

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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No. _

TESTIMONY ON HOUSE CONCURRENT RESOLUTION 199

By

Clayton A. Frank, Director
Department of Public Safety

House Committee Public Safety
Representative Faye P. Hanohano, Chair
Representative Henry J. C. Aquino, Vice Chair

AND

House Committee on Legislative Management
Representative James K. Tokioka, Chair
Representative Blake K. Oshiro, Vice Chair

Thursday, April 2, 2009; 10:30AM
State Capitol, Conference Room 309

Representative Hanohano, Representative Tokioka, and Members of both Committee:

The Department of Public Safety (PSD) opposes House Concurrent Resolution 199, which requests the Auditor to conduct a private prison performance audit of the Saguaro Correctional Center. This measure is unnecessary and a waste of very limited financial resources.

The Saguaro Correctional Center is owned and operated by the Corrections Corporation of America (CCA). All CCA correctional facilities nationwide are accredited and audited by the American Correctional Association (ACA). ACA conducts comprehensive inspections and audits of all facility operations, reviews policies and procedures, requires training and certification of staff, to include licensure, and ensures nationally accepted standards are being met with respect to the custody, care, and rehabilitation of offenders.

Further, the Department's contractual terms and conditions require all private prisons to meet ACA standards and be accredited within eighteen (18) months of activation. At present, all of CCA's facilities used to house inmates from Hawaii meet ACA's stringent requirement for certification standards. In fact, the Saguaro facility received a perfect score of 100% from the ACA during their certification process.

This measure is unnecessary and repetitive as the Department also conducts quarterly contractual audits of CCA facilities that house inmates from Hawaii using 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) day response period. The Department's contracts and monitoring reports are public record and are posted on PSD's website for all to review and download. Upon request, PSD also routinely provides hard copies of these documents to those that may not have access to the internet.

Further, statements in the language of HCR 199 are incorrect and misleading. The allegation that CCA "began keeping two sets of books" has not been substantiated, nor does PSD rely solely on CCA to provide reports and documents regarding any incident. The fact of the matter is the allegation is a misrepresentation of the methodology of incident reporting and CCA's internal quality assurance program, which are clearly two separate functions. PSD routinely have staff from our mainland branch on the ground in AZ weeks at a time to ensure contract compliance and to address inmate, family, and legislative issues of concern.

At present, the department has a compliance audit team consisting of six (6) subject matter experts from PSD conducting a quarterly audit of the Saguaro Correctional Center.

The audit began on March 30, 2009, and will be completed on April 3, 2009. In addition, PSD hired Mr. Joseph Booker as full-time contract compliance monitor effective April 1, 2009. Mr. Booker has over thirty years experience working in various positions within the Federal Bureau of Prison and was the first Warden of the Federal Detention Center Honolulu. His in-depth training and decades of experience in all aspects of corrections operation and facility management make him ideal for the position of contract compliance monitor.

It should be noted that on September 17, 2008, four (4) federal staff attorneys (Denise Pennick, Heather Gamache – U.S. District Court of Hawaii & Suzanne King, and Michael David Richter – U.S. District Court Tucson Arizona) toured both, the Saguaro and Red Rock facilities and were impressed with the way the facilities were being operated, their cleanliness, the food service operations, medical services provided, and the array of programs available for our inmates. I personally visit each of the three (3) CCA facilities that house inmate from Hawaii at least twice a year. During my most recent visit during November 2008, the Institutions Division Administrator, Mr. Michael Hoffman, accompanied me. During our visit, we thoroughly toured all areas of each facility, spoke with staff, reviewed staff training records, reviewed inmate grievance procedures, ate meals with our inmates, and held several group meetings with them to discuss a variety of issues.

HCR 199 asserts that “problems” at CCA prisons continue, but fails to provide any basis in fact for this statement. This measure also asserts that there is a lack of programs and poor medical care, but again provides no further information or proof of the statements. The fact is, numerous programs are available at the Saguaro facility (see attached list of available programs). It has been our experience that some inmates refuse to participate in available programs while others wait until they are close to the end of their minimum sentence(s) to sign up for the programs, then complain about their status on the waiting

list. Some of those same inmates in-turn complain about the lack of programs, but fail to mention that had they signed up for the programs in a timely manner as recommended, the majority of the programs would be completed by the time they become eligible to be returned to Hawaii for the sex offender treatment and/or work furlough programs.

HCR 199 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, then it should apply to all State contracts and not be limited to just the PSD and the CCA.

Lastly, PSD's contracts with CCA and the contractual obligations contained therein are clearly the most scrutinized in the State as evidenced by this measure and others that have been introduced over the last few years, which are due in part to many unsubstantiated and clearly unfounded allegations, which fly in the face of the facts.

PSD does not support House Concurrent Resolution 199. In these extremely difficult and challenging fiscal times, we all have a shared responsibility to ensure that our taxpayer dollars, including our government resources are used for those items and services that are the most critical to the people of Hawaii. Given that HCR 199 is clearly not one of critical importance when weighed against the difficult financial challenges the state is experiencing, it may not be prudent to pursue this measure at this time.

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

Programs Provided at Saguaro Correctional Center:

Residential Drug Abuse Program (RDAP) - Level 2: 5-6 month less comprehensive substance abuse program that functions as a separate unit-based therapeutic community that is modeled after the RDAP Level 3 program. Staff ratio of staff to inmates is 1:29.

Residential Drug Abuse Program (RDAP)/Aftercare - Level 3: 9-12 month comprehensive, intensive substance abuse program that functions as a separate unit-based therapeutic community developed by the Federal Bureau of Prisons and recipient of the American Correctional Association's award for cognitive-behavioral models of intervention. Staff ratio of staff to inmates is 1:15. Aftercare includes booster sessions, additional counseling and assignments.

Faith Based Program: 9-month program that functions as aftercare and a separate unit-based program for any inmate participating in the Life Principles program. Curriculums (8) involve anger resolution/management, character building skills, financial freedom (learning all the basics to handling personal finances, basic Biblical principles and everyday teachings and practices on respect, integrity, morals and authority.

AA/NA meetings: 2 times a week

Breaking Barriers/Lifeskills: 12-week curriculum on basic life skills, verbal and non-verbal communication, employability, job hiring process, money management, decisions and making positive changes, awareness of self (old and new), changing realities, breaking barriers to change, goal setting, time management skills, doing life on the streets and giving back to the community. PSD's Education Department provided training, curriculum schedules, teaching materials and workbooks; program modeled after program offered in Hawaii's correctional facilities.

Education: Basic Literacy (as needed), ABE I, ABE II, Pre-GED and GED classes are available for inmates in every phase of their educational needs. Independent Study for basic education and college correspondence classes offered for Segregation Inmates. College correspondence courses offered for general population as well as computer based distance learning network classes.

Vocational Training Programs: Electrical, Computers, Plumbing, Cabinetry

Read-to Me Program – Father's Bridging the Miles: Sponsored by Hawaii's Read to me staff & PSD's Library Services Administrator, Ms. Deanna Espinas, by a federal grant that provides staffing and equipment in our Arizona facilities housing HI inmates.

Hawaiian Cultural Programs: PSD's Education Department reviewing curriculums; tentative start date is month of May. Dance and language classes will be added at a later date (Language tapes and materials recently received by facility from PSD's Education Department).

Library Services: All legal materials provided on stand-alone computerized kiosks systems that are consistent with all Hawaii correctional law libraries. Recreational library also offered.

Hobby Shop: Include limited in-cell hobby crafts.



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The Twenty-Fifth Legislature, State of Hawaii
House of Representatives
Committee on Public Safety
Committee on Legislative Management

Testimony by
Hawaii Government Employees Association
April 2, 2009

H.C.R. 199 – REQUESTING THE AUDITOR
TO CONDUCT A PRIVATE PRISON
PERFORMANCE AUDIT OF SAGUARO
CORRECTIONAL CENTER

The Hawaii Government Employees Association supports H.C.R. 199, which calls for the Auditor to conduct a performance audit of Saguaro Correctional Center in Arizona. There have been reports of problems with the Corrections Corporation of America (CCA), the operator of this private prison. It is apparent that serious problems exist at this facility, including a lack of programming, poor medical care and two deaths since August 2008.

It is fiscally responsible to conduct an audit of this prison which houses Hawaii inmates to ensure that CCA is providing the services required by its contract. The performance audit of Saguaro Correctional Center will 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 the contracts between the state and CCA.

It is disturbing there has never been an audit of a private Mainland prisons that Hawaii has contracted with to house the state's inmates. The state spent more than \$50 million in 2007 to transfer inmates from Hawaii to private prisons on the Mainland. We believe that an independent audit would be helpful in determining the cost-effectiveness of transferring prisoners to out-of-state facilities.

Thank you for the opportunity to testify in support of H.C.R. 199.

Respectfully submitted,

Nora A. Nomura
Deputy Executive Director

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COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Thursday, April 2, 2009

10:30 AM

Room 309

STRONG SUPPORT

HCR 199 - Audit of Private Prisons

PBSTestimony@capitol.hawaii.gov

Aloha Chairs Hanohano and Tokioka and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HCR 199 requests the auditor to conduct a private prison performance audit of Saguaro Correctional Center.

Community Alliance on Prisons (CAP) strongly supports this measure. Conditions at Saguaro appear to be breaking down. CAP is a member of many national listserves regarding justice issues where we have been able to ask questions of individuals with intimate knowledge of CCA and its operations in general and Saguaro in particular. Our national contacts have been able to confirm many of the issues raised by the men.

Hawai'i has been banishing individuals to prison profiteers since 1995 as a temporary solution to overcrowding. Fourteen years later Hawai'i still has no exit strategy.

Audit Is Long Overdue:

This audit is long overdue. In 14 years there has never been an independent audit of the contracted prisons to which we banish our people. Make no mistake about it, private prisons are in business to make money. They are accountable first and foremost to their shareholders. Why would they have an incentive to rehabilitate individuals when their profits come from keeping the beds filled?

The Department of Public Safety will tell the Legislature that they do audits of the CCA facilities. In our experience, it appears that the Department actually provides 'cover' for CCA. We have received hundreds of letters from incarcerated individuals, families and others who tell quite a different story

about CCA's operations. PSD has also testified that the American Correctional Association (ACA) does audits. This is not true - ACA does facility accreditation, not regular audits.

A visit to Sagauo and Red Rock in November 2007 was incredibly revealing and it appears that things have gotten worse over the past years. When the Department was asked how much CCA has paid in fines for violating the contract, the replied that CCA has thirty days to address the violation and they always do. Imagine that - and no one will ever know what those 'violations' were. How convenient!

CCA's hired lobbyists, who never testify in the committee hearings, roam the back halls of the Legislature pushing CCA's agenda. This is one of the reasons that CCA actually calls Three Strikes Laws a home run. It sure is for them...guaranteed beds. There is a plethora of evidence that CCA and other prison privateers have been pushing for more mandatory minimums and other punitive sentencing laws. Several books cite the private prison lobby including The Perpetual Prisoner Machine: How American Profits from Crime by Joel Dyer and Going Up the River: Travels in a Prison Nation by Joseph T. Hallinan. Both authors were long-time reporters on the criminal justice beat, so their knowledge of the issue is expansive.

Some Interesting Facts About the Arizona Contract:

The Honolulu Advertiser published an article on January 21, 2007 entitled, *State's Prison deal 'unusual'* - <http://the.honoluluadvertiser.com/article/2007/Jan/21/ln/FP701210379.html> which states:

An Arizona mayor who signed off on part of a multi-million dollar government contract to house Hawai'i inmates in prisons on the Mainland also is an employee of Corrections Corp. of America, the company that holds Hawai'i inmates at the privately owned Arizona prisons.

The contract was not let out for bid because it was a government-to-government transaction between the state of Hawai'i and Eloy, Ariz., that is exempt from competitive bidding.

Hawai'i officials say the "highly unusual" situation involving Eloy Mayor Byron K. Jackson isn't covered by the Hawai'i state procurement law, but does raise questions about the contract.

"I think on the surface, the appearance is poor," said Hawai'i Chief Procurement Officer Aaron Fujioka.

Jackson works as a corrections officer at the Red Rock Correctional Center, where the Hawai'i inmates are housed. He said he discussed his employment with the Eloy city attorney, who concluded Jackson has no conflict of interest because Jackson does not gain anything personally through the government-to-government contract.

Doesn't this raise questions? Why isn't the state contracting with CCA directly? Why wasn't the contract put out to bid?

Some of the Problems at Saguaro:

Shoddy construction of the prison:

A good example from Saguaro, the 'program-intensive' prison built in the Sonoran Desert for Hawai'i individuals, is the numerous complaints received about shower water running into the dorms because of poor construction. I personally spoke to the Department about this in 2007 because of the public health implications and was told that it was a minor fix and not a construction problem. However, earlier this year I received information from Saguaro that the showers in some of the dorms were being ripped up because of the problem of water running into the dorms.

Contract violations:

Section 1-5(a) **Clothing and Supplies.** The contract calls for CCA to provide a minimum of 2 sets of clothes, including underwear, including warmer clothes for colder weather and lighter clothes for warmer weather,

CAP has received numerous complaints about the lack of warm clothing. When the men need to go to the medical unit, they must wait outside – some have had to wait with no coat in cold weather. Many have had to purchase warm clothing from an authorized catalogue. Should individuals have to purchase their own warm clothing? This seems so wrong.

It also states that CCA will provide personal hygiene items including soap, toothbrush and toothpaste, and deodorant.

CAP has been told that the men must purchase these items at the commissary.

Inmate Property:

Section 1 – 5(c) Inmate Property. Inmate property lost or damaged when in control of the PA (provider = CCA) shall be the sole responsibility of the PA.

Many men and families who were transferred from other CCA prisons (even Red Rock, which is across the street from Saguaro) have reported that their property was missing when they were transferred. The cases of individuals who have been incarcerated for a long time and have personal property such as televisions, radios, etc. purchased many years ago have said that because they didn't have receipts, their property was confiscated.

There are also different rules at each facility for what personal property an individual can possess. In some cases, men at Red Rock purchased items – generally with funds provided by their `ohana – and then were not allowed to take it to Saguaro when they were transferred.

In November 2007, when CCA was questioned about personal property, they replied that when property is confiscated it is donated to a nonprofit. This is where notification of transfer would be helpful, so individuals would not order anything if they knew they would be transferred to another facility.

There have been several cases of individuals whose cells have been 'shaken down' and their legal materials confiscated, including Black's Law Dictionary, which has never been returned. Why?

Grievance Procedures:

Section 1 – 5 (j) Grievance Procedures. Inmates shall be provided access to an impartial and non-discriminatory grievance procedure in accordance with CCA policy, ACA standards and federal guidelines established under Section 42 U.S.C. Section 1997. The grievance process shall include:

i) An encouragement that the inmate seek informal resolution of the grievance or complaint before using the formal grievance procedure;

Why, you might ask? No paper trail!

ii) Ready access to forms necessary for filing grievances;

If only this were true. Several Hawai`i inmates have been told that they cannot file grievances if they have their own attorney and some Hawai`i inmates have been put in administrative segregation (the hole) for asking for a grievance form. Also, the grievance officer at Saguaro has a history of cursing at and verbally abusing inmates who ask for the proper forms. The grievance forms at Saguaro are not numbered – so there is no way to track those that are 'lost'.

iii) Consideration of the grievance by an impartial party;

It has been reported to CAP that the hearings at Saguaro are patently unprofessional. Many Hawai`i inmates who have received write-ups and then sent to administrative segregation go to the hearing and the 'charges' are dismissed – after they have spent time in the hole.

iv) Means to ensure that grievances are kept confidential;

We have many reports confirming that this is not true.

v) Avenues for appeal of decisions; and

According to reports, this is a bogus procedure that CCA uses to cover their okoles.

vi) Time limits for filing a formal grievance, responding to a grievance and appealing a decision.
There is a seven day window in which an individual may file a grievance, which must be obtained from the grievance officer. Access to the grievance officer must be granted and in some cases it is granted on the eighth day where the individual is then informed that they missed the seven-day window.

Section 1 -5(k) **Access to Courts.** The PA (provider) shall make all legal material provided by the State accessible to the inmate population.

CAP has received reports of individuals being denied access to the law library. This appears to be happening when inmates successfully pursue legal action as well as to those inmates who know their legal and constitutional rights.

Section 1 -5 (n) **Discipline.** This section talks about due process:

i) The disciplinary action is reasonable and proportionate in relation to the violation;

CAP knows of several cases where individuals are put in the hole for no reason, despite the rule that they must be served with a written notice of the violation

ii) The action taken is impartial and non-discriminatory;

This is definitely not true. CAP has received reports from inmates that they have been sent to the hole for asking for grievance forms, filing grievances, asking too many questions about the rules that CCA appears to be willing to ignore.

iii) The action is neither arbitrary nor retaliatory;

What would you call a situation where an individual is in the hole and the Warden is outside the cell cursing and yelling at the individual that he will keep them there forever? This has happened in many, many cases.

PROGRAMS AND SERVICES

The PA shall provide inmates with care, education, training, programming, employment and treatment as provided in this Contract...

Section 1 - 10 The PA sufficient, meaningful program opportunities to eligible inmates that include the following...

(c) SCF (Saguaro Correctional Facility)

(i) Education services. Services include Basic Literacy Skills, Adult Basic Education and General Education Development leading to a General Education Diploma...

Many of our men need to achieve their GED's as a condition of parole, yet we have been advised that there has been no GED test for five months.

(ii) Vocational Training Programs.

Sounds good? Ask how many inmates are actually in each class, where we have been told that teachers have been leaving. It is important for the Legislature to ask not only for the list of programs - but how many individuals actually complete the program. How many slots are available? How does a person gain entry into the program?

(iii) Hawaiian Cultural Programs.

Settlement of a lawsuit allows Makahiki to be celebrated. We have been advised that there have been many problems surrounding the Makahiki program.

(v) Special Housing Incentive Program.

This seems to be the one 'program' at Saguaro that is constantly running. It is ostensibly for gang members or security threats, but appears to be used as a way to keep individuals from being granted parole. We have heard numerous stories of individuals who have been placed in SHIP when their parole hearing is imminent.

11. SCF Treatment Program.

(c) Residential Drug Abuse Program (RDAP) (Level III)

It has been reported that since Washington inmates were brought to Saguaro, the Level III treatment program has been split between Washington and Hawai'i inmates. So where it was originally 232 beds for Level III treatment for Hawai'i - there are now only 120 beds for Hawai'i. There is a humongous waiting list for the program, which many need to take to meet their parole requirements.

16. Routine Medical Care.

There have been many problems with medical care at Saguaro. A Hawai'i inmate who broke his finger was denied medical care for months and when he finally was seen by a doctor, he needed surgery to repair the damage. Other inmates have been denied wheelchairs when they were unable to walk, and even disciplined for holding the handrails when wheelchairs were denied.

Two inmates died at Saguaro in the past year - one who was on his way to the medical unit but sent back to his cell for head count where he subsequently died.

CAP has also been told that the emergency buttons in the cells are not working - or didn't work for the inmate who died in October. Other inmates have confirmed this.

Since 2000, the State Has Paid Over \$5.5 Million in Claims Against the Department of Public Safety:

The state is still responsible for the care of individuals sentenced by our courts regardless of where those individuals are housed. What liability does the state/taxpayer bear since now we know we are not getting the real story of what is happening to Hawai'i individuals entrusted to their care? Here is a listing of Claims Against the Department of Public Safety since 2000:

<u>Year</u>	<u>Amount</u>
2009 (to date)	\$ 95,000
2008	\$ 548,794
2007	\$ 295,246
2006	\$ 341,487
2005	\$ 87,500
2004	\$2,000,000
2003	\$ 126,085
2002	\$ 120,239
2001	\$ 727,652
2000	<u>\$1,298,455</u>

\$5,610,413

HCR 199 would give taxpayers an independent view - and un-doctored look, if you will - at how our contracts are being enforced and how private contracted prisons are complying with its provisions. It is obvious that something is very wrong. And we know it. The nation knows it. How will Hawai'i respond? Other state including Colorado, New Mexico and the GAO have audited private prisons. Since we spend in excess of \$66 million a year of taxpayer money for the CCA contract, we deserve transparency and accountability NOW! We need answers, not more hardened criminals.

We urge the Committees to pass HCR 199. Mahalo for this opportunity to testify.

TO: COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Kunane Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Thursday, April 2, 2009 10:30 A.M. Room 309, Hawaii State Capitol

RE: **HCR 199 and HCR 200** – Testimony in Support Private Prison Audit
and to Authorize the Hawaii Ombudsman to Investigate Complaints

FROM: Atty Daphne Barbee-Wooten

1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813, (808) 533-0275

Dear Chairs Hanohano and Tokioka, and Vice Chairs Aquino and Oshiro, and Members of the Committees on Public Safety and Legislative Management:

I am attorney Daphne Barbee and I represent inmates who have been transferred to Saguaro Correction Facility in Elroy, Arizona. I have received many complaints from inmates that legal mail is being intercepted by the guards and they are being written up when they send complaints to their attorneys as having "contraband". In one specific case, my client was charged with having contraband, which included possessing grievances which he was authorized to have by other inmates showing the retaliatory pattern by the guards of taking away legal documents from them. My client also informed me that when I send case law pertinent to his case and his ongoing appeal, the case law is taken away from him as contraband. When I wrote to the State Ombudsman, I was told it was not within their jurisdiction. When I wrote to Mr. Tommy Johnson and wrote to Saguaro Correctional Facility's warden, I was told that the prison was within its rights to confiscate legal mail. I even wrote to the Attorney General who provided an erroneous case law stating that it was in the prison's right to confiscate legal mail. I enclosed copies of the correct case law and I still receive reports that Saguaro correctional facility is confiscating legal mail, intercepting legal mail, and prosecuting inmates as having contraband, case law and/or grievances. I requested copies of the definition of contraband from the State, Mr. Tommy Johnson, and from Saguaro Correctional Facility. I have not received any definition. My client was placed in a hole, segregation for 30 days for allegedly having this contraband grievance concerning being wrongfully punished and retaliated for filing complaints against the

prison. He was recently placed in the "hole" again for requesting grievance forms and requesting his law dictionary be returned.

One inmate had his wheelchair taken away from him at Saguaro and has no where to complain. This is why Hawaii Ombudsman jurisdiction for Saguaro is needed.

I believe Saguaro Correctional Facility is violating Constitution of inmates' First and Sixth Amendment rights to correspond with their attorneys and to review case law which is relevant to their cases. There needs to be oversight of Saguaro as the State appears to wash its hands and appears to support whatever Saguaro's warden wants. Attached to my testimony are correspondence to Saguaro and State Public Safety and their response. I am also attaching case law which clearly states "Several courts have held that mail relating to a prisoner's legal matters may not be read and may only be opened in the prisoner's presence". See Parish v. Johnson, 800 F.2d 600 (6th Cir. 1986), Clement v. California Department of Corrections, 364 F.3d 1148 (9th Cir. 2004). To ensure constitutional requirements are met. Remember that one of the important purposes of correctional facilities is rehabilitation and correction. Encouraging inmates to follow the law is important and people learn by examples. If the "correctional facilities" do not follow the law and do not even allow inmates to read the law or to file complaints that their legal rights are being violated, it is not a correctional facility worthy of financial support from the United States.

Dated: Honolulu,
Hawaii

Daphne Barbee-Wooten

Attorney at Law

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, April 2, 2009
10:30 AM
Room 309

STRONG SUPPORT

HCR 199 – Requesting the Auditor to Conduct a Private Prison Performance Audit of Saguaro Correctional Center
PBSTestimony@capitol.hawaii.gov

Aloha Chair Hanohano, Vice Chair Aquino, and Committee Members,

I am writing in strong support for HCR 199, which provides for an audit of Saguaro Correctional Center, because it is evident that the Correctional Corporation of America (CCA) is not fulfilling its contractual responsibilities to the state of Hawaii.

The fate of more than 2000 Hawaii inmates must not be left to a private, for-profit prison company which has been accused of keeping two sets of books, failing to provide promised programs, and using the SHIP program and administrative segregation as retaliation against inmates who report grievances.

Auditing private prison performance is extremely necessary, especially since the Hawaii state ombudsman refuses to investigate claims of mistreatment and abuse of Hawaii inmates.

We the taxpayers of Hawaii suffer the consequences of CCA's neglect and brutalization of our Hawaii inmates. Not only do inmates' prison experiences impact our lives when they return to Hawaii communities, but also we pay more than 50 million dollars a year to CCA for a "treatment-intensive program" which has not materialized, and we also pay millions of dollars in claims (five million dollars since 2000) for poor management, training of personnel, and operation of the CCA prisons.

The state of Hawaii has never conducted an independent audit of the prisons to which we send Hawaii inmates, even though other states and even the federal government have audited private prisons as part of their fiduciary responsibility to the taxpayers. Not only should the prisons be audited, the audit reports should be publicly posted (with prisoners' names redacted). We need to know that our money is being used wisely and that justice is being served.

Thank you for this opportunity to express my thoughts on this important issue. Please support HCR 199.

Mahalo,

Diana Bethel
1441 Victoria St.
Honolulu, HI 96822

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair
Rep. Henry Aquino, Vice Chair
Thursday, April 2, 2009
10:30 AM
Room 309

STRONG SUPPORT

HCR 199

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

Aloha kakou to the members of the Committee on Public Safety,

In the financials hard times we are all experiencing, it is more important now than ever before to conduct an audit on Saguaro Correctional Center and the contract between Hawai'i and CCA. Identifying the problems/failures and holding CCA and the Department of Public Safety accountable for such, more than likely will save hundreds of thousands, if not millions of dollars. Rather than continue to allow the opportunity for cover ups and excuses, the fines that could be levied could actually pay for the audit.

I currently have a son and two nephews incarcerated at Saguaro. I also have regular contact with several other inmates. Complaints run rampant and health issues abound in Saguaro. Constitutional religious rights are violated as well as basic 'clean' living arrangements.

PROBLEMS THAT NEED ADDRESSING: Sewers smells are not being contained, the air ventilation is more often broken than running, water is NOT drinkable, corrections officers are poorly trained, programs as stated in the contract, are not being run (except for SHIP of course), health care is POOR to say the least, much anticipated video visits are ALWAYS delayed (some of us have to take time off from work for these visits), commissary prices have almost doubled (we struggle to survive, now we need to send more) and the list goes on and on.

CCA EXCUSES: "you won't die from the smell", "you're imagining the temperatures and smells", "so what if the water is brown, you can buy bottled water", "I am God, so I don't care about the rules, you do what I say", "yeah, we know you need the program to be released, we've got you on the waiting list", "you've got the flu, suck it up", "hey, your visit is a privilege, they should take vacation time to see you", "people in Hawai'i are rich", etc.

DPS EXCUSES: "they have 30 days to fix the problem, it's fixed".

We held each and every individual we put in prison accountable for their actions. What kind of message do we send when CCA can break the contract? Hawai'i pays far too much to these "slum lords" and it's time someone truthfully audits them and makes them pay us back what they rightfully owe us. To do this, an independent audit, outside of DPS needs to be done.

Mahalo for this opportunity to submit my testimony.

*Karin Hokoana
Haiku, Maui Hawai'i*

Aloha,

I am writing to you in regard to your upcoming hearing on **HCR199**. With no disrespect this actually seems like a no brainer to me as well as many other individual tax payers that I know. Our state is sending millions of dollars to house our inmates in other states with very little if any honest accountability on the account of CCA.

Thankfully my son has made it out of this system and is doing well but I am still in contact with families that have loved ones in Arizona and it horrific what is going on over there with the injustice that these men are facing. I thought it was bad when my son was in Mississippi but it has seemed to have gotten worse. It appears that CCA has no problem not providing the rehabilitative services in the manner that they should and also the SHIP program is a complete travesty! I know for a fact that there are men that have been put into this hellhole for standing up for their given rights and/or trying to seek outside help. This is a violation of every civil right law that I know of.

I could go on and on in regard to a number of other things that are grossly wrong in this facility but what it boils down to is that asking for an outside audit of a facility that we the taxpayers pay for is not asking for to much. I would think that the PSD would welcome this as isn't it your goal to rehabilitate these men & women? It is pretty hard to do if these people that desperately need guidance are getting treated like animals and have had their rights violated which results in more anger and self esteem issues which in alot of cases is what lead them down the path to prison.

My final thought is if PSD and CCA have nothing to hide than why wouldn't they welcome this audit process? I'm sure the taxpayers would love to know where their monies are being spent and be assured that these men and women are actually getting the rehabilitation that they need prior to reentry.

Thank you for hearing my thoughts.....

Sincerely,

S. Hams

COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Thursday, April 2, 2009

10:30 am

Room 309

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STRONG SUPPORT

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HCR 199, REQUESTING THE AUDITOR TO CONDUCT A PRIVATE PRISON PERFORMANCE AUDIT OF SAGUARO CORRECTIONL CENTER

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Dear Chair Hanohano, Vice Chair Aquino and committee members.

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This is a great resolution. We need to do this desperately. How else can we have answers to all the questions that are raised about cost effectiveness, care, programs, facilities, etc. CCA is a money making entity. Are they cutting corners from the finances we furnish them to make a profit? There are lots of questions that can be answered by this audit.

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Therefore, I STRONGLY support this resolution.

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Mahalo for the opportunity to support HCR 199.

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Aloha,

Elaine Funakoshi

COMMITTEE ON PUBLIC SAFETY

CHAIR HANOHANO, COMMITTEE MEMBERS:

I have a son who was at Saguaro for a few months. He started in Hilo, was transferred to Halawa and then on to Saguaro. He as just been transferred back to Hilo, HCCC. He is an ice addict. He needs rehab, not prison. Prison will do him no good. All the money being spent on keeping him locked up is a waste. They tell me most of the guys at Saguaro are there for non-violent drug offences. This is insanity. These are basically good people who have a drug addiction. Take away the addition, the criminal is gone. They would be much more productive if they could be in a rehab, doing some kind of work to pay their way. Sitting in prison being treated like dirt is not going to do anything to keep the public safer.

My son had been told while at Saguaro, that he could not take any college courses until he completed drug treatment. They said he could not do that until he had less than a year to go on his sentence. There is no chance he can take any classes because by the time he even gets into drug treatment, he'll be sent back to Hilo to serve the last part of his sentence. Here is a young man who wants to better himself and do something to improve his life while he is in prison, and he is being told no. It is so demoralizing.

The constant transfers and the loss of all personal items each time he is moved is very hard on my son. Back in Hilo now, he has lost all his possessions once again. He does not even have underwear, and when I went to drop some off, I was told by HCCC that I could not, and that the commissary no longer sold underwear. Let's try to treat our men like human beings please!!

Evin Fattorosi

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