



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
KA 'OIHANA O KA LOIO KUHINA  
THIRTY-THIRD LEGISLATURE, 2025**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1376, RELATING TO CORRECTIONAL FACILITIES.

**BEFORE THE:**

HOUSE COMMITTEE ON PUBLIC SAFETY

**DATE:** Wednesday, February 5, 2025      **TIME:** 8:30 a.m.

**LOCATION:** State Capitol, Room 411

**TESTIFIER(S):** Anne E. Lopez, Attorney General, or  
Lisa M. Itomura, Deputy Attorney General

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Chair Belatti and Members of the Committee:

The Department of the Attorney General submits the following comments on this bill.

This bill requires the State to phase out the use of private prisons to house inmates convicted of crimes in Hawaii and requires the Department of Corrections and Rehabilitation (DCR) to obtain approval of the Hawaii Correctional System Oversight Commission (Commission) before constructing or expanding any correctional facility.

This bill may be subject to a challenge on the grounds that it violates article V, section 6, of the Hawaii Constitution by giving the Commission command authority over DCR's construction and expansion of correctional facilities under its jurisdiction. Article V, section 6, of the Hawaii Constitution states, in part:

[W]henever a board, commission or other body shall be the head of a principal department of the state government, the members thereof shall be nominated and, by and with the advice and consent of the senate, appointed by the governor.

The Commission is comprised of members appointed by the Senate President, Speaker of the House of Representatives, Chief Justice, and Chairperson of the Office of Hawaiian Affairs, with only one member appointed by the Governor. See section 353L-1, HRS. By requiring DCR to seek approval from the Commission before constructing or expanding correctional facilities, this bill may infringe on the Governor's

authority to appoint those who exercise command authority over executive state agencies.

Additionally, the bill could be challenged as violating the separation of powers doctrine.

Hawaii's government is one in which the sovereign power is divided and allocated among three co-equal branches. The doctrine provides that a department . . . may not exercise powers not so constitutionally granted, which from their essential nature, do not fall within its division of governmental functions, unless such powers are properly incidental to the performance by it of its own appropriate functions.

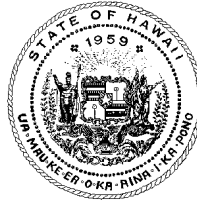
*Hawaii Insurers Council v. Lingle*, 120 Haw. 51, 69-70 (2008) (citations and internal quotes omitted).

By making DCR, one of the principal departments of the executive branch, subordinate to the Commission--a board made up of individuals who but for one individual are not appointed by the Governor, this bill may violate the separation of powers doctrine by granting other branches authority over an executive branch agency.

To address this constitutional concern, we recommend deleting part III of the bill, on page 12, line 19, through page 15, line 19.

Thank you for the opportunity to provide comments on this bill.

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII  
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No. \_\_\_\_\_

**TESTIMONY ON HOUSE BILL 1376  
RELATING TO CORRECTIONAL FACILITIES.**

by  
Tommy Johnson,

House Committee on Public Safety  
Representative Della Au Belatti, Chair  
Representative Kim Coco Iwamoto, Vice Chair

Wednesday, February 5, 2025; 8:30 a.m.  
State Capitol, Room 411 or Via Video Conference

Chair Belatti, Vice Chair Iwamoto, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) strongly opposes House Bill (HB) 1376, which seeks to require the State to phase out the use of private correctional facilities for the incarceration of Hawai'i inmates while prohibiting the construction of new correctional facilities or the expansion of existing correctional facilities unless approved by the Hawaii Correctional System Oversight Commission (HCSOC).

As written, this measure would bar the State from committing or transferring any inmate to any private correctional institution beginning July 1, 2030, and require the Director of Corrections and Rehabilitation to begin reducing the number of committed felons incarcerated in private correctional institutions, effective July 1, 2026. DCR understands the intent of HB 1376 to return all committed felons incarcerated in private Mainland facilities to Hawai'i. The DCR shares the concerns raised about housing inmates in facilities far from

home, and would have returned the inmates long ago, but for the lack of facilities in which to house them, including with appropriate rehabilitative programs. We cannot agree with this proposal, as there is currently no space available in in-state facilities to accommodate the 937 inmates housed at the Saguaro Correctional Center in Eloy, AZ.

In a related issue, at present, the Judiciary has approximately over 14,000 offenders on probation supervision statewide, which includes approximately 9,000 convicted felons. If only 10% of the sentenced felony probationers (approximately 900) were re-sentenced to prison, the State's correctional system, which is already severely strained with insufficient capacity to house all our current inmates in Hawai'i facilities, would be completely overwhelmed. Note, also, the Judiciary currently has a substantial backlog of criminal trials and hundreds of sentenced felony probationers facing revocation and re-sentencing to prison.

It is well known that Hawaii's correctional facilities, which include eight (8) jails and prisons, are old, antiquated, outdated, severely overcrowded, manpower-intensive, and constantly in need of repairs. The DCR would note that old, outdated, and overcrowded facilities may be considered less safe, less secure, and arguably, less humane; conditions that in the past prompted the federal Department of Justice to take action against the State in the 1984 Spear vs. Ariyoshi Consent Decree. Yet, DCR has been unsuccessful for decades in gaining the support necessary to upgrade or even substantially refurbish our facilities.

The bill's proponents may have considered there would be savings to the State if the mainland facilities were vacated. Presently, the per-day cost of \$106.51, multiplied by the current population count of 937 (taken from the attached January 20, 2025, Population Report), multiplied by 365 days per year would yield \$36,416,952 in savings. In comparison, the average cost to house an inmate in Hawaii is \$307.00, which would equate to a total cost of \$104,995,535

to house the same 937 inmates each year. However, as stated earlier, there is simply no available space in our existing aged, inefficient, and overcrowded facilities.

The DCR respectfully suggests that housing 1,000 to 1,200 inmates will require the development of a medium security facility (prison) the size of the Oahu Community Correctional Center (OCCC), which is the State's largest jail. DCR estimates the cost to build a 1,200-bed medium security facility in Hawai'i to be between \$800 and \$937 million, depending on the design, proportion of prison beds vs. jail beds, programming space, etc. In addition, the annual cost to operate and manage such a facility is estimated to be \$45 - \$60 million and require staffing of 450 – 550 (80% Uniformed and 20% Non-Uniformed).

HB 1376 would further exacerbate an already desperate housing and programming situation in Hawaii's correctional system, by requiring facilities construction or expansion projects to be approved by the HCSOC. This is in contravention to the legislature's intent and purpose of the commission when enacting Act 179 (2019). HCSOC was created, in part, to advise and make recommendations to DCR, not to have the power to veto any facet of DCR's operations, including decisions regarding correctional facilities. Doing so will substantially delay or halt CIP projects that have been carefully vetted over several years of planning and development. These losses could amount to hundreds of millions of dollars as in the case of the redevelopment of OCCC.

As an example, in 2018, the rough estimate to construct the new OCCC was approximately \$525 million. Since that time, construction escalation costs have continued to rise and as of late last year, the rough estimate was approximately \$937 million, which represents an increase in construction and associated cost of approximately 78.1%. In the meantime, the current OCCC remains severely over-crowded, under funded and invites federal intervention, which could prove even more costly to the state.

Further, providing authority to the HCSOC to render decisions that fall under the purview and authority of the Director of the DCR erodes the authority inherently vested with the Director pursuant to Hawaii Revised Statutes (HRS) §26-14.6 (Department of Corrections and Rehabilitation) and would delay any future required expansions and/or construction of new correctional facilities. As the state, legislature, the HCSOC, and the public have painfully discovered, delays in construction are very costly and unnecessary.

The DCR further notes there appears to be confusion over the differences between jails and prisons. Returning 1,000 to 1,200 sentenced felons to Hawai'i will require medium- to high-security facilities, (prisons), not jails, which house short-term pretrial or minimum-security sentenced misdemeanants. In Section 1 on Page 7, Line 17 through Page 8, Line 5, discusses the reduction in the State's jail population through Court-ordered release of some pretrial offenders, sentenced misdemeanants, and sentenced felony probationers who were sentenced to certain temporary periods of incarceration for violating terms of probation supervision. These reductions were largely from OCCC; to be clear, the Court did not order the release of any convicted and sentenced felony offenders ordered to serve terms in prison.

It is also important to note that DCR does not have a say in whether an offender will be incarcerated. That is the sole province of the Judiciary. In all cases, the DCR is required to abide by the Court's order and warrants issued by the Hawaii Paroling Authority (HPA).

To summarize, 937 sentenced felons being housed on the mainland cannot be accommodated in existing DCR facilities. Their return will require the development of a medium-security prison the size of OCCC to house these inmates. At the same time, the present Oahu jail, the aged, overcrowded, inefficient, and inconducive to rehabilitation OCCC, must be redeveloped, the planning for which has been ongoing for years. The new facility will provide space to humanely house pretrial and sentenced shorter-term offenders sent to

DCR by the Courts, as well as important space for reentry and work furlough, education, medical and mental health treatment programming needs, identified in this measure as deficiencies of the existing jails/prisons. Attached, please find a copy of DCR's most recent weekly population report, which is posted on our website. As the committee members can see, DCR does not have any room in our medium security male prison (Halawa Correctional Facility) to house the 937 inmates currently on the mainland.

As written, HB 1376 significantly hampers the ability of the DCR to provide for the Constitutionally mandated care and rehabilitation of Hawaii's incarcerated population. The DCR, therefore, respectfully opposes this measure and requests that it be deferred.

Thank you for the opportunity to provide testimony in strong opposition to HB 1376.

Attachment

**DEPARTMENT OF PUBLIC SAFETY  
WEEKLY POPULATION REPORT**

Date: January 20, 2025

FAC.	DESIGN BED CAP.	OPER. BED CAP.	HEAD COUNT ENDING																			
			TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV		
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	
HCCC	206	226	289	254	35	34		38	6	6		120	15	17	4	1		2	1	36	9	
SNF	90	132	0	0	0	0																
HMSF	496	992	742	742	0	601		11		1		5						118		6		
KCCC	110	128	107	87	20	17	2	15	3	11	5	30	6	4	1	0	0	1	0	9	3	
KCF	200	200	77	77	0	77																
MCCC	209	301	194	160	34	21	3	23	10	4		63	13	8	3	1		4	3	36	2	
OCCC	628	954	928	928	0	83				4		545		99						197		
WCCC	258	260	298	0	298		146		16				65		18				32		21	
WCF	294	334	145	145	0	83												62				
TOTAL	2491	3527	2780	2393	387	916	151	87	35	26	5	763	99	128	26	2	0	187	36	284	35	

	CONTRACTED FACILITIES																		
	TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV	
				M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
RED ROCK CC, AZ	0	0	0																
SAGUARO CC, AZ	937	937	0	904												33			
FEDERAL DET. CTR. <sup>1</sup>	0	0	0																
TOTAL	937	937	0	904	0	0	0	0	0	0	0	0	0	0	0	33	0	0	0

FAC.	DESIGN BED CAP.	OPER. BED CAP.	ASSIGNED COUNT ENDING																		
			TOT.	M	F	SF		SFP		SM		PTF		PTM		OJ		PARV		PRBV	
						M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
HCCC	206	226	305	265	40	38	1	41	9	10	1	120	15	17	4	1		2	1	36	9
SNF	90	132	0	0	0	0															
HMSF	496	992	742	742	0	601		11		1		5						118		6	
KCCC	110	128	115	92	23	21	4	15	4	12	5	30	6	4	1	0	0	1	0	9	3
KCF	200	200	77	77	0	77															
MCCC	209	301	195	161	34	21	3	24	10	4		63	13	8	3	1		4	3	36	2
OCCC	628	954	933	933	0	88				4		545		99						197	
WCCC	258	260	314	0	314		158		17				65		18				34		22
WCF	294	334	145	145	0	83												62			
MAINLAND			937	937	0	904												33			
TOTAL	2491	3527	3763	3352	411	1833	166	91	40	31	6	763	99	128	26	2	0	220	38	284	36





Committee: Public Safety  
Hearing Date/Time: Wednesday, February 5, 2025, at 8:30am  
Place: Conference Room 411 & Via Videoconference  
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 1376**  
**Relating to Correctional Facilities**

Dear Chair Belatti, Vice Chair Iwamoto, and Committee Members:

The ACLU of Hawai'i is in strong support of H.B. 1376. It is time to end the state's relationship with private prison operators like CoreCivic, which profit from the suffering of incarcerated individuals and have proven to repeatedly violate their legal rights. Currently, nearly 1,000 individuals in the custody of the Hawai'i Department of Corrections and Rehabilitation ("DCR") are incarcerated at Saguaro Correctional Center ("Saguaro"), operated by CoreCivic (formerly CCA).

Although CoreCivic owns and operates Saguaro, the State of Hawai'i remains responsible for the health and safety of the people incarcerated in Arizona. The systemic harms that have occurred at Saguaro since it opened in 2007 include incidents of violence, murders and deaths, allegations of unsafe drinking water, and lack of meaningful oversight and staffing that has led to issues with drug smuggling and solitary confinement. On August 20, 2024, the Department of Justice announced that it is investigating civil rights violations around conditions at CoreCivic's Trousdale Turner Correctional Center in Tennessee. The launch of this federal investigation is the latest in a long line of incidents that have plagued CoreCivic, and is emblematic of the serious civil rights violations that occur in the private for-profit prison system.

It is time to bring Hawai'i individuals back home. We can no longer contract out core governmental responsibilities over public safety and individual rights.

### ***Documented Physical Assaults and Murders***

The track record of violent assaults and deaths that has accumulated at Saguaro aligns with compelling evidence that private prisons are far more dangerous to incarcerated individuals than government-run facilities. In 2016, the Department of Justice Office of the Inspector General (OIG) found "serious or systemic safety and security deficiencies at contract prisons," including inmates being improperly housed in segregated units and a lack of strong oversight.<sup>1</sup>

While the long-standing systemic constitutional violations against Hawai'i residents in Saguaro are outlined in more detail in the attached appendix, recent incidents within the past year relating to physical assaults, deaths and drug smuggling underscore the need to pass H.B. 1376:

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<sup>1</sup> In 2016, the DOJ found private prisons more dangerous than public prisons, noting that private prisons have higher rates of assaults and 50% more incidents of illicit weapons. DOJ attributed the elevated danger in private prisons to factors such as lower inmate to officer ratios, chronic understaffing, long shifts, and less staff training. These elevated risks impact both incarcerated people and staff.

- In May of 2024, Anton Myklebust of Hawai‘i was found dead in his cell and is believed to have been assaulted. He was scheduled for release in October 2024. His death highlights the lack of sufficient oversight and staffing at private prisons like Saguaro, and the failure to establish accountability for his death.
- On July 27, 2024, Daniel Kosi, 51, from Hawai‘i suffered approximately 50 stab wounds to his head and upper body while in an administrative segregation unit at Saguaro Correctional Center. This attack has come under scrutiny because inmates in the administrative segregation unit should have two corrections officers accompany every prisoner exiting their cells, but Kosi did not.

These recent incidents are eerily similar to the brutal murder of Bronson Nunuha at Saguaro prison in 2010. Bronson was murdered in Saguaro Prison’s “Special Housing Incentive Program,” or SHIP. Only one employee was present to oversee approximately 50 prisoners in the SHIP unit where Bronson was housed. On February 18, 2010, an employee of Saguaro opened Bronson’s cell door and then left, allowing two gang members to attack Bronson in his cell. Bronson was beaten and stabbed over 140 times. His assailants carved the name of their gang into his chest and even had time to leave his cell, shower and change clothes before staff knew that Bronson had been killed. In the same year that Bronson was killed, Clifford Medina, a twenty-three-year-old from Hawai‘i was choked to death at Saguaro.<sup>2</sup>

Without an end to private prison usage, more people at Saguaro will die separated from their loved ones and home thousands of miles away.

### ***Contaminated, Unsafe Drinking Water at Saguaro***

In October 2024, ACLU of Hawai‘i sent a letter to DCR and CoreCivic<sup>3</sup>, demanding an investigation into allegedly contaminated and unsafe drinking water provided to the nearly 1,000 Hawai‘i individuals incarcerated at Saguaro prison.

Over the past several months, the ACLU of Hawai‘i has received reports from multiple individuals incarcerated at Saguaro that the facility’s drinking water has a foul taste and smell and is causing serious health problems, particularly for elderly individuals and those with preexisting medical conditions.

According to first-hand accounts shared with the ACLU of Hawai‘i, the water at Saguaro has a “heavily chlorinated” taste and a “greasy, viscous” feel—one that leaves an “awful after taste” in the back of the throat. Incarcerated individuals also reported that the standing water in the cells’ toilets make each cell “smell like chlorine.” Prisoners who drink and bathe in the water reported that it causes burning eyes, cracked and bleeding skin (or “alligator skin”), gastrointestinal issues, and other

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<sup>2</sup> The ACLU of Hawai‘i participated in the representation of the families of Bronson Nunuha and Clifford Medina.

<https://www.civilbeat.org/?p=15917lawsuit-filed-over-death-of-second-arizona-inmate/>

<sup>3</sup> <https://www.acluhi.org/en/press-releases/SaguaroDemandLetter>

physiological distress. Prisoners reported that the situation is so dire that they resort to melting ice cubes from the ice machine, which has a filter, to obtain clean water.<sup>4</sup>

While ACLU of Hawai'i has received reports that Saguaro has since provided filtered drinking water for Hawaii's incarcerated population, the source of the contamination remains unresolved. Moreover, Hawai'i residents incarcerated at Saguaro continue to shower in this unsafe water, raising potential violations under the U.S. Constitution's prohibition on cruel and unusual punishment, federal disability discrimination laws, and the federal Safe Drinking Water Act. This is morally unconscionable and violates the constitutional rights of the people incarcerated at Saguaro.

### ***CoreCivic has created unique harms for Hawai'i individuals***

CoreCivic's operation of Saguaro prison has created new problems for Hawai'i. Out-of-state transfers have directly resulted in the formation of bona fide security threat groups (aka gangs)<sup>5</sup>, gang-related violence, and long-term solitary confinement<sup>6</sup> through its SHIP program.<sup>7</sup> It also has resulted in the spread of new diseases not found in Hawai'i.<sup>8</sup>

Further, issues of poor staffing and operation of the Saguaro prison put Hawai'i individuals at risk. Recent examples highlight the serious consequences that result:

- In October 2024, Soosoo Motu, 36, from Hawai'i died of an apparent suicide at Saguaro while serving a 10-year sentence for robbery. Motu was held in administrative segregation unit at the time of his death, despite solitary confinement being a common factor in suicidal action.<sup>9</sup>
- A CoreCivic employee was arrested on June 20<sup>th</sup> of 2024 for attempting to smuggle methamphetamine into the Saguaro facility. This is a grave concern given the methamphetamine-related deaths at Saguaro of Richard Keokeo Taylor Jr. (Hawai'i) in the fall of 2023 and Clark Cleveland (Idaho) on June 17, 2024.

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<sup>4</sup> Compounding these issues, Saguaro's commissary sells prisoners bottled water at almost \$15 per case, which is almost three times the price of what the same product would cost outside the prison. Incarcerated individuals reported being unable to afford enough water to meet their daily intake given that the prison pays 25 cents per hour of labor. Prior to ACLU-Hawaii issuing a demand letter, Saguaro also refused to make Brita pitchers and filters available, despite listing them as items on its "Allowable Personal Property List."

<sup>5</sup> <https://www.civilbeat.org/2017/11/nevadas-most-dangerous-inmates-move-in-with-hawaii-prisoners/>

<sup>6</sup> "Solitary confinement goes by many names, including "special housing units," "administrative segregation," "disciplinary segregation," and "restrictive housing," but the conditions are generally the same: 22 to 24 hours per day spent alone in a small cell." Prison Policy Initiative

[https://www.prisonpolicy.org/blog/2020/12/08/solitary\\_symposium/](https://www.prisonpolicy.org/blog/2020/12/08/solitary_symposium/)

<sup>7</sup> SHIP, or the Special Housing Incentive Program, is a form of solitary confinement or segregation. See: <https://oip.hawaii.gov/wp-content/uploads/2018/06/OIP-Op.-Ltr.-No.-F18-03-Granillo-re-PSD.pdf>

The ACLU has created reports on the inhumane and ineffective implementation of solitary confinement: [https://assets.aclu.org/live/uploads/publications/stop\\_solitary\\_briefing\\_paper\\_updated\\_august\\_2014.pdf](https://assets.aclu.org/live/uploads/publications/stop_solitary_briefing_paper_updated_august_2014.pdf)

<sup>8</sup> <https://www.civilbeat.org/2016/09/only-215-hawaii-inmates-were-tested-for-valley-fever-in-arizona/>  
<https://www.civilbeat.org/2016/06/a-deadly-dust-is-plaguing-hawaii-prisoners-in-arizona/>

<sup>9</sup> <https://dcr.hawaii.gov/wp-content/uploads/2024/10/Act-234-DEATH-NOTIFICATION-MOTU-Soosoo.pdf>

These incidents are part of a consistent trend of poor staffing at CoreCivic facilities. Recently, Florida and Tennessee imposed millions of dollars in fines against CoreCivic specifically for failing to sufficiently staff facilities and prevent violence.<sup>10</sup> See Appendix B for more.

### ***Oversight has been Ineffective***

CoreCivic is in the business of generating the greatest possible profits. Providing safe and humane conditions of confinement to the human beings in their custody is — at best — a distant secondary goal. Hawai‘i remains responsible for its citizens in custody, even (and especially) if these individuals are held in a private facility far from home.

Yet for over 20 years, Hawai‘i failed to provide meaningful oversight of CoreCivic’s prisons, including Saguaro prison in Arizona. From 1995 to 2019, the state relied upon the Department of Public Safety (now DCR) to provide oversight over itself. During this time, a tragic history of death, sickness, and harm unfolded at Saguaro with no concerted efforts to fix conditions or question Hawaii’s relationship with CoreCivic.

DCR’s own onsite contract monitors from Hawai‘i have failed to routinely inspect prisons in a manner that prevents harm from occurring. Further, when disturbances or deaths do occur, Hawai‘i’s contract monitors have not responded in an exigent manner to conduct investigative fact-finding.

Despite efforts of the newly created Hawai‘i Correctional System Oversight Commission, there are structural barriers to robust oversight inherent to sending individuals thousands of miles from home to a prison not run by the state. These include the prohibitive cost and time of flights for facility visits, an expense that also makes visits by family, counsel, and community extremely burdensome. Without these official and informal connections to Hawai‘i, it is harder for incarcerated individuals to rehabilitate, to express concerns about facility conditions, and to advocate for themselves. The Commission also lacks the staffing capacity, travel funding, and influence over CoreCivic that would be needed to protect Hawai‘i individuals in Arizona.

To date, Hawai‘i has rarely ever fined CoreCivic for failing to fulfill the terms of its contract – whether for understaffing, failure to provide programming and treatment services, and failing to ensure secure facilities and safe conditions of confinement. A 2010 state audit found that Hawai‘i officials circumvented the law in partnering with CoreCivic, and “readily accepted CCA’s representations and conclusions of its performance without verifying statements against documented evidence.”<sup>11</sup> Despite this, Hawai‘i continues to reward CoreCivic’s bad behavior by renewing and expanding its contracts without considering alternatives and a strategic exit plan. These failed oversight measures highlight that Hawai‘i cannot afford to let more of its individuals suffer at Saguaro with little to no protection.

### **Passage of H.B. 1376 is necessary for Hawai‘i to uphold its responsibilities**

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<sup>10</sup> [https://nashvillebanner.com/2024/11/21/tennessee-lawmakers-question-corecivic/#:~:text=Since%20that%20time%2C%20the%20company,physical%20violence%20and%20sexual%20abuse;https://www.chronicleonline.com/news/local/county-to-discuss-reinstating-jail-fines/article\\_91587a41-abb8-5900-930d-226737700561.html](https://nashvillebanner.com/2024/11/21/tennessee-lawmakers-question-corecivic/#:~:text=Since%20that%20time%2C%20the%20company,physical%20violence%20and%20sexual%20abuse;https://www.chronicleonline.com/news/local/county-to-discuss-reinstating-jail-fines/article_91587a41-abb8-5900-930d-226737700561.html)

<sup>11</sup> <https://files.hawaii.gov/auditor/Reports/2010/10-10.pdf>

Hawai'i has a legal responsibility to ensure the safe and humane treatment of people incarcerated within their own jails and prisons, as well as out-of-state private prisons. In handing over its duties to CoreCivic, DCR has denied its responsibility and created serious gaps in transparency and accountability. The lack of accountability is especially dangerous because of the horrifying record of physical assaults and deaths at Saguaro and other CoreCivic facilities. The incidents documented in this letter are only a fraction of the harm that Hawai'i individuals have been suffering in private prisons since 1995. CoreCivic has demonstrated a willingness to look the other way on issues of health and violence for incarcerated individuals.

Ending private prison contracts and increasing the agency of the Oversight Commission will enable Hawai'i to better protect its incarcerated individuals from the harms that have arisen at the Saguaro facility. Allowing for individuals to remain close to home will improve rehabilitative outcomes and allow incarcerated individuals to remain connected to family, community, and land. It will also ensure that responsibility and accountability for incarceration will lie squarely with DCR, and that profit is not a motive driving our justice system. Please support **H.B. 1376**.

Sincerely,  
Nathan Lee  
Policy Legislative Fellow

Carrie Ann Shirota  
Policy Director

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization founded in 1965 that provides its services at no cost to the public and does not accept government funds.*

## APPENDIX A:

### **Timeline of Relevant Incidents Related to CCA/CoreCivic, Hawai'i inmates in contracted out-of-state private prisons, and private prisons:**

**September 2024-** Reports from family members with loved ones at Saguaro prison of biohazard feces leak in the main room areas and in the cells.

**August 2024-** The U.S. Department of Justice launches an investigation into CoreCivic's Trousdale Turner Correctional Center in Tennessee.<sup>12</sup>

**July 27, 2024-** An incarcerated person from Hawai'i suffered approximately 50 stab wounds to his head and upper body while in an administrative segregation unit at Saguaro Correctional Center. This attack has come under scrutiny because inmates in the administrative segregation unit should have had two corrections officers accompany every prisoner exiting their cells.<sup>13</sup>

**June 2024-** Reports emerge of price gouging of incarcerated people transplanted from Hawai'i at Saguaro Correctional Center, with commissary pricing increasing 200-300%. There are complaints that these incarcerated people are being charged different prices than those from other states. Commissary pricing is under the control of CoreCivic and cannot be directly controlled by the state.<sup>14</sup>

**May 4, 2024-** Anton Myklebust, of Hawai'i who was set to be released in October 2024 after serving 20 years, died in Saguaro Correctional Center. Myklebust was found unresponsive in his cell and is believed to have been assaulted. His death highlights the lack of sufficient oversight and staffing at private prisons like Saguaro.<sup>15</sup>

**September 2022-** The Oklahoma Watch reports that at least 18 people were stabbed (and three murdered) at CoreCivic's Davis Correctional Facility in Oklahoma. These deaths included the first correction officer killed on duty since 2000 in the state.<sup>16</sup> Davis Correctional Facility faced significant understaffing problems, and Bobby Cleveland (then executive director of Oklahoma Corrections Professionals) noted that "every week I look at it, it says Davis (locked down)—not enough staff... They're (locking) down constantly because they don't have enough staff."

**July 30, 2021-** CoreCivic's facility in Shelby, Montana was without water for three days. An incarcerated person who spoke to the Montana State News Bureau during the three-day crisis reported that the supply of bottled water was inadequate and that prison toilets were overflowing with human waste because the promised portable toilets had failed to appear. On August 2, 2021, two incarcerated

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<sup>12</sup> <https://www.justice.gov/opa/pr/justice-department-announces-civil-rights-investigation-conditions-tennessees-trousdale>

<sup>13</sup> <https://www.civilbeat.org/2024/08/more-details-emerge-on-attack-of-hawaii-inmate-in-an-arizona-prison/>

<sup>14</sup> <https://www.civilbeat.org/2024/06/prices-have-abruptly-skyrocketed-at-the-arizona-prison-that-houses-many-hawaii-inmates/>

<sup>15</sup> <https://www.civilbeat.org/beat/hawaii-inmate-in-an-arizona-prison-dies-after-apparently-being-attacked/>

<sup>16</sup> <https://oklahomawatch.org/2022/09/16/stabbings-soar-at-southeast-oklahoma-private-prison/>



people were arguing with guards over their continued inability to remove fecal matter from their living area when a fight broke out, leaving three guards hospitalized.<sup>17</sup>

**June 8, 2019-** Hawai'i inmate Justin Fuller claims he was raped by corrections officer Christina Lopez, who was later fired and pled guilty to a charge of unlawful sexual conduct in Saguaro prison. Fuller also alleges CoreCivic attempted to stop him from sharing his version of events and from filing a lawsuit by retaliating against him in prison — throwing him into solitary confinement, and blocking him from calling lawyers and a sexual-assault reporting hotline.<sup>18</sup>

**August 2015-** Jonathan Namauleg, a 21-year-old incarcerated individual from Hawai'i, was fatally strangled by his cellmate Jason McCormick at Saguaro Correctional Center. Investigation arose regarding why Namauleg, serving a three-year sentence for third degree arson, was housed with McCormick, serving a life sentence for second-degree murder.<sup>19</sup>

**2015-** At an Oklahoma prison operated by CoreCivic, ten incarcerated individuals were involved in a fight on February 25, 2015 that left five with stab wounds. The following month, eight more were involved in another stabbing incident. In June of that year, thirty-three gang members fought with weapons and eleven prisoners were sent to a hospital. On September 12, 2015, four inmates were killed during a riot at the same facility. According to an investigation by the Oklahoma Department of Corrections, video evidence of the September 12, 2015 incident from three cameras at the facility was recorded over or deleted by CoreCivic employees.<sup>20</sup>

**2012-**Two wrongful death lawsuits filed by the families of Clifford Medina and Bronson Nunuha, two incarcerated individuals transplanted from Hawai'i to Saguaro Correctional Center. The lawsuits were filed against both CoreCivic and the State of Hawai'i. The complaints alleged that CoreCivic's failure to control gang violence and adequately staff the prison, as well as Hawai'i's failure to provide oversight, contributed to the deaths.<sup>21</sup>

**2011-** Hawaii's then-governor Neil Abercrombie brought back 423 incarcerated people from Arizona prisons run by CCA/CoreCivic, in response to over a dozen individuals filing lawsuits regarding brutal treatment in CCA prisons.<sup>22</sup>

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<sup>17</sup> <https://www.prisonlegalnews.org/news/2022/jan/1/montana-renews-corecivic-contract-major-water-and-sewage-problems-persist/>

<sup>18</sup> <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

<sup>19</sup> <https://www.civilbeat.org/2015/08/death-of-hawaii-inmate-in-arizona-prison-is-ruled-a-homicide/>

<sup>20</sup> <https://www.prisonlegalnews.org/news/2018/jan/8/lawsuit-claims-corecivic-allowed-corruption-and-gangs-flourish-oklahoma-prison/>

<sup>21</sup> <https://www.aclu.org/press-releases/family-second-hawaii-prisoner-murdered-mainland-prison-files-suit-against-state>

"Notably, while Hawaii prisoners Clifford and Bronson were killed at the CCA-run Saguaro prison in Arizona in 2010, no state prisoners were murdered in DPS-operated facilities in Hawaii during that same year."

<sup>22</sup> <https://www.staradvertiser.com/2010/12/16/hawaii-news/abercrombie-pledges-isle-inmates-return/>

**2011-** An incarcerated individual from Hawai'i alleges that an officer employed by CoreCivic sexually assaulted him in his cell in 2009. The officer, Richard Ketland, was sentenced to probation after being charged with unlawful sexual contact.<sup>23</sup>

**July 30, 2010** - 30 incarcerated individuals from Saguaro's high security unit are involved scuffle over an Xbox owned by one individual. When prison staff members intervened to stop, 13 incarcerated individuals beat up the facility's gang intelligence officer. The prison employee suffered a broken nose, broken cheekbones, and eye socket damage. Clayton Frank, then-Director of Public Safety Hawaii, said gang involvement and injury of a staff member have led to fears the violence could bleed into the general prison population.<sup>24</sup>

**June 8, 2010** – Clifford Medina, a 23-year-old individual from Hawai'i is murdered in his cell at CCA's Saguaro Correctional Facility in Arizona. His roommate strangled him.

**February 18, 2010** - Bronson Nunuha, a 26-year-old individual from Hawai'i, is fatally stabbed in his cell at CCA's Saguaro Correctional Facility in Arizona. Bronson was scheduled to be released in October 2010.

**November 2009** - The Eloy Police Depart. is investigating allegations that a CCA employee sexually assaulted an incarcerated individual at CCA-Saguaro.<sup>25</sup>

**August 25, 2009** - The New York Times publishes a story about the epidemic of sexual assaults at CCA's Otter Creek Facility in Kentucky. Hawai'i investigators found that at least five corrections officials at the prison, including a chaplain, had been charged with having sex with incarcerated individuals in the last three years, and four were convicted.<sup>26</sup>

**2009-** The family of incarcerated individual Ronnie Lonoaea, from Hawai'i, filed suit for harms that Ronnie suffered after being transferred to Tallahatchie County Correctional Facility, operated by CCA/CoreCivic. Lonoaea suffered brain damaged after other incarcerated individuals beat him when a guard opened 20 cell doors "for reasons which are not clearly understood."<sup>27</sup>

**June 2007** - CCA opens 1896 bed Saguaro Prison in Eloy, Arizona, solely to house Hawai'i prisoners.

**December 31, 2005** - Sarah Ah Mau, a 43-year-old incarcerated individual from Hawai'i dies at CCA's Otter Creek Facility in Kentucky. Her family alleges that Sarah failed to receive adequate medical care. After Ah Mau died, Hawai'i prison officials sent a team to assess the medical treatment being given to incarcerated individual at Otter Creek. They never publicly released the results of that inquiry.<sup>28</sup>

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<sup>23</sup> <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

<sup>24</sup> <https://www.prisonlegalnews.org/news/2010/sep/15/news-in-brief/>

<sup>25</sup> <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

<sup>26</sup> <https://www.nytimes.com/2009/08/26/us/26kentucky.html>

<sup>27</sup> 665 F. Supp. 2d 677 (N.D. Miss. 2009)

<sup>28</sup> <http://www.honoluluadvertiser.com/article/2008/Jan/02/ln/hawaii801020371.html>



**July 17, 2005** - Cell doors in Mississippi's SHIP unit "accidentally" opened around 2:45am, freeing inmates. Ronnie J. Lonoaea, 32, of Hawai'i was severely beaten in his cell before guards released tear gas and restored order about 90 minutes (about 3 hours) later. Scott Lee of Hawai'i also suffered a broken jaw in the incident. A CCA investigation concluded that cell doors likely opened because a corrections sergeant hit the wrong control button.

**February 2005** – GRW's Brush Warden in Colorado resigns in the wake of sexual misconduct allegations involving guards and eight incarcerated individuals, including two Hawai'i women. In September of 2005, Hawai'i moves 80 women from Brush to CCA's Otter Creek Correctional Center in Wheelwright, KY.<sup>29</sup> Colorado investigators discover seven Brush employees had arrest records or felony convictions; GRW admits background checks were not done.

**November 2004** - According to Hawai'i Contract monitor reports, in the first six months after Hawai'i inmates arrived in Mississippi, several employees were fired for smuggling cigarettes and having inappropriate relationships with incarcerated people. Hawai'i prison monitors also warned CCA the prison failed to meet National Commission on Correctional Health Care Standards because a doctor was onsite only eight hours a week to care for almost 1000 incarcerated people. Monitors also warned dental services were insufficient because a dentist was available only eight hours a week.<sup>30</sup>

**May 14, 2004** – Hundreds of incarcerated individuals riot for several hours at the Diamondback facility in Arizona; Hawai'i inmates are not involved. An investigation by Arizona officials finds inadequate staffing.<sup>31</sup>

**2004** - Male individuals from Hawai'i are transferred to CCA's Tallahatchie prison in Mississippi. Hawai'i contract monitors described the staff as young and inexperienced. Most had never worked in a prison before. CCA requires five weeks of training, compared with eight weeks for correctional officers in Hawai'i.<sup>32</sup>

**June 20, 2003** - A riot by incarcerated individuals from Hawai'i at CCA's Diamondback prompts an investigation and results in a three-week lockdown of 119 inmates.

**June 2003** – CCA's Diamondback officials suspect smuggling of crystal methamphetamine by female guards "in love" with incarcerated individuals from Hawai'i. Six are fired for "inappropriate relationships."<sup>33</sup>

**June 2003** - Monitors urge removal of women from an Oklahoma prison run by CoreCivic because required programs are not being provided. More than a year after monitors urged transfer, in August of 2004, incarcerated women in Oklahoma are moved to GRW's Corporation's Brush Correctional Facility in Colorado.<sup>34</sup>

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<sup>29</sup> <https://honoluluadvertiser.com/article/2005/Oct/03/ln/FP510030312.html>

<sup>30</sup> <http://the.honoluluadvertiser.com/article/2005/Oct/03/ln/FP510030313.html>

<sup>31</sup> <https://www.oklahoman.com/story/news/2004/07/08/report-says-riot-lasting-for-hours/61982912007/>

<sup>32</sup> <http://the.honoluluadvertiser.com/article/2005/Oct/03/ln/FP510030313.html>

<sup>33</sup> <https://honoluluadvertiser.com/article/2005/Oct/03/ln/FP510030312.html>

<sup>34</sup> <sup>34</sup>

**June 2001** - According to the Hawai'i monitor's report, Florence was failing to conduct random urinalysis of incarcerated individuals, which would indicate the scope of drug smuggling into the facility. A testing program was required under the CCA contract with Hawai'i but was not being conducted. Florence official also admitted that the prison medical unit is "grossly understaffed."

**April 30, 2001** - Hawai'i prison monitors report lax security, widespread drug use, gang activity, and failure to provide required educational and rehabilitation programs at CCA's Florence facility. The warden is replaced and suspected gang members are sent to other prisons.

**April 16, 2001** - Iulani Amani, 23, of Hawai'i dies of a drug induced heart attack after packets of crystal methamphetamine burst in his stomach, prompting a management review of CCA's Florence facility.

**September 12, 2000** - Three guards are injured when 20 incarcerated individuals from Hawai'i at CCA's Florence Correctional Center smash windows, computers, TVs, and food carts in the so-called Rice Riot to protest the way rice is cooked.

**Nov. 2000** - Three Hawai'i women file lawsuits alleging sexual assaults by Oklahoma prison staff while incarcerated, the complaints are later settled for an undisclosed sum.<sup>35</sup>

**August 1999** - Fires set during a two-hour melee between CCA's Diamondback, OK, guards and 25 incarcerated individuals from Hawai'i cause \$200,000 in damage. Five guards and four inmates are hurt.

**June 1999** - Two dozen incarcerated individuals from Hawai'i and Indiana fight at CCA's Diamondback Correctional Facility in Watonga, Oklahoma.

**July- Oct. 1998** - Hawai'i sends two groups of 300 incarcerated individuals each to private prisons in Oklahoma, Tennessee, and Minnesota run by Corrections Corporation of America (CCA). Hawai'i now has 1,2000 incarcerated people on the Mainland at a cost of \$20 million per year.

**August 1998** - Hawai'i transfers female individuals to Central Oklahoma Correctional Facility because of sanitation problems and lack of programs at Crystal City.

**July 1998** - A U.S. Department of Justice Investigation finds conditions at the Dickens facility amount to "cruel and unusual punishment."

**February 1998** - Three incarcerated individuals from Hawai'i at Newton County Correctional Center in Texas kidnap and assault a corrections officer during an escape attempt. In March, the Newton facility is cited by the Texas Jail Standards Commission for violating minimum prison standards due to overcrowding.

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<sup>35</sup> <https://honoluluadvertiser.com/article/2005/Oct/03/ln/FP510030312.html>

**January 1998** -Newton's warden is fired after a disturbance in which incarcerated individuals from Hawai'i set fire to the prison commissary after being tear gassed.

**December 1997** – Incarcerated individuals from Hawai'i take control of a portion of Newton prison and release 300 people, resulting in a riot that causes \$300,00 in fire damage.

**August 1997** - Mathew Treu, an incarcerated individual from Hawai'i, escapes from Newton but is quickly recaptured.

**May 27, 1997** - Hawai'i sends another 300 people to Texas, including the first 64 female prisoners to Crystal City Correctional Center.

**May 9, 1997** – An incarcerated person from Montana is killed, and others injured when 100 incarcerated people from Montana and Hawai'i brawl at Newton County prison. Nightly protests, fires, and property damage follow, with a U.S. Department of Justice report later blaming guards for inadequate response.

**August 1996** – Incarcerated people from Hawai'i and Montana protest food portions, low wages, and other issues at Dickens; guards fire weapons, injuring a Montanan. The Warden is dismissed, and a U.S. Department of Justice investigation finds guards were poorly trained.<sup>36</sup> In 1998, a **U.S. Department of Justice Investigation** finds conditions at the Dickens facility amount to "cruel and unusual punishment.

**December 1995** - Citing cost savings, Hawai'i sends 300 people to the Dickens and Newton County correctional centers in Texas, both operated by the Bobby Ross Group.

## **APPENDIX B: Lawsuits and Costly Punishments tied to CoreCivic**

**2024-** CoreCivic staff filed a class action lawsuit for unpaid overtime.<sup>37</sup>

**January 24, 2023-** Florida's Citrus County Board of County Commissioners voted to deduct \$116,250 from its December 2022 bill for CoreCivic, as a fine against CoreCivic for failing to meet its staffing requirements during the month.<sup>38</sup> CoreCivic had been subject to heightened scrutiny from the county after settling for \$425,000 with the mother of a developmentally disabled teen who filed suit alleging CoreCivic allowed her son to be raped by another incarcerated person (see below). CoreCivic had previously been subject to fines because of its Citrus County Detention Facility, facing fines of \$2,500 for every day the jail was understaffed after the suicide of Lisa Ann Trombley, 48, on October 17, 2021, and the death the following November 2 of Valerie Bogle, 63 in CCDF.

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<sup>36</sup> See, for example, a 1997 DOJ report on the Civil Rights of Institutionalized Persons Act: <https://www.justice.gov/crt/1997-cripa-report>

<sup>37</sup> <https://www.classaction.org/corecivic-correctional-officers-lawsuit>

<sup>38</sup> <https://www.prisonlegalnews.org/news/2023/mar/9/corecivic-still-accruing-fines-for-short-staffing-florida-jail-where-developmentally-disabled-teen-was-raped/>

**2023-** Lawsuit was brought against CoreCivic by a prison guard, alleging that she was unconstitutionally searched at CoreCivic's Wheeler Correctional Facility in Georgia.<sup>39</sup>

**2023-** Lawsuit filed by the estate of a 23-year-old asylum seeker who was held by CoreCivic in New Mexico in the Torrance County Detention Facility. The complaint notes systemic failures in the mental health care system resulted in a fatal suicide attempt. These failures included repeated postponements of the individual's deportation date, with little to no warning, and a failure by staff to monitor the inmate despite clear signs of extreme distress.<sup>40</sup>

**August 12, 2022-** Workers unionize and strike at CoreCivic's Central Arizona Florence Correctional Complex.<sup>41</sup>

**August 2022-** CoreCivic settles with the mother of Terry Childress, who dies in CCA's Trousdale Turner Correctional Center after his cellmate assaulted him.<sup>42</sup>

**2022-** Suit brought against CoreCivic on behalf of Joshua Williams, Christeris Allen, and Keith Brown. Joshua Williams had been visibly infected and his family had written to CoreCivic staff requesting assistance, but his illness was ignored. Williams passed away from a fentanyl overdose, believed to be an attempt at pain relief for his untreated infection. Christeris Allen also died from a fentanyl overdose, and his family alleged that Allen's death was due in part to a failure by CoreCivic guards to conduct mandatory head counts and inmate cell checks. Keith Brown developed terminal cancer while incarcerated at a CoreCivic facility, and alleges that medical professionals at the facility repeatedly ignored or failed to evaluate his cancer until it had become terminal.<sup>43</sup>

**August 23, 2020-** Addison Smith committed suicide, four days after being raped by another incarcerated person at CoreCivic's South Central Correction Center in Clifton, Tennessee. A lawsuit filed by Smith's family alleges that CoreCivic staff failed to provide mental health services after Addison was sexually assaulted, and that CoreCivic staff fabricated records to make it appear like these services were provided. After being confronted by CoreCivic's internal investigators, the staff member was allowed to resign.<sup>44</sup>

**May 9, 2020-** Five incarcerated people file suit, alleging that staff at CoreCivic's Central Arizona Florence Correctional Complex failed to implement basic social distancing and hygiene measures in violation their Eighth and Fifth Amendment rights during the Covid-19 pandemic.<sup>45</sup>

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<sup>39</sup> *Curtis v. Corecivic, Inc.*, CV 321-015 (S.D. Ga. Sep. 16, 2021)

<sup>40</sup> <https://www.krqe.com/news/new-mexico/torrance-county-detention-facility-faces-wrongful-death-lawsuit/>

<sup>41</sup> <https://www.azcentral.com/story/news/local/arizona/2022/08/15/private-prison-maintenance-workers-strike-over-wages-safety-concerns/10333152002/>

<sup>42</sup> <https://www.tennessean.com/story/news/local/2022/08/15/corecivic-settle-lawsuit-after-lawyer-ordered-stop-tweeting/10328441002/>

<sup>43</sup>

[https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.tennessean.com/story/news/crime/2022/08/18/lawsuit-prison-company-corecivic-left-inmates-die-tennessee/10228095002/&ved=2ahUKEwjz-OqSiN-IAxWGKEQIHd3tDRoQFnoECBYQAQ&usg=AOvVaw1\\_Tg2kngdx1nkvQOakvMI](https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.tennessean.com/story/news/crime/2022/08/18/lawsuit-prison-company-corecivic-left-inmates-die-tennessee/10228095002/&ved=2ahUKEwjz-OqSiN-IAxWGKEQIHd3tDRoQFnoECBYQAQ&usg=AOvVaw1_Tg2kngdx1nkvQOakvMI)

<sup>44</sup> *Smith v. CoreCivic, Inc.*, 3:20-cv-00563 (M.D. Tenn. Dec. 12, 2022)

<sup>45</sup> *Lucero-Gonzalez v. Kline*, 464 F. Supp. 3d 1078 (D. Ariz. 2020)

**June 10, 2019-** The Human Rights Defense Center and No Exceptions Prison Collective reported that from 2014 through June 2019, there were twice as many murders in the four Tennessee prisons operated by CoreCivic (formerly Corrections Corporation of America) than in the 10 prisons run by the Tennessee Department of Correction (TDOC). Also, the homicide rate in CoreCivic facilities was over four times higher than the rate for TDOC prisons. This was despite the fact that during that time period, TDOC facilities held, on average, 70% of the state's prison population – including incarcerated individuals with higher security levels than in CoreCivic prisons.

**January 2019-**CoreCivic settles for \$425,000 after a lawsuit alleged that CoreCivic guards allowed a developmentally disabled teen to be raped by other incarcerated people. The complaint in *Butzer v CoreCivic* states that “despite having the knowledge that [the boy] was mentally disabled and highly vulnerable to sexual assault, [the boy] was placed in an adult jail facility where other inmates were provided the opportunity to bully [him].”<sup>46</sup>

**September 2018-**Sayre, Oklahoma obtained a \$975,000 settlement from CoreCivic after a lawsuit alleged that CoreCivic had failed to pay the town \$904,000 in mandatory fees.<sup>47</sup>

**June 27, 2018-** Attorney Kathleen Bliss filed suit against CoreCivic, alleging CoreCivic recorded privileged conversations with her clients at Nevada Southern Detention Center.<sup>48</sup>

**March 26, 2018-** Lawsuit filed against CoreCivic by the widow of Earl Wayne Johnson, alleging that Johnson was severely beaten and subsequently denied adequate medical care while housed at Hardeman County Correctional Center, operated by CoreCivic.<sup>49</sup>

**February 22, 2018-**Class action filed on behalf of incarcerated people held in CoreCivic facilities, alleging that that civil immigration detainees had been forced to work for 1-2 dollars a day or no wages under threats including solitary confinement and denial of basic services.<sup>50</sup>

**2018-** A federal lawsuit was filed by the Southern Poverty Law Center and Project South regarding CoreCivic's operation of the Stewart Detention Center in Lumpkin, Georgia. The complaint alleged that CoreCivic engaged in systematic deprivation of basic necessities to induce incarcerated individuals to do labor, violating anti-trafficking law and resulting in unjust enrichment. The lawsuit was settled in 2023.<sup>51</sup>

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[Butzer v. Corecivic, Inc 5:2017cv00360](#)

<sup>47</sup> <https://www.prisonlegalnews.org/news/2019/mar/5/corecivic-bilked-rural-oklahoma-town-forced-pay-back-money-lawsuit/>

<sup>48</sup> [Bliss v. CoreCivic, Inc., 580 F. Supp. 3d 924](#)

<sup>49</sup> <https://www.jacksonsun.com/story/news/local/2019/07/16/jail-death-lawsuit-corecivic-fights-keep-documents-private/1660907001/#:~:text=Carolyn%20filed%20her%20complaint%20against,he%20received%20inadequate%20medical%20care.>

<sup>50</sup> *Gonzalez v. CoreCivic* 1:18-cv-00169

<sup>51</sup> <https://www.splcenter.org/presscenter/settlement-forced-labor-case-against-private-prison-company-operating-immigration>

**2018-** Lawsuit filed against CoreCivic, alleging prison officials allowed corruption and gangs at the Cimarron Correctional Facility in Oklahoma. The lawsuit alleged that an incarcerated person was maced by guards as he bled to death.<sup>52</sup>

**2018-** Three ongoing lawsuits, including a class action lawsuit, against CoreCivic raised issues under the Americans with Disabilities Act, the 8<sup>th</sup> Amendment, and the 14<sup>th</sup> Amendment. The lawsuits alleged that diabetic incarcerated individuals at CoreCivic's Trousdale Turner Correctional Center in Tennessee were denied access to care for their condition.<sup>53</sup>

**June and July 2017-** Lawsuits alleged that CoreCivic officials ignored a scabies outbreak at CoreCivic's Metro-Davidson County Detention Facility in Tennessee. The outbreak affected 89 incarcerated people, at least 17 jail staff, and 16 courthouse workers and attorneys.<sup>54</sup>

**February 2017-** A federal jury found that CoreCivic had violated incarcerated individuals' Eighth Amendments rights to be free from cruel and unusual punishment by being deliberately indifferent to the serious risk posed by the company's long-standing practice of understaffing the Idaho Correctional Center.<sup>55</sup>

**January 2017-** Florida Rep David Richardson found that Florida state payments to CoreCivic had led to at least \$16 million in overcharges from 2010 to 2017.<sup>56</sup>

**August 2014-** Countess Clemons, represented by Human Rights Defense Center, settled with CCA for \$690,000 after the death of her newborn child while she was incarcerated at CCA's Silverdale facility. Clemons alleged that CCA staff failed to provide timely medical care.<sup>57</sup>

**July 2014-** The estate of Larry Adams settled with CCA for \$70,000. Larry Adams, held at CCA's Hardeman facility, died in May of 2007 after he contracted hepatitis B. Adams was treated by CCA medical staff improperly, and was treated with medication that was inappropriate given his pre-existing liver condition.<sup>58</sup>

**May 2014-** Donna Johnson settled with CCA after filing suit regarding her treatment while incarcerated at CCA's Silverdale facility. Her allegations include that guards hit her "directly and

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<sup>52</sup> <https://www.prisonlegalnews.org/news/2018/jan/8/lawsuit-claims-corecivic-allowed-corruption-and-gangs-flourish-oklahoma-prison/>

<sup>53</sup> <https://www.tennessean.com/story/news/2018/08/07/corecivic-diabetic-inmates-denied-insulin-trousdale-turner/925297002/>

<sup>54</sup> *Snead v. CoreCivic*, U.S.D.C. (M.D. Tenn.), Case No. 3:17-cv-00949 and *Doe v. CoreCivic*, U.S.D.C. (M.D. Tenn.), Case No. 3:17-cv-00958.

<sup>55</sup> <https://www.ktvb.com/article/news/jury-prison-company-violated-rights-but-no-need-to-pay/277-414222365>

<sup>56</sup> <https://www.tampabay.com/news/politics/stateroundup/legislators-audit-florida-paid-private-prison-operator-16-million-too-much/2309289/>

<sup>57</sup> <https://www.prisonlegalnews.org/news/2016/feb/29/pln-obtains-confidential-cca-litigation-records-tennessee/>

<sup>58</sup> See: *Williams v. Hardeman County Government*, Circuit Court of Hardeman County (TN), Case No. 08-02-0328. *Lit. Medical*.



repeatedly in her genitalia, causing her internal injuries” and that she “suffered a number of lacerations and abrasions to her body and had a number of her teeth knocked out, requiring oral surgery.”<sup>59</sup>

**2014-** The U.S. Department of Labor found that CCA paid 30-40% less to its workers than required under the rules for federal contractors at its California City Correctional Center. DOL found that the federal prison subcontractor underpaid 362 employees and was accused of failing to make required payments to retirement and insurance accounts, and of inaccurately recording hours worked.<sup>60</sup>

**November 2013-** CCA settled for \$260,000 after 25 shift supervisors claimed they were denied overtime and were required to work extra hours without compensation.<sup>61</sup>

**2013-** Incarcerated individual Eric D. Smith settled a lawsuit with CCA in 2013. Smith alleged that a counselor had publicly called him a member of the Aryan Nation, and a guard later had allowed other prisoners into his cell to assault him.<sup>62</sup>

**2013-** CoreCivic held in contempt of court after violating a 2011 settlement agreement by falsifying records to misrepresent the number of guards on duty. The original lawsuit, settled in 2011, alleged that understaffing of CoreCivic’s Idaho Correctional Center led to a violent atmosphere (leading the facility to be nicknamed “Gladiator School”). A 2008 study by Idaho’s Department of Corrections found that the CoreCivic facility had “four times more prisoner-on prisoner assaults than Idaho’s other seven publicly-operated prisons combined.”<sup>63</sup>

**May 2012-** A riot at a federal prison operated by CoreCivic in Natchez, Mississippi resulted in the death of a guard and injuries to approximately 20 incarcerated individuals and prison staff.<sup>64</sup>

**December 2010-** The family of incarcerated person Gerald Townsend settled with CCA for \$30,000. Townsend was fatally beaten in a CCA facility segregation cell by his cellmate, who had previously threatened former cellmates. Former CCA Captain Patrick Perry, who was on duty the night of Townsend’s death, testified that the emergency call buttons in most of the segregation cells were nonfunctional.<sup>65</sup>

**October 1, 2009-** CCA entered into a consent decree with the Equal Employment Opportunity Commission, agreeing to a \$1.3 million settlement regarding allegations of retaliation and sexual assault at Crowley County Correctional Facility in Colorado.

**August 2009** -The U.S. District Court for the District of Kansas unsealed a \$7 million settlement agreement in a class-action wage and hour lawsuit against CCA. The suit, brought under the Fair Labor Standards Act, alleged that CCA had required some employees to perform work duties “without compensating them for all such hours worked.” Specifically, the company was accused of not paying correctional officers and other employees for pre- and post-shift work that included roll calls, obtaining

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<sup>59</sup> See: *Johnson v. Wichita County*, Texas Sheriff’s Office, U.S.D.C. (E.D. Tenn.), Case No. 1:12-cv-00394. *Lit*

<sup>60</sup> <https://www.cbsnews.com/losangeles/news/private-prison-company-pays-8m-in-back-wages/>

<sup>61</sup> <https://www.washingtonexaminer.com/news/599114/prison-company-pays-260k-in-lawsuit-settlement/>

<sup>62</sup> *Smith v. CCA*, U.S.D.C. (E.D. Tenn.), Case No. 1:11-cv-00121.

<sup>63</sup> <https://www.aclu.org/news/smart-justice/cca-it-again-held-contempt-understaffing-prison-and-lying>

<sup>64</sup> <https://oig.justice.gov/press/2016/2016-12-20.pdf>

<sup>65</sup> See: *Townsend v. CCA*, U.S.D.C. (M.D. Tenn.), Case No. 3:08-cv-00697.

weapons and equipment, attending meetings and job assignment briefings, and completing paperwork.<sup>66</sup>

**February 2008-** David Plunk settled with CCA for \$60,000 after alleging that CCA's delay in providing medical treatment "lessened the probability that treatment would be as successful as it had been previously, and decreased the Plaintiff's life expectancy and quality of life."<sup>67</sup>

**2007-** Gary Dewayne Thompson filed a \$30 million lawsuit against CCA, alleging that guards at Silverdale Detention Facility in Tennessee compelled him to act as a "gladiator" towards another incarcerated individual, and punished him when he reported the incident. His case was settled for \$35,000.<sup>68</sup>

**2007-** CCA settled discriminatory hiring claims for \$438,000 regarding its Central Arizona Detention Center in Florence after the U.S. Department of Labor found that CCA disproportionately rejected non-Hispanic job applicants.<sup>69</sup>

**2002-** CCA settled a gender discrimination suit, paying \$152,000 in back wages to 96 women after the U.S. Department of Labor found that female applicants were being rejected due to gender at CCA's facility in Sayre, Oklahoma.<sup>70</sup>

**2001-** A federal lawsuit was filed regarding gang violence at the Florence Correctional Center, run by CoreCivic/CCA, specifically that the prison had become run by gangs. Ted Sakai, then director of Hawaii's Department of Public Safety, wrote an urgent letter to Correctional Corp., alerting officials that the Florence Correctional Center "has been taken over" by the "USO family."

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<sup>66</sup> <https://www.prisonlegalnews.org/in-the-news/2009/pln-wins-motion-to-unseal-settlement-in-cca-wagehour-class-action-suit/>

<sup>67</sup> See: *Plunk v. CCA*, U.S.D.C. (W.D. Tenn.), Case No. 1:07-cv-01057-JDT-sta.

<sup>68</sup> *Thompson v. Hamilton County*, U.S.D.C. (E.D. Tenn.), Case No. 1:07-cv-00109. *Lit.*

<sup>69</sup> <https://www.prisonlegalnews.org/news/2007/sep/15/cca-pays-438626-for-discriminatory-hiring-practices-in-arizona/>

<sup>70</sup> <https://www.oklahoman.com/article/2805216>





## HB 1376, RELATING TO RELATING TO CORRECTIONAL FACILITIES

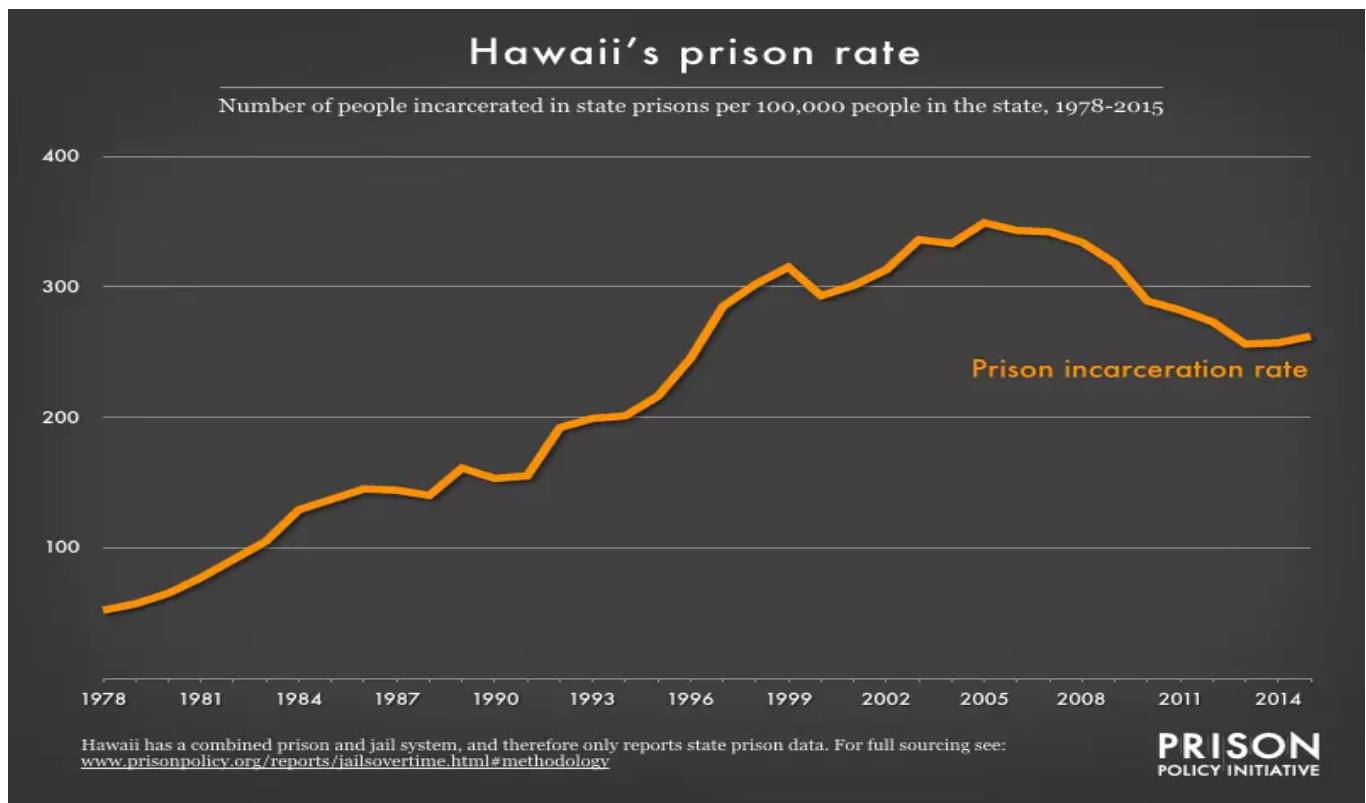
FEBRUARY 5, 2025 · PSM HEARING

**POSITION:** Support.

**RATIONALE:** Imua Alliance supports HB 1376, relating to correctional facilities, which requires the state to phase out the use of private correctional facilities to incarcerate Hawai'i inmates and prohibits the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawai'i Correctional System Oversight Commission.

**We need to build people, not prisons.** Justice cannot be achieved through the creation of more jail cells. Hawai'i has approximately 5,100 inmates, hundreds of whom are incarcerated overseas, away from their families and homeland. The Prison Policy Initiative has found that our incarcerated population has grown dramatically since the 1970s and far surpasses that of the international community, with the islands incarcerating over 400 people per 100,000 residents, while nations like the United Kingdom, Canada, and France incarcerate roughly one-quarter of that amount.

According to a report by the American Civil Liberties Union released in recent years, pretrial detainees in Honolulu wait an average of 71 days for trial because they cannot afford bail. Additionally, researchers found that circuit courts in Hawai'i set monetary bail as a condition of release in 88 percent of cases, though only 44 percent of those people managed to post the amount of bail set by the court. Moreover, the study found the average bail amount for a Class C felony on O'ahu is set at \$20,000. Even with help from a bail bonding agency, posting bond in such cases would require an out-of-pocket expense of roughly \$2,000.



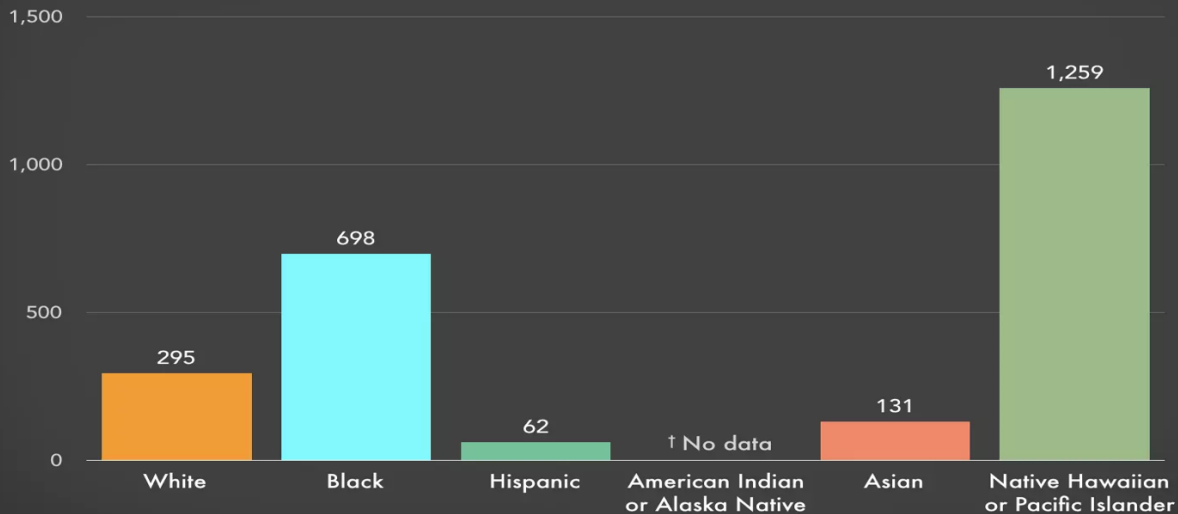
While wealthy defendants can afford to pay for bail, impoverished defendants often cannot afford to pay even minimal amounts, leaving economically disadvantaged people languishing in our jail system for low-level offenses. **These irrational “public safety” policies are the reason our jails are overcrowded.** Though officials claim that bail amounts are supposed to be based on a consideration of multiple factors—including flight risk, ability to pay, and danger to the community—researchers learned that in 91 percent of cases in Hawai‘i, monetary bail mirrored the amount set by police in arrest warrants, an amount based solely on the crime charged. These injustices led the ACLU to declare that our state’s pretrial detention system is unconstitutional.

Furthermore, people of Native Hawaiian ancestry, who comprise approximately 25 percent of the state's population, continue to suffer the pangs of a biased penal system. Approximately 39 percent of incarcerated detainees are Hawaiian, according to a comprehensive study by the Office of Hawaiian Affairs, with the proportionality gap being even greater for Hawaiian women, who comprise 19.8 percent of the state's female population, but 44 percent of the state's female inmate population. Researchers also found that, on average, Hawaiians receive longer sentences, more parole revocations, and harsher drug-related punishments than other ethnic groups.

## Racial disparities in Hawaii incarceration rates

People incarcerated in the state, per 100,000 state residents in each race or ethnicity category

### HAWAII INCARCERATION RATES, 2021



† Suppressed: Estimate is either not calculable based on published data or is based on fewer than 25 people. Source: Bureau of Justice Statistics and U.S. Census Bureau data. For sourcing details and dataset, including race definitions and categories not displayed above, see: [www.prisonpolicy.org/data/race\\_bystate\\_2021.xlsx](http://www.prisonpolicy.org/data/race_bystate_2021.xlsx).

**PRISON**  
POLICY INITIATIVE

Private prisons only incentivize the cycle of crime by providing a financial motivation for the further criminalization of nonviolent offenses and imposition of longer sentences. **Private prisons are run as businesses, after all. Without inmates, they cannot turn a profit.** America's for-profit prison industry currently controls 126,000 Americans' lives. As Lauren Brooke-Eisen, Senior Counsel in the Brennan Center's Justice Program at the Brennan Center for Justice at NYU School of Law, has argued, "It's a \$5 billion sector—one that encompasses the operation of 65 percent of the nation's immigration detention beds. And at the same time, it is largely opaque, often unaccountable to the public or the government."

Private prison companies, like CoreCivic, isn't often fail to respond to public information requests and regularly refuse to answer even the most basic questions about their practices. They are not subject to the same freedom of information and open records laws as other government agencies. Without access to information, it is difficult to know the condition of detainees. Former security guards who have worked at private prisons say that prisoner abuse is rampant, since disclosure of allegations is extremely rare. In the case of at least some Hawai'i prisoners sent to the

mainland—like Johnathan Namauleg, Clifford Medina, and Bronson Nunuha—private prisons have proven to be a death sentence.

Accordingly, **we believe our state should invest in policies to reduce our high incarceration rate, including restorative justice and diversion initiatives, pretrial bail reform, mental health programs, cannabis legalization, and more.** Legal detainment also correlates most heavily with socioeconomic status, with poverty being the biggest driver of “crime” in our community as under-resourced areas lack the social infrastructure, public health programs, and economic opportunities that empower people to flourish. Instead of constructing more cages to detain our state’s residents, we should pass policies that deliver economic fairness to financially vulnerable families, which will break the cycle of intergenerational poverty that too often serves as the social determinant of incarceration.

***Contact us at [imuaalliance.org/contact](https://imuaalliance.org/contact).***

**HB-1376**

Submitted on: 2/4/2025 9:18:44 PM

Testimony for PBS on 2/5/2025 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Melinda Healani Sonoda-Pale	Ka Lahui Hawai'i	Support	Remotely Via Zoom

Comments:

**Testimony in Strong Support of HB1376  
COMMITTEE ON PUBLIC SAFETY**

Rep. Della Au Belatti, Chair

Rep. Kim Coco Iwamoto, Vice Chair

Members of the Committee

Aloha e Chair Belatti, Vice Chair Iwamoto, and esteemed members of the Committee on Public Safety,

Ka Lāhui Hawai‘i strongly supports HB1376, a crucial measure that seeks to phase out the State of Hawai‘i’s use of private, for-profit correctional facilities and prohibit the construction or expansion of correctional facilities without the approval of the Hawai‘i Correctional System Oversight Commission.

For over two decades, Hawai‘i has relied on private, mainland prisons to house incarcerated individuals, disproportionately impacting Kanaka Maoli. Despite comprising approximately 21% of the state’s population, Kanaka Maoli represent about 40% of those incarcerated in Hawai‘i’s prisons and jails.

This overrepresentation indicates systemic disparities, as Kanaka Maoli are more likely to be convicted and serve longer sentences than individuals of other ethnicities.

The 2010 Office of Hawaiian Affairs report, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*, underscored the severe and lasting trauma suffered by inmates and their families due to forced exile thousands of miles away from their homeland, culture, and support networks.

This policy has fractured ‘ohana and disconnected our people from their cultural identity, negatively impacting rehabilitation and reintegration into our communities.

Furthermore, criminalizing non-violent offenses has exacerbated mass incarceration in Hawai‘i. Instead of continuing to invest in punishment, the State must prioritize decriminalization of non-violent crimes—particularly those rooted in poverty, mental health struggles, and substance abuse—while redirecting funds toward robust, culturally grounded rehabilitation programs.

Comprehensive reentry programs, mental health services, and economic opportunities are critical to breaking cycles of recidivism and fostering true rehabilitation.

HB1376 also aligns with best practices in correctional reform by recognizing that keeping incarcerated individuals close to their families and cultural communities is essential for successful rehabilitation. Studies have shown that maintaining strong familial connections and ties to one's homeland significantly reduces recidivism rates and improves reintegration outcomes.

For Kanaka Maoli, access to cultural practices, traditional healing, and a relationship with 'āina are integral to personal and collective restoration. It is past time that Hawai'i's criminal justice policies reflect these values.

The proposed phase-out of private prison contracts by 2030 is a necessary and overdue correction to a failed policy that prioritizes corporate profit over the well-being of our incarcerated population. Furthermore, requiring oversight and approval from the Hawai'i Correctional System Oversight Commission for any future construction or expansion of correctional facilities ensures that the State moves toward a more just, humane, and effective criminal justice system.

Ka Lāhui Hawai'i urges this committee to pass HB1376 without amendments and to take a stand against the continued exile and mistreatment of Kanaka Maoli inmates. True justice means investing in healing, rehabilitation, and keeping our people connected to their families, culture, and homeland.

Mahalo for the opportunity to testify.

Me ka 'oia'i'o,  
**Ka Lāhui Hawai'i**

**Sources:** <https://www.civilbeat.org/2023/05/native-hawaiians-are-overrepresented-in-prisons-cultural-education-could-help/>

[https://www.oha.org/wp-content/uploads/2014/11/factsheets\\_final\\_web\\_0.pdf](https://www.oha.org/wp-content/uploads/2014/11/factsheets_final_web_0.pdf)

**HB-1376**

Submitted on: 2/3/2025 10:36:06 PM

Testimony for PBS on 2/5/2025 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carmela Resuma	Individual	Support	Written Testimony Only

Comments:

I support this bill.

**HB-1376**

Submitted on: 2/3/2025 10:37:50 PM

Testimony for PBS on 2/5/2025 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Carolyn Eaton	Individual	Support	Written Testimony Only

Comments:

Aloha, Chair Belatti, Vice Chair Iwamoto, and Members of the Committee,

My name is Carolyn Eaton. I am a resident of Makiki, and I want to express strong support of this measure.

Mahalo for your hard work on behalf of the taxpayers of the state, and for all those in our care housed in jails and prisons.



**LATE**

**HB-1376**

Submitted on: 2/4/2025 12:55:19 PM

Testimony for PBS on 2/5/2025 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Olderr	Individual	Support	Written Testimony Only

Comments:

Private prisons are one of the many cancers that poison our country. They profit from the suffering of others and keep people incarcerated. The goal of prisons is to have them empty one day so that we can create a society that's safe and healthy. But private prisons don't have any incentive; they don't want people to break the cycle of incarceration; they don't want to deter crime. They want to find a way to keep their cells as full as possible for as long as possible. Support this bill

**HB-1376**

Submitted on: 2/5/2025 5:12:09 AM

Testimony for PBS on 2/5/2025 8:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Jordan Smith	Individual	Support	Written Testimony Only

Comments:

People over prisons. Lets please address the true roots of crime and violence in our communities rather than building more prisons that are likely to be over capacity just like now if we don't address root issues. Please pass this bill. Mahalo.