



LATE

**BY FAX: 586-6659**

Committee: Committee on Judiciary and Labor  
Hearing Date/Time: Friday, February 22, 2008, 1:00 p.m.  
Place: Room 211  
Re: Testimony of the ACLU of Hawaii in Support of SB 2342, SD1, Relating to the Auditor

Dear Chair Baker and Members of the Committee on Ways and Means:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in support of SB 2342, SD1.

This bill will increase government accountability and transparency in a system that currently offers almost none. The ACLU of Hawaii receives many requests for assistance each year from Hawaii inmates on the mainland claiming that contracted prisons are failing to provide them with fair and adequate treatment. It appears that there is little to no accountability on the part of the contract prisons and no transparency, since these private prisons are notorious for denying requests for information about their policies and procedures. With more than 2,000 Hawaii individuals serving their sentences in prisons across the continental U.S. and millions of state tax dollars paid to these private contractors, Hawaii residents have a right to know how their money is being spent.

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.

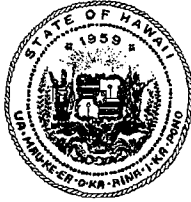
Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple  
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ACLU of Hawaii

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No. \_\_\_\_\_

WRITTEN COMMENTS ON SENATE BILL 2342 SD1  
RELATING TO PUBLIC SAFETY

by  
Clayton A. Frank, Director  
Department of Public Safety

LATE

Senate Committee on Ways and Means  
Senator Rosalyn H. Baker, Chair  
Senator Shan S. Tsutsui, Vice Chair

Friday, February 22, 2008; 11:00 a.m.  
State Capitol, Conference Room 211

Senator Baker, Senator Tsutsui, and Members of the Committee:

The Department of Public Safety (PSD) would like to offer written comments opposing Senate Bill 2342 SD1. 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 of Public Safety's 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 on 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 are provided to the Department within thirty (30) days of the deficiency notice. The contract also allows the Department to access liquidated damages for staffing requirements and substance abuse programs. To date, no liquidated damages have been accessed as all deficiencies have been corrected within the required thirty (30) response period. Also, the Department's contracts and monitoring reports are public record and is 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 it is the intent to implement the process of performance audits 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 Senate Bill 2342 SD1.

Thank you for the opportunity to provide written comments.