

COMMUNITY ALLIANCE ON PRISONS

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SUPPLEMENT TO HB 415 HD2 TESTIMONY

Over the years there have been numerous incidents including deaths, riots, sexual assaults, rapes, etc. at the contract prisons run by Corrections Corporation of America (CCA). Here is a sampling of CCA facility incidents. Community Alliance on Prisons was shocked when the PSD Director called Saguaro Correctional Center in Arizona a 'well-run facility' with a 'professional staff' only days after the brutal murder of Bronson Nunuha. Something is VERY WRONG.

SOME INCIDENTS AT CCA FACILITIES 2000-2009

FLORENCE CORRECTIONAL CENTER, FLORENCE, ARIZONA

September 12, 2000 - About 20 Hawai'i inmates at Florence Correctional Center join in the so-called "Rice Riot." Three corrections officers were injured as inmates smash windows, computers, television sets and food carts.

April 11, 2001 - Riot in a recreational yard at Florence Correctional Center involves 23 inmates, with two corrections officers injured and one inmate seriously injured.

April 16, 2001 - **Hawai'i inmate Iulani Amani, 23, dies** after packets of crystal methamphetamine burst in his stomach, causing a drug-induced heart attack.

April 30, 2001 - Monitors reports also show that a year after the first Hawai'i inmates were placed at Florence, the prison still is not offering educational and rehabilitation programs that are required by contract and included in the contract price.

April 2003 - More than one out of every four inmates who underwent drug testing came up positive for drug use.

DIAMONDBACK CORRECTIONAL CENTER, WATONGA, OKLAHOMA

June 2003 - The chief of security at Diamondback Correctional Facility reports to Hawai'i monitors that prison staff believes 2 ounces of crystal methamphetamine were being smuggled into the prison each week.

October 17, 2003 - Hawai'i monitors sent to inspect the Diamondback Correctional Facility at Watonga, Okla. warn conditions at the prison are "deteriorating," and urge the state to freeze the number of inmates there.

May 14, 2004 - About 500 inmates from Arizona riot for several hours at Diamondback. An investigation by Arizona corrections officials finds inadequate staffing at Diamondback meant prison staff was unable to prevent the disturbance.

LATE TESTIMONY

TALLAHATCHIE CORRECTIONAL FACILITY, TUTWILER, MISSISSIPPI

July 17, 2005 - 2:30 AM - Cell doors in lockdown area open 'in error' and two Hawai`i inmates are beaten. One suffered a broken jaw and the other was severely beaten and brain damaged - he now needs 24/7 care and is in Hawai`i State Hospital. His case has not gone to court yet.

December 2006 - Female prison guard Irons was arrested for distributing \$6,000 worth of crystal methamphetamine to Hawai`i inmates

March 2007 - Warden Robert Parker, Sergeant Willy, and other prominent staff members at TCCF were fired by CCA following yet another incident where a Hawai`i male inmate was found walking around the facility naked, paranoid, and high on crystal methamphetamine. This was around the time that the inmates were on lockdown for over a month with no contact with family and friends.

July 2007 - Counselors not reporting for work - show up once a week instead of daily.

SAGUARO CORRECTIONAL FACILITY, ELOY, ARIZONA

August 3, 2007 - The staff at Saguaro Correctional Facility inadvertently opened security doors, releasing Hawai`i 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.

August 12, 2007 - 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.

November 2007 - The Hawai`i Delegation was repeatedly told that the prison was 'ramping up,' which was why this 'program intensive' prison was program-shy. Why did we pay for services that were not being delivered?

February 17, 2010 - Hawai`i inmate, Bronson Nunuha, was murdered in his cell in the SHIP II 'program', where individuals are locked down 22 hours a day. How could this happen???

RED ROCK CORRECTIONAL CENTER, ELOY, ARIZONA

It was reported during the November 2007 Hawai`i Delegation visit that cell doors had opened 'inadvertently' four times at Red Rock.

OTTER CREEK CORRECTIONAL CENTER, WHEELWRIGHT, KENTUCKY

October 2005 - Women are processed into Otter Creek (from Brush, CO). Diarrhea and vomiting widespread and persisted for the first several months. Women advised by nurse not to drink the water - nurse later sanctioned.

December 1, 2005 - Hawai`i woman, RR, rushed to the hospital with pneumonia after being denied help at the medical unit. Denied follow-up doctor's visit. (CAP has letter from doctor)

December 18, 2005 - Hawai`i woman, WK, rushed to the hospital after many pleas for medical help because of persistent arm and leg pain. It took security seven minutes to open her door to give her nebulizer and 2 hours to get to Hazard Medical Center. WK underwent triple by-pass surgery.

December 31, 2005 - Sarah Ah Mau, Hawai`i inmate, died after being repeatedly threatened with lockdown if she continued to ask for medical help

January 15, 2006 - (phone call from women) Women with diabetes made to take medicine at inappropriate times. Several Kentucky inmates are in the hospital

January 19, 2006 - (phone call from women)WK up and walking in yard for the first time. Still no follow-up surgical visit. Women still denied their asthma and physician-prescribed medication. Women being told they are not Kentucky prisoners, but Hawai`i tells them they are under Kentucky's control - mass confusion and conflicting rules

January 27, 2006 - WK rushed to hospital at 2:30 AM

May 2006 - report in local Kentucky newspaper the Lexington Herald-Leader reported that **Eldon Tackett, a 43-year-old guard at Otter Creek, had been accused of providing food and candy to a female prisoner in exchange for oral sex. The Kentucky-based Floyd County Times reported that **Otter Creek's drug counselor, Tanya Crum, 32, had been arrested for trafficking in methadone.****

February 2007 - Fluorescent tube lights on ceiling are 'night lights' (enough light to read by)

August 27, 2007 - Latasha Glover, Kentucky inmate, died

January 22, 2008 - Carla J. Meade, Warden Joyce Arnold's secretary smuggles a LOADED 22 CALIBER GUN into prison and commits suicide in the Warden's office.

July 2009 - Letter sent to Hawai`i alleging **multiple sex assaults at Otter Creek by staff (**including ACOs and Chaplain**) listing names of alleged victims and alleged perpetrators**

September 2009 - Hawai`i cancels contract with Otter Creek and brings **all but one woman (Totie Tauala, the first Hawai`i woman sexually assaulted in 2007 at Otter Creek) back to Hawai`i**

LATE TESTIMONY

TO: COMMITTEE ON PUBLIC SAFETY AND MILITARY
Sen. Will Espero, Chair
Sen. Robert Bunda, Vice Chair
Tuesday, March 16, 2010
1:25 PM
Room 229, Hawaii State Capitol

RE: Support of HB 415 HD 2 – Auditing Private Prisons

FROM: Atty Daphne Barbee-Wooten
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813

Dear Chair Espero, Vice Chair Bunda and Members of the Committee on Public Safety and Military Affairs Committee:

I am an attorney in private practice in the State of Hawaii and I represent several inmates who have been transferred to private prisons on the mainland. Please pass this audit of the private prisons. It is important to have accountability and an audit to ensure Hawaii's inmates are being treated in a fair and constitutional manner consistent with Hawaii State laws. There have been a number of deaths in Saguaro and constitutional violations of Hawaii inmates. This should not be happening. A recent New York Times article specifically mentioned Saguaro prison in Eloy as unconstitutionally treating inmates to the point of death. There has been a recent murder of a Hawaii inmate at Saguaro. An audit may uncover practices which contributed to the deaths of incarcerated persons. Hawaii does not have a death penalty and transferring inmates to a prison where death of inmates occurs violates our constitution as well as the Eighth Amendment. It is important that the private prisons realize that they should not just take State money and inmates from our State without accountability. If they receive State money, private prisons should abide by our State laws and treat inmates fairly. An audit is important for an impartial review of the operations and expense of private prisons.

Dated: Honolulu, Hawaii March 15, 2010

/s/ Daphne Barbee-Wooten
Daphne Barbee-Wooten
Attorney at Law

York Times

National Edition

Southern California: Partly sunny. Highs in the 40s in the north and in the mid-70s in the south. Lows in the teens in the north and in the lower 50s by the coast. See Page 28.

Printed in California

\$6.00

JANUARY 10, 2010



MARK LENNIHAN/ASSOCIATED PRESS

Business Network broadcast in 2007.

of Media and Politics

Mr. Ailes does not dispute. This outside success has placed Mr. Ailes, an aggressive former Republican political strategist, at the pinnacle of power in three corridors of American life: business, media and politics. In addition to being the best-paid person in the News Corporation last year, he is the most successful news executive of the last 10 years, and his network exerts a strong influence on the fractured conservative movement. Mr. Obama told The New York Times Magazine in October 2008 that the "Fox effect" had cost him two to three points in the polls. Since that election, Mr. Ailes and his cohort of conservative an-

Continued on Page 4

Officials Obscured Truth Of Migrant Deaths in Jail

Evidence of Mistreatment Was Routinely Covered Up, Documents Show

By NINA BERNSTEIN

Silence has long shrouded the men and women who die in the nation's immigration jails. For years, they went uncounted and unnamed in the public record. Even in 2008, when The New York Times obtained and published a federal government list of such deaths, few facts were available about who these people were and how they died.

But behind the scenes, it is now clear, the deaths had already generated thousands of pages of government documents, including scathing investigative reports that were kept under wraps, and a trail of confidential memos and BlackBerry messages that show officials working to stymie outside inquiry.

The documents, obtained over recent months by The Times and the American Civil Liberties Union under the Freedom of Information Act, concern most of the 107 deaths in detention counted by Immigration and Customs Enforcement since October 2003, after the agency was created within the Department of Homeland Security.

The Obama administration has vowed to overhaul immigration detention, a haphazard network of privately run jails, federal centers and county cells where the government holds noncitizens while it tries to deport them.

But as the administration moves to increase oversight within the agency, the documents show how officials — some still in key positions — used their role as overseers to cover up evidence of mistreatment, deflect scrutiny by the news media or prepare exculpatory public statements after gathering facts that pointed to substandard care or abuse.

As one man lay dying of head

injuries suffered in a New Jersey immigration jail in 2007, for example, a spokesman for the federal agency told a reporter that he could learn nothing about the case from government authorities. In fact, the records show, the spokesman had alerted those officials to the reporter's inquiry, and they conferred at length about sending the man back to Africa to avoid embarrassing publicity.

In another case that year, investigators from the agency's Office of Professional Responsibility



Nery Romero, who died in immigration detention in 2007.

ity concluded that unbearable, untreated pain had been a significant factor in the suicide of a 22-year-old detainee at the Bergen County Jail in New Jersey, and that the medical unit was so poorly run that other detainees were at risk.

The investigation found that jail medical personnel had falsified a medication log to show that the detainee, a Salvadoran named Nery Romero, had been given Motrin. The fake entry was easy to detect: When the drug

Continued on Page 22

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Video Says Attack on C.I.A. Avenged Taliban Chief

Officials Obscured Truth About Deaths in Immigration Detention, Files Show

From Page 1

was supposedly administered, Mr. Romero was already dead. Yet those findings were never disclosed to the public or to Mr. Romero's relatives on Long Island, who had accused the jail of abruptly depriving him of his prescription painkiller for a broken leg. And an agency supervisor wrote that because other jails were "finicky" about accepting detainees with known medical problems like Mr. Romero's, such people would continue to be placed at the Bergen jail as "a last resort."

In a recent interview, Benjamin Padman, a spokesman for the jail, which housed 1,503 immigrants detainees last year, would not say whether any changes had been made since the death.

In February 2007, in the case of the dying African man, the immigration agency's spokesman for the Northeast, Michael Giliberto,

10 agency managers in Washington and Newark conferred by telephone and e-mail about how to avoid the cost of his care and the likelihood of "increased scrutiny and/or media exposure," according to a memo summarizing the discussion.

One option they explored was sending the dying man to Guinea, despite an e-mail message from the supervising deportation officer, who wrote, "I don't condone removal in his present state as he has a catheter" and was unconscious. Another idea was removing Mr. Bah's canceled work permit in hopes of tapping into Medicaid or disability benefits.

Eventually, faced with paying \$10,000 a month for nursing home care, officials settled on a third course: "humanitarian release" to cousins in New York who had protested that they had no way to care for him. But days before the planned release, Mr. Bah died.

Among the participants in the conference was Nina Dozorov, a longtime manager in the agency's Division of Immigration Health Services who had won an award for cutting detainee health care costs. Later she was vice president of the Nakamoto Group, a company hired by the Bush administration to monitor detention. The Obama administration recently retired her to lead its overhaul of detainee health care.

Asked about the conference call on Mr. Bah, Ms. Dozorov said: "How many years ago was that? I don't recall all the specifics if indeed there was a call." She added, "I advise you to contact our public affairs office." Mr. Giliberto, the spokesman who had said he had no information on the case, would not comment.

On the day after Mr. Bah's death in May 2007, Scott Weber, director of the Newark field office of the immigration enforcement agency, recommended in a memo that the agency take the unusual step of paying to send the body to Guinea for burial, to prevent his widow from showing up in the United States for a funeral and drawing news coverage.

Mr. Weber wrote that he believed the agency had handled Mr. Bah's case appropriately. "However," he added, "I also don't want to stir up any media interest where none is warranted." Helping to bury Mr. Bah overseas, he wrote, "will go a long way to putting this matter to rest."



ROMERO STOLMARK FOR THE NEW YORK TIMES

Above, the family of Nery Romero in Elmont, N.Y., in 2007, after he was found hanging in his detention cell. At left is Boubaour Bah, who suffered facial head injuries in an immigration jail the same year.



In the agency's confidential files was a jail video showing Mr. Bah face down in the medical unit, hands cuffed behind his back, just before medical personnel sent him to a disciplinary cell. The tape shows him crying out repeatedly in his native, Fulani, "Help, they are killing me!"

Almost a year after his death, the agency quietly closed the case without action. But Mr. Bah's name had shown up on the first list of detention fatalities, obtained under the Freedom of Information Act, and on May 5, 2008, his death was the subject of a front-page article in The Times. Brian P. Hale, a spokesman for Immigration and Customs Enforcement, said in an interview that the newly disclosed records

long legs."

That response was an all-out defense of detainee medical care over several months, including statistics that appeared to show that mortality rates in detention were declining, and were low compared with death rates in prisons.

Experts in detention health care called the comparison misleading; it also came to light that the agency was undercounting the number of detention deaths, as well as discharging some detainees shortly before they died. In August, litigation by the civil liberties union prompted the Obama administration to disclose that more than one in 10 immigrant detention deaths had been overlooked and omitted from a list submitted to Congress last year.

Two of those deaths had occurred in Arizona, in 2004 and 2007, at the Eloy Detention Center, run by the Corrections Corporation of America. Eloy had nine known fatalities — more than any other immigration jail under contract to the federal government. But Immigration and Customs Enforcement was still secretive. When a reporter for The Arizona Republic asked about the circumstances of those deaths, an agency spokesman told him the records were unavailable.

According to records The Times obtained in December, one Eloy detainee who died, in October 2008, was Emmanuel Owens. An ailing 62-year-old barber who had arrived from Ghana on a student visa in 1972, he had been a legal permanent resident for 33 years, mostly in Chicago. Immigration authorities declined him in 2006, based on a 1979 conviction for "misdemeanor" battery and retail theft.

"I am confused as to how subject came into our custody?" the Phoenix field office director, Katrina S. Kane, wrote to subordinates. "Convicted in 1979? That's a long time ago."

In response, a report on his death was revised to refer to Mr. Owens's "recently criminal history ranging from 1977 to 1998." It did not note that except for the battery conviction, that history consisted mostly of shoplifting offenses.

A diabetic with high blood pressure, he had been detained for two years at Eloy while he battled deportation. He died of a heart ailment weeks after his last appeal was dismissed.

Memos and e-mail messages reveal what authorities would not

rebutted a Times reporter's questions about the detainees, who had suffered a skull fracture at the privately run Elizabeth Detention Center in New Jersey. Mr. Giliberto said that without a full name and alien registration number for the man, he could not check on the case.

But records show, he had already filed a report warning top managers at the federal agency about the reporter's interest and sharing information about the injured man, a Guinean tailor named Boubaour Bah. Mr. Bah, 52, had been left in an isolation cell without treatment for more than 13 hours before an ambulance was called.

While he lay in the hospital in a coma after emergency brain sur-

ONLINE: CASE STUDIES

A video report on Boubaour Bah, who died in immigration custody, and annotated documents pertaining to his and other detainees' deaths:

nytimes.com/nyregion

LATE TESTIMONY

Ohana Ho`opakele
P.O. Box 5530
Hilo, HI 96720

**HAWAII STATE SENATE – REGULAR SESSION 2010
COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS**

March 16, 2010
1:25 p.m., Conference Rm. 229

HB 415 HD2 – RELATING TO PUBLIC SAFETY

Chair Senator Will Espero, V.C. Senator Robert Bunda and Committee Members: Senators Kalani English, Senator Brickwood Galuteria, Senator Mike Gabbard, Senator Michelle Kidani and Senator Fred Hemmings.

Aloha no! My name is Samuel Kaleleiki, Jr., President of Ohana Ho`opakele, an organization dedicated to rescuing our *pa`ahao* or incarcerated brothers and sisters in prison. I speak in strong support of HB 415 HD2 which seeks a financial and management audit of the Department of Public Safety's contracts with the Correction Corporation of America to be performed by the state auditor. We concur with our advisor Mr. Dante K. Carpenter who recommends the title of this resolution be changed to **RELATING TO AN AUDIT OF CONTRACTS RELATING TO HOUSING OF PA`AHAU.**

Our organization has been sending spiritual leaders to lead our *pa`ahao* in the opening and closing Makahiki ceremonies every year since 2004 at Diamondback Correctional Facility in Watonga, OK and continuing to the present when the men were transferred to Saguaro Correctional Facility in Eloy, AZ. We cooperate with the Department of Public Safety in leading the closing Makahiki ceremony at Saguaro Correctional Facility and Red Rock Correctional Facility in Eloy, AZ last February 2010.

We have always been puzzled by the claims of the State of Hawaii that it is cheaper to send our *pa`ahao* to private prisons in North America rather than housing them in correctional facilities in Hawaii. Thus, an audit by the state auditor which traces the cumulative effect of funds spent in Hawaii vs. funds spent outside of Hawaii would be essential in evaluating the true costs in sending our *pa`ahao* to North America.

We also have not been in favor of closing Kulani Correctional Facility (KFC). The argument was again to save the State of Hawaii money. Our own research has revealed that Warden Peter McDonald presented a paper "Kulani Correctional Facility Community Service Cost Savings" for the years from 1997 through June 2009 which saved the State of Hawaii \$ 2,267,387.91. This total does not include the savings to the State of Hawaii from the woodwork produced at KCF, the repairs to transport vehicles, picking of maile leis, raising of cattle and pigs, and the growing of vegetables. An audit which would delve into these hidden savings during the past twelve years or so would provide all of us with a true picture of the costs of running the Kulani Correctional Facility.

Finally, our research of TMK (3) 2-4-008-009 upon which Kulani Correctional Facility is based reveals that this land was designated "Crown" Lands under the Mahele, namely the Ahupuaa of Waiakea in the District of Hilo and portions of the Ahupuaa of Olaa in the District of Puna. In our estimation, this "Crown" Land should not be used by the Department of Defense for training youth with military purposes in mind but should continue as a correctional facility but allow the building of a separate *pu`uhonua* or a wellness center upon the same grounds. Kamehameha III would be pleased with the use of Crown lands to heal our people rather than to provide military training to our youth.

I and other members of Ohana Ho`opakele, *pa`ahao* and *ex-pa`ahao* cannot stress the importance of having this audit. Please help to make this become a reality. Thank you!

Ohana Ho`opakele
P.O. Box 5530
Hilo, HI 96720

March 16, 2010

Mr. Wesley T. Matsunaga, Land Agent
Department of Land and Natural Resources
Land Division, State of Hawaii
75 Aupuni St., Room 204
Hilo, HI 96720

Dear Mr. Matsunaga:

Our treasurer Mr. Ronald Fujiyoshi conversed with you on Friday, March 12, 2010 concerning our interest in TMK (3) 2-4-008-006 of 150 acres and TMK (3) 2-4-008-005 of 50 acres. Enclosed are copies of two pages of a computer printout from the DLNR Land Division office in Honolulu indicating that the two land parcels are under the jurisdiction of your DLNR.

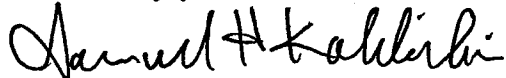
As Mr. Fujiyoshi explained our organization is interested in these parcels to see if they can be leased to us to help develop a *p`uhonua* or wellness center as a model alternative to prisons.

As suggested we want to request a permit to go on the land to see if the infrastructure and location would be in keeping with our purposes. We would also be helped to know if you could provide us with a map, which indicates whether there is a road to this property and that can be accessed by a four-wheeled vehicle.

You can contact me in writing at the address in our letterhead. If you want to contact me by telephone my cell number is 808-937-7193.

We appreciate your attention to our request!

Sincerely yours,



Samuel Kaleleiki, Jr.

cc: Ohana Hoopakele file
Enclosures

KULANI CORRECTIONAL FACILITY COMMUNITY SERVICE COST SAVINGS

YEAR	COST SAVINGS PER YEAR
1997	427,208.61
1998	151,678.86
2000	26,152.54
2001	57,403.31
2002	291,334.91
2003	175,762.92
2004	20,803.12
2005	153,537.29
2006	30,506.41
2007	886,212.91
2008	29,002.41
2009	17,784.62

GRAND TOTAL 2,267,387.91

189,000
~~1,890,000~~
 Per 1000
 1/10/09