

TO: COMMITTEE ON PUBLIC SAFETY  
Rep. Faye Hanohano, Chair  
Rep. Henry Aquino, Vice Chair  
Thursday, March 19, 2009  
8:30 AM  
Room 309, Hawaii State Capitol

RE: SB 212 SD – Testimony in Support of Public Safety Freedom of Information Act  
Applying to Out of State Prisons

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

Dear Chair Hanohano, Vice Chair Aquino, and Members of the Committee on Public Safety:

My name is attorney Daphne Barbee-Wooten and I represent inmates who have been transferred to Saguaro Correction Facility. A recent case has ruled that out-of-state prisons must comply with the Freedom of Information Act. See enclosed summary.

I represent an inmate at Saguaro Correctional Facility that was placed in the hole for having contraband in his legal mail, i.e., grievances about the prison and case law which I sent him. When I questioned the warden at Saguaro the definition of contraband, I was not given any rules and brushed off. The State of Hawaii Attorney General has not sought any clarification and indeed supports Saguaro's position. With the Freedom of Information Act, the rules, regulations, and definitions would have to be given to attorneys who represent clients. Furthermore, grievance decisions and grievance appeal requests would also be given to attorneys and clients upon request. According to one of my clients, many of the grievances have disappeared and decisions have not been rendered. This Bill will make the prisons accountable and ensure it does not turn into a dark hole with rules that can be made up or ignored arbitrarily by guards and wardens.

Please pass this Bill. If a prison facility has nothing to hide, it should not be afraid of following the Freedom of Information.

Dated: Honolulu, Hawaii

3-18-09



Daphne Barbee-Wooten  
Attorney at Law