
HOUSE CONCURRENT RESOLUTION

REQUESTING THE AUDITOR TO CONDUCT A PRIVATE PRISON PERFORMANCE
AUDIT OF SAGUARO CORRECTIONAL CENTER.

1 WHEREAS, Hawaii's prison population has dramatically
2 increased since the passage of mandatory minimum sentences for
3 crystal methamphetamine; and
4

5 WHEREAS, the rise in the incarcerated population has caused
6 Hawaii to contract with out-of-state private prisons to ease
7 overcrowding; and
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9 WHEREAS, the Department of Public Safety's 2007 annual
10 report states that, at the end of the fiscal year, Hawaii had
11 over two thousand prisoners serving their sentences in prisons
12 in Arizona and Kentucky operated by the Corrections Corporation
13 of America; and
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15 WHEREAS, despite a March 2008 Time magazine story reporting
16 allegations that Corrections Corporation of America "began
17 keeping two sets of books -- one for internal use that described
18 prison deficiencies in telling detail, and a second set
19 [described as] 'doctored' for public consumption, to limit bad
20 publicity, litigation or fines that could derail [Corrections
21 Corporation of America's] multimillion dollar contracts with
22 federal, state or local agencies[,] there has never been an
23 audit of the private prisons with which Hawaii has a contract;
24 and
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26 WHEREAS, preliminary findings from the Department of Public
27 Safety's consultant, Criminal Justice Institute, Inc., hired to
28 conduct a reclassification of all Hawaii's incarcerated
29 individuals, reveal that Hawaii has been over-classifying its
30 incarcerated population; and
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1 WHEREAS, many problems exist at Saguaro Correctional
2 Center, the Corrections Corporation of America multi-level
3 security prison built in Eloy, Arizona, for Hawaii inmates as a
4 program-intensive prison, including lack of programming, poor
5 medical care, and two deaths since August 2008, all of which
6 have increased the State's liability; and
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8 WHEREAS, it is fiscally responsible and sound policy to
9 perform independent audits of prisons holding state prisoners to
10 ensure that Hawaii prisoners serving their sentences in the
11 Corrections Corporation of America facilities in Arizona are
12 receiving the appropriate services paid for by taxpayer; now,
13 therefore,
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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-fifth Legislature of the State of Hawaii, Regular Session
17 of 2009, the Senate concurring, that the Auditor is requested to
18 conduct a performance audit of the Saguaro Correctional Center
19 in Eloy, Arizona; and
20

21 BE IT FURTHER RESOLVED that the Auditor is requested to
22 include, as part of the requested performance audit, information
23 regarding:
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25 (1) Treatment and services the Corrections Corporation of
26 America is providing to Hawaii inmates, including but
27 not limited to:
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29 (A) Medical, mental health, and substance abuse
30 treatment, including but not limited to the
31 number of individuals receiving medical or mental
32 health care, the nature of the reported
33 illnesses, the accessibility of medical care, the
34 length of time between a request for medical care
35 and the delivery of those services, the medical
36 emergency plan for the facilities, and the number
37 of serious illnesses and deaths that have
38 occurred over the past year;
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40 (B) Education and vocational training, including but
41 not limited to the number of individuals
42 participating in each program, the number of
43 individuals on waiting lists for each program,
44 the criteria for entry into each program, and the



1 accessibility for individuals to register for
2 each program;

3
4 (C) Special holding facilities, including:

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6 (i) The special housing intensive program,
7 including but not limited to the total
8 number of beds in the special housing
9 intensive program, the criteria for entering
10 the program, clarification on whether the
11 program is voluntary or mandated, the
12 duration of the program, with a description
13 of how an individual moves through the
14 phases of the program, and the criteria for
15 write-ups that send numerous Hawaii inmates
16 into administrative segregation, only to
17 have the charges dismissed after serving
18 time there; and

19
20 (ii) Administrative segregation, including the
21 number of administrative segregation units,
22 the number of Hawaii inmates serving time in
23 these units, as well as the length of time
24 served and the nature of the disposition of
25 the offense that sent the individual into
26 the unit; and

27
28 (D) Food services, including but not limited to the
29 number of special diets ordered by the dietician,
30 complaints about special medically-ordered diets
31 not provided, and the frequency of providing
32 fresh fruits and vegetables in the diet of Hawaii
33 inmates;

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35 (2) Facilitation of family and community connections,
36 including but not limited to:

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38 (A) Visitation, including but not limited to the
39 criteria and process for visitation, as well as
40 the process for and frequency of updating visitor
41 lists;

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43 (B) Videoconferencing, including but not limited to
44 the criteria and process for videoconferencing,



- 1 as well as the process for and frequency of
- 2 updating videoconferencing lists;
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- 4 (C) Telephone communication, including attorney calls
- 5 made by the individual inmate or from an attorney
- 6 to the client, and also including but not limited
- 7 to the criteria and process for telephone
- 8 communication, as well as the process for and
- 9 frequency of updating telephone lists; and
- 10
- 11 (D) Mail, including legal mail and the constitutional
- 12 right to privacy between attorney and client; and
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- 14 (3) The Department of Public Safety's responsibilities,
- 15 including but not limited to:
- 16
- 17 (A) Monitoring of private prisons, including but not
- 18 limited to the frequency and nature of monitor
- 19 visits, the names of all monitors on the various
- 20 teams (contract, medical, educational, and
- 21 program), and all monitors' and audit reports;
- 22
- 23 (B) Enforcement of contract provisions, including but
- 24 not limited to all contract or other violations
- 25 by Corrections Corporation of America and the
- 26 nature of these violations and fines assessed or
- 27 other remedies for those violations; and
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- 29 (C) Public access to contracts and all monitoring and
- 30 audit reports; and
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32 BE IT FURTHER RESOLVED that the Auditor is requested to
33 submit findings and recommendations to the Governor, the
34 Department of Public Safety, and the Legislature no later than
35 four months prior to the convening of the Regular Session of
36 2010; and


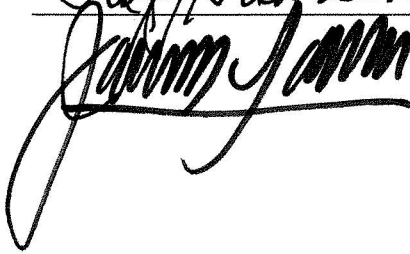
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38 BE IT FURTHER RESOLVED that the Director of Public Safety
39 is requested to:

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- 41 (1) Implement the recommendations of the Auditor upon
- 42 receipt of the Auditor's report; and
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1 (2) Submit to the Governor and the Legislature a report
2 explaining how the Auditor's recommendations were
3 implemented, or why they were not, no later than
4 twenty days prior to the convening of the Regular
5 Session of 2010; and
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7 BE IT FURTHER RESOLVED that certified copies of this
8 Concurrent Resolution be transmitted to the Auditor, the
9 Director of Public Safety, and the Chief Executive Officer and
10 Chairman of the Board of Corrections Corporation of America.
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OFFERED BY:  _____


MAR 18 2009