

**SR 99**

**SCR 162**

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, March 30, 2010

2:50 p.m.

Room 224

### SCR 162/SR 99 - PUBLIC-PRIVATE PARTNERSHIPS TO BUILD PRISONS COMMENTS

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chair Espero, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons. This testimony is respectfully offered on behalf of the 6,000 Hawai'i individuals living behind bars, always mindful that almost 1,800 individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SCR 162/SR 99 urges the Governor to begin discussion and plans to establish public-private partnerships to build prisons and correctional facilities in the state.

Some of words of caution to the state: CAVEAT EMPTOR! (Let the buyer beware).

This kind of resolution has prison profiteers salivating. While their lobbyists are working the corridors of power across the country (and spending millions of dollars for access) convincing legislators of the need for punitive sentencing laws, states are starting to realize that mass incarceration is a trend their budgets can no longer sustain.

A segment on Dan Rather Reports on Private Prisons<sup>1</sup> discussed how the private prisons industry has figured out how to gain access to states' special revenue bonds. Mr. Rather interviewed Christopher 'Kit' Taylor, an economist and a former securities regulator and bond guru who looked at the bond packages put together by several prison companies building in Texas.

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<sup>1</sup> Dan Rather Reports, Episode 421, Private Prisons,  
[http://www.gila1019.com/Uploads/Dan\\_Rather\\_Reports\\_421\[1\].pdf](http://www.gila1019.com/Uploads/Dan_Rather_Reports_421[1].pdf)

Mr. Taylor reported how the prison profiteers approached 'clients': *"You've got unemployment. You've got issues. We have something that you might want. And we'll put together a team. You don't have to sweat anything. We'll do it all for you. We'll issue the bonds. We'll set up, do all the legal work. We'll do the construction. And our friends over here will manage the prison. No sweat for you."*

Mr. Rather asked: *"It's a turn-key deal?"* To which Mr. Taylor replied, *"A sort of turn-key deal. And they will do that. And then they-- so those guys, all those guys, construction company, bond underwriters, legal people-- the people operating the prison, they all benefit."*

Mr. Rather went on to name some of the players in these deals - Corplan Corrections (Texas), Hale-Mills Construction (Texas), Bond Underwriters Municipal Capital Markets Group (Texas), and Herbert J. Sims and Company (Connecticut) . He went on to say that *"all these companies have worked together around the country, negotiating dozens of prison deals in the last ten (10) years. But suddenly there are changes on the border that could be bad news for the private prison business. Operation Streamline and the weakened American economy have meant a dramatic decline in border crossings...down 27% over the past year, according to the U.S. government."*

Mr. Rather's Report then went back to La Salle County, Texas where a private prison is developing a detention center for immigrants: *"Meanwhile, back in desolate La Salle County ... there have been some rough patches. The detention center does bring in money but not as much as county leaders thought... and the county has spent hundreds of thousands of dollars in legal fees for lawsuits over operations, maintenance and shoddy construction. And then there's the town water and sewage systems... So overwhelmed by the detention facility...that when the wind gets up, Encinal smells of raw sewage. It will cost several million dollars to repair...and more money to install water well."*

Hawai'i has experience with the problems of shoddy construction in Corrections Corporation of America's (CCA) Saguaro Correctional Facility lauded for its modern and cost-effective construction. The prison opened in July 2007 and by November there were complaints of shower water running into the dorms because the drains were too high. Community Alliance on Prisons advised PSD of the complaints and they denied there was a problem. Six months later, the showers were ripped up because the drains were too high.

We urge the state to do proper due diligence before contracting private prison developers. It's good to follow the principle: *"If it looks too good to be true, it probably is too good to be true."*

#### **CAVEAT EMPTOR!**

Let's shift money from incarceration to more effective community programs to better serve the needs of all of Hawai'i's people. The DOJ's Justice Reinvestment Initiative - shifting money from incarceration to those communities most impacted by incarceration - is considering Hawai'i's application right now. There is much we can do before constructing more facilities.  
**BUILD PEOPLE, NOT PRISONS!**

Mahalo for this opportunity to share our thoughts.

# HAWAII YOUTH SERVICES NETWORK

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Alan Shinn, President

Judith F. Clark, Executive Director

Adolescent Services Program, Kaiser  
Permanent Medical Care System

Aloha House

American Civil Liberties Union of Hawaii

Assistive Technology Resource Ctrs. of HI

Bay Clinic, Inc.

Big Brothers Big Sisters of Honolulu

Big Island Substance Abuse Council

Blueprint for Change

Bobby Benson Center

Catholic Charities Hawaii

Central Oahu Youth Services Assn.

Child and Family Service

Coalition for a Drug Free Hawaii

College Connections

Community Assistance Center

Domestic Violence Action Center

EPIC, Inc.

Family Support Hawaii

Friends of the Missing Child Center of HI

Hale Kipa, Inc.

Hale 'Opio Kauai, Inc.

Hawaii Behavioral Health

Hawaii Student Television

Healthy Mothers Healthy Babies Coalition

Hina Mauka Teen Care

Hui Malama Learning Center

Kahi Mohala Behavioral Health

Kama'aina Kids, Inc.

KEY (Kualoa-Heeia Ecumenical Youth)  
Project

Kids Behavioral Health

Kids Hurt Too

Kokua Kalihi Valley

Kula No Na Poe Hawaii

Lanai Community Health Center

Life Foundation

Marimed Foundation

The Maui Farm, Inc.

Maui Youth and Family Services

Palama Settlement

P.A.R.E.N.T.S., Inc.

Parents and Children Together (PACT)

Planned Parenthood of Hawaii

Queen Liliuokalani Children's Center  
Kona Unit

REAL

Salvation Army Family Intervention Svcs.

Salvation Army Family Treatment Svcs.

Sex Abuse Treatment Center

Susannah Wesley Community Center

The Catalyst Group

The Children's Alliance of Hawaii

Waikiki Health Center

Women Helping Women

YouthVision

YWCA of Kauai

March 23, 2011

To: Senator Will Espero, Chair  
And members of the Committee on Public Safety, Government  
Operations, and Military Affairs

**TESTIMONY IN SUPPORT OF SR 99/SCR 162 URGING THE  
GOVERNOR TO BEGIN DISCUSSIONS AND PLANS TO  
ESTABLISH PUBLIC-PRIVATE PARTNERSHIPS TO BUILD  
PRISONS AND CORRECTIONAL FACILITIES IN THE STATE**

Hawaii Youth Services Network, a statewide coalition of more than 50 youth-serving organizations supports SR 99/SCR 162.

When incarcerated persons and their families are able to maintain strong family bonds, there are substantial benefits to family members (particularly the children), the prisoner, and to the correctional facility administration. It is extremely difficult to sustain family ties when the prisoner is housed thousands of miles away.

Children of incarcerated parents experience grief and loss, similar to the experience of divorce or the death of a parent. Studies show that children of incarcerated parents are at increased risk of abuse or neglect, and more likely to have mental problems, and difficulty in school. Children of incarcerated parents are seven times more likely to enter the juvenile or adult correctional systems themselves. Providing opportunities to sustain the parent-child bond can alleviate many of these problems.

Prisoners who have regular contact with family members benefit as well. They are less likely to violate prison rules and create trouble for prison authorities. They are more likely to take advantage of rehabilitation and educational opportunities while in prison. Regular contact with family members increases the chances of successful reintegration into the community when a person is released from prison.

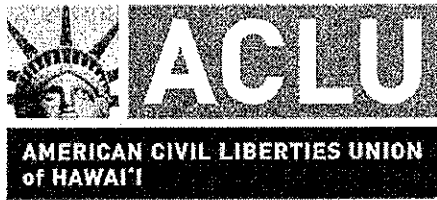
HYSN page 2

Hawaii Youth Services Network believes that children and their incarcerated parents would benefit considerably from housing prisoners within the State of Hawaii.

Thank you for this opportunity to testify.

Sincerely,

Judith F. Clark, MPH  
Executive Director



Committee: Committee on Public Safety, Government Operations and Military Affairs  
Hearing Date/Time: Thursday, March 31, 2011, 2:50 p.m.  
Place: Conference Room 224  
Re: Testimony of the ACLU of Hawaii in STRONG OPPOSITION to S.R. 99

Dear Chair Espero and Members of the Committee on Public Safety, Government Operations and Military Affairs:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in strong opposition to S.R. 99.

While we support returning our incarcerated individuals to Hawaii, we strongly oppose contracting with private prison corporations. As this Committee is undoubtedly aware, there are innumerable problems with the State’s use of private prison facilities.

In 2009, the Legislature adopted House Concurrent Resolution 199, which requested the Auditor to conduct a performance audit of the CCA-Saguaro facility. The Legislature found that “many problems exist at Saguaro Correctional Center, the Corrections Corporation of America multi-level security prison built in Eloy, Arizona, for Hawaii inmates as a program-intensive prison, including lack of programming, poor medical care, and two deaths since August 2008, all of which have increased the State's liability[.]” HCR 199. In 2009, the Legislature adopted House Concurrent Resolution 199, which requested the Auditor to conduct a performance audit of the CCA-Saguaro facility. The Legislature found that “many problems exist at Saguaro Correctional Center, the Corrections Corporation of America multi-level security prison built in Eloy, Arizona, for Hawaii inmates as a program-intensive prison, including lack of programming, poor medical care, and two deaths since August 2008, all of which have increased the State's liability[.]” HCR 199.

As this Committee is well aware, a male inmate was recently killed at the CCA-Saguaro facility. The Department of Public Safety recently removed all of Hawaii’s female inmates from CCA’s Otter Creek facility in Wheelwright, Kentucky – but only after an epidemic of sexual assault allegations came to light. As reported in the New York Times:

Hawaii investigators found that at least five corrections officials at the prison, including a chaplain, had been charged with having sex with inmates in the last three years, and four were convicted. Three rape cases involving guards and Hawaii inmates were recently

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Chair Espero and Members of the Committee on  
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turned over to law enforcement authorities. The Kentucky State Police said another sexual assault case would go to a grand jury soon.<sup>[1]</sup>

Similarly, as of November 2009, the Eloy Police Department was investigating allegations that a CCA employee sexually assaulted an inmate at CCA-Saguaro.<sup>2</sup> For these and many other reasons, private prisons must be carefully scrutinized to determine whether they are a wise use of our limited funds.

The ACLU of Hawaii's experience with private prisons has been consistently negative, in that we continue to receive hundreds of requests for assistance from Hawaii inmates in CCA facilities.

We have received numerous reports suggesting that CCA is not meeting its most basic of constitutional obligations in housing inmates. We have also received several reports suggesting that CCA may be keeping inmates longer than necessary; because Hawaii pays CCA per inmate per day of incarceration, the longer inmates are held, the more money CCA receives. For example, we have received several complaints of inmates being granted parole by the Hawaii Paroling Authority, then being held for four months or more by CCA (based on vague and unsubstantiated reasons for ignoring the Paroling Authority's orders). We have also received numerous reports that CCA-Saguaro inmates have been written up for spurious rule infractions shortly before their parole eligibility dates – thus making them ineligible for parole pursuant to Hawaii Paroling Authority's rules – even though these inmates have never before received a write-up. One month of additional incarceration at CCA can easily cost the State and the taxpayers nearly \$2,000 – money that is sorely needed for other programs like drug rehabilitation, mental health care, and education – and the Legislature need not (and should not) allow these reports to be ignored.

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 45 years.

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<sup>1</sup> Ian Urbina, *Hawaii to Remove Inmates Over Abuse Charges*, N.Y. TIMES, August 25, 2009 (available at <http://www.nytimes.com/2009/08/26/us/26kentucky.html>).

<sup>2</sup> November 13, 2009 letter from Tommy Johnson, Deputy Director for Corrections, Department of Public Safety, to Daniel Gluck, on file with the ACLU of Hawaii and available upon request.

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Chair Espero and Members of the Committee on  
Public Safety, Government Operations and Military Affairs  
March 31, 2011  
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Thank you for this opportunity to testify.

Sincerely,

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ACLU of Hawaii

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