts and my initial suspicions are proven to be true. No, I did not come to this conclusion from inmate "gossip", I came of it through ACO admission. Knowing CCA was totally wrong and DPS allows it, has prompted me to do further investigation. I may have to assist in a civil suit if more lies are told.

This bill, hopefully once enacted, should allow auditors to thoroughly investigate the entire system, pinpoint the downfalls, make public the findings and HOLD PAYMENT until all issues are resolved to Hawaii's (not DPS) satisfaction. Many inmates write to me that they are always told to tell the truth, yet we allow these CCA "pirates" to not practice their own preaching. We allow them to side step their own policies and their agreements with our State as stated in the contract, whenever it best suits them. Interestingly, I have found numerous cases that inmates have brought forth through the judicial system against CCA. Needless to say, they have all fought a losing battle. Why?

I for one, am tired of the blatant cover-ups that CCA creates and our DPS condones. I am tired of hearing that the public cries "not my backyard" here in Hawaii. Anyone ever notice that these are community members which have no right to call Hawaii their back yard? They do not possess a Hawaii assigned social security number nor have they toiled all their lives here while trying to maintain their dignity.

I deal with the indigent and low income community. It pains me to witness that we are so quick to help "transplants" upon their arrival to our State and so slow to help our own. The same goes for our prisoners. It's time for Hawaii to take care of our own. It's time for your entire committee to go to, talk to the inmates and listen to ALL of them not just a select few. Hear their side of the story. Senator Espero, you stated about my past letter, that there are two sides to every story. It's time for you to live up to that statement.

It's time to hear the story from those other than DPS and CCA. It's time to revamp the system and get what Hawaii is paying for, or else bring Hawaii's children home. It is time for our people to be treated as humans not cattle. We put our loved ones in prison because they broke the law, yet we allow CCA to be free no matter the civil rights, humanity and morale laws they break!

Questions to ponder: Where are the "wonderful" programs CCA brags about? Why are their own employees restricted from telling the truth? Why is there such a high employee turn over? Why do I have to feel that my son will never get the help he so desperately needs to become a good citizen? Where the heck do they come off cheating Hawaii? When will CCA be held accountable and answer to all the charges inmates, family members, friends and our government have brought forth? When will I be able to see my child without a fuzzy VTC picture preceded by a delayed wait and unwanted bible study? Does our own government believe we can all afford to fly to Arizona to see for ourselves? When are you all going to listen to the families of the incarcerated and not the "holier than thou", upper income people? When are DPS, CCA and our Legislators going to realize that we are NOT stupid and can see through all the lies? Since CCA continues to be paid yet are exempt from performing their jobs, can I get the same deal in my State job and get paid to ignore everything? Can we get auditors not affiliated with DPS, CCA or a separate high paid contract to really get the truth?

It is time for a change!  
And you can help!  
Please pass this bill!!!!  
Mahalo,  
Karin Hokoana