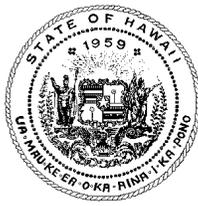


JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII
**DEPARTMENT OF CORRECTIONS
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TESTIMONY ON HOUSE BILL 1376, HOUSE DRAFT 1
RELATING TO CORRECTIONAL FACILITIES.

by

Tommy Johnson, Director
Department of Corrections and Rehabilitation

House Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Thursday, February 13, 2025; 2:00 p.m.
State Capitol, Conference Room 325 & via Videoconference

Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

The Department of Corrections and Rehabilitation (DCR) strongly opposes House Bill (HB) 1376, House Draft (HD) 1, which seeks to require DCR to reduce the number of inmates housed at private out-of-state correctional institutions by 25% no later than July 1, 2028, and by 50% no later than July 1, 2030, without regard to DCR's in-state population for male convicted felons or DCR's capacity to appropriately house, treat, and care for the affected committed felons. This measure also requires DCR to submit reports to the legislature no later than 20 days prior to the convening of the regular session of 2026, 2027, 2028, 2029, 2030, and 2031 on actions taken to fulfill the requirements as outlined.

DCR understands the intent of HB 1376, HD 1 to return committed felons incarcerated in private Mainland facilities to Hawai'i. 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 our only male medium security prison (Halawa Correctional Facility -

HCF) to accommodate 697 of the 937 committed felons currently housed at the Saguaro Correctional Center in Eloy, AZ. Of the 937 committed felons held in AZ, 240 of them were sent from the HCF temporarily while we conduct major electrical repairs to two (2) housing units. Once the repairs have been completed, the 240 will be returned.

It should be noted that DCR does not have the authority to turn away offenders sentenced to jail (1 year or less), or prison (1 year and 1 day or more), by courts, nor those re-sentenced by the courts from probation to prison terms. Likewise, DCR is required to accept all parole and probation violators, where the court or the Hawai'i Paroling Authority (HPA) have issued a warrant of arrest that has been executed. Therefore, DCR has no way of knowing what its population will be until they actually arrive at its doorstep.

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 Hawai'i's correctional facilities, which includes eight (8) jails and prisons, are old, antiquated, outdated, severely overcrowded, manpower-intensive, and constantly in need of repairs. 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 act 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 Hawai'i 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.

DCR respectfully suggests that housing 1,000 additional inmates will require the development of a new 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 1,000-bed medium security facility in Hawai'i to be between \$800 and \$937 million, depending on the design, 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).

DCR further notes that there seems to be some confusion with language contained in this measure. Specifically, Section 1, page 2, lines 7 through 10. There appears to be an assertion that DCR's contract with CoreCivic to house inmates in AZ is a public-private partnership, which is incorrect and should be removed.

Thank you for the opportunity to provide testimony in strong opposition to HB 1376, HD 1.

JON N. IKENAGA
PUBLIC DEFENDER

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February 12, 2025

H.B. No. 1376, HD1: RELATING TO CORRECTIONAL FACILITIES

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender **supports HB 1376, HD1.**

The Office of the Public Defender represents most of Hawaii's incarcerated individuals and has seen the damaging impact of out-of-state incarceration. Currently, there are close to 1,000 Hawaii inmates housed at the Saguaro Correctional Center in Eloy, Arizona, a privately owned prison. The distance makes communication and visits extremely challenging and cost prohibitive. These barriers to an inmate's support network and the removal them from their local community can significantly diminish their chances for successful reintegration upon their release.

Additionally, contracting with a for-profit private prison leads to lack of state oversight and monetizes incarceration.

“...[D]ue to limited oversight, private prison companies have more leeway to run prisons however they desire. As a result, to cut costs, many private prisons companies reduce correctional officer's wages, medical care, education and rehabilitative programming, and general living conditions. These substandard conditions link to consequences such as violent encounters between disgruntled inmates and prisoners, prisoner protests and

uprisings...inmate escapes, and higher turnover amongst staff.”¹

“Privatization of incarceration introduces serious perverse incentives created by government and financial bias through the criminal justice process, and contracting a core government function to private entities undermines the legitimacy of the justice system at large.”²

Thank you for the opportunity to comment on this measure.

¹<https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=1898&context=njilb>

² <https://abolishprivate.wpenginepowered.com/wp-content/uploads/2022/12/Abolishing-Private-Prisons - A-Constitutional-and-Moral-Imperative.pdf>



Committee: Judiciary & Hawaiian Affairs
Hearing Date/Time: Thursday, February 13, 2025, at 2:00pm
Place: Conference Room 325 & Via Videoconference
Re: **Testimony of the ACLU of Hawai'i in SUPPORT of H.B. 1376
Relating to Correctional Facilities**

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members:

The ACLU of Hawai'i is in **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 Hawai'i 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).

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. Although CoreCivic owns and operates Saguaro, the State of Hawai'i remains responsible for the health and safety of its incarcerated people. 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.**¹

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:

- 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.

¹ 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.

- 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 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.²

These tragic deaths arising from understaffing, irresponsible CoreCivic staff behavior, poor oversight, and a lack of accountability are common to CoreCivic’s operations in Saguaro and elsewhere. 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 CoreCivic³, demanding an investigation into allegedly contaminated and unsafe drinking water provided to the nearly 1,000 Hawai‘i individuals incarcerated at Saguaro prison.

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.⁴

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. **The ACLU has requested an independent, third-party test of the water. To date, this has not been received.** 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

² 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. 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/>

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

⁴ 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 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. 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.”

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)⁵, gang-related violence, and long-term solitary confinement⁶ through its SHIP program.⁷** It also has resulted in the spread of new diseases not found in Hawai'i.⁸

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.⁹
- A CoreCivic employee was arrested on June 20th 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.

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.¹⁰ 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,

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

⁶ “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/

⁷ 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

⁸ <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/>

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

¹⁰ <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

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. When disturbances or deaths occur, contract monitors have not responded in an exigent manner.

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. Despite efforts of the newly created Hawai'i Correctional System Oversight Commission, the Commission lacks the necessary staffing capacity, travel funding, and influence over CoreCivic.

To date, Hawai'i has rarely fined CoreCivic for failing to fulfill the terms of its contract despite understaffing, failure to provide adequate treatment services, and failing to ensure safe conditions of confinement. A 2010 state audit found 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."¹¹ **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.**

Passage of H.B. 1376 is necessary for Hawai'i to uphold its responsibilities

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 shirked its responsibility and allowed serious lapses in transparency and accountability. This is especially dangerous given the horrifying record of physical assaults and deaths at Saguaro and other CoreCivic facilities, which have been only partially documented in this writing.

Proposed Amendments:

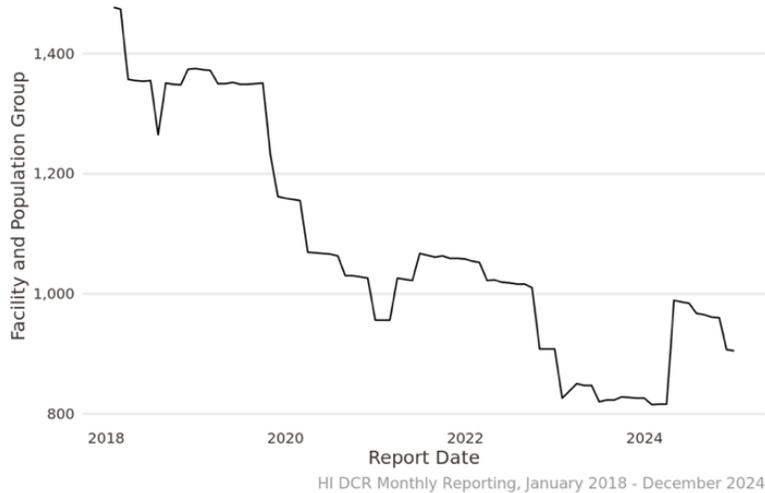
1) Establishing the 2025 baseline population at 700 individuals

In his testimony just last week, the DCR Director Johnson made clear that **the normal Saguaro population is 700 and there is a "temporary surge of 240" people at Saguaro that is pushing the population number up.**¹²

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

¹² See, Testimony of DCR Director Tommy Johnson 02-05-2025 before the Public Safety Committee (<https://www.youtube.com/live/NIK47FfjHV4?feature=shared&t=5388>).

SAGUARO CC, AZ Felony Sentence Over Time



This can also be seen in the graph above. Given this, a clarifying amendment to HD1 is necessary to establish the original population count at or around 700 people to reflect the normal population count, per the Director’s testimony. This best achieves the purpose of the bill. Setting the number realistically will ensure that more individuals are brought home to Hawai’i, in accordance with the intention of the bill.

2) Requiring yearly benchmarks

We are in support of section 2 of H.B. 1376 HD1 requiring DCR to make an annual report to the legislature on progress made toward population reduction and what steps the department is taking to do so. **However, the ACLU of Hawai’i requests that this be amended to set yearly benchmarks to measure progress.** This would require certain population reductions by year, ensuring greater accountability and legislative oversight while also allowing for opportunities for re-evaluation on a more timely basis.

Reducing 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.¹³

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.¹⁴

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.¹⁵

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.¹⁶

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.¹⁷ 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

¹³ <https://www.justice.gov/opa/pr/justice-department-announces-civil-rights-investigation-conditions-tennessees-trousdale>

¹⁴ <https://www.civilbeat.org/2024/08/more-details-emerge-on-attack-of-hawaii-inmate-in-an-arizona-prison/>

¹⁵ <https://www.civilbeat.org/2024/06/prices-have-abruptly-skyrocketed-at-the-arizona-prison-that-houses-many-hawaii-inmates/>

¹⁶ <https://www.civilbeat.org/beat/hawaii-inmate-in-an-arizona-prison-dies-after-apparently-being-attacked/>

¹⁷ <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.¹⁸

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.¹⁹

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.²⁰

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.²¹

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.²²

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.²³

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.²⁴

¹⁸ <https://www.prisonlegalnews.org/news/2022/jan/1/montana-renews-corecivic-contract-major-water-and-sewage-problems-persist/>

¹⁹ <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

²⁰ <https://www.civilbeat.org/2015/08/death-of-hawaii-inmate-in-arizona-prison-is-ruled-a-homicide/>

²¹ <https://www.prisonlegalnews.org/news/2018/jan/8/lawsuit-claims-corecivic-allowed-corruption-and-gangs-flourish-oklahoma-prison/>

²² <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.”

²³ <https://www.staradvertiser.com/2010/12/16/hawaii-news/abercrombie-pledges-isle-inmates-return/>

²⁴ <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

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.²⁵

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.²⁶

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.²⁷

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."²⁸

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.²⁹

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.

²⁵ <https://www.prisonlegalnews.org/news/2010/sep/15/news-in-brief/>

²⁶ <https://www.phoenixnewtimes.com/news/hawaii-inmate-alleges-rape-retaliation-at-saguaro-prison-arizona-11393143>

²⁷ <https://www.nytimes.com/2009/08/26/us/26kentucky.html>

²⁸ 665 F. Supp. 2d 677 (N.D. Miss. 2009)

²⁹ <http://www.honoluluadvertiser.com/article/2008/Jan/02/ln/hawaii801020371.html>

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.³⁰ 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.³¹

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.³²

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.³³

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."³⁴

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.³⁵

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."

³⁰ <https://honoluluadvertiser.com/article/2005/Oct/03/In/FP510030312.html>

³¹ <http://the.honoluluadvertiser.com/article/2005/Oct/03/In/FP510030313.html>

³² <https://www.oklahoman.com/story/news/2004/07/08/report-says-riot-lasting-for-hours/61982912007/>

³³ <http://the.honoluluadvertiser.com/article/2005/Oct/03/In/FP510030313.html>

³⁴ <https://honoluluadvertiser.com/article/2005/Oct/03/In/FP510030312.html>

³⁵ ³⁵

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.³⁶

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.

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.

³⁶ <https://honoluluadvertiser.com/article/2005/Oct/03/In/FP510030312.html>

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.³⁷ 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.³⁸

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.³⁹ 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.

2023- Lawsuit was brought against CoreCivic by a prison guard, alleging that she was unconstitutionally searched at CoreCivic's Wheeler Correctional Facility in Georgia.⁴⁰

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.⁴¹

³⁷ See, for example, a 1997 DOJ report on the Civil Rights of Institutionalized Persons Act: <https://www.justice.gov/crt/1997-cripa-report>

³⁸ <https://www.classaction.org/corecivic-correctional-officers-lawsuit>

³⁹ <https://www.prisonlegalnews.org/news/2023/mar/9/corecivic-still-accruing-fines-for-short-staffing-florida-jail-where-developmentally-disabled-teen-was-raped/>

⁴⁰ *Curtis v. Corecivic, Inc.*, CV 321-015 (S.D. Ga. Sep. 16, 2021)

⁴¹ <https://www.krqe.com/news/new-mexico/torrance-county-detention-facility-faces-wrongful-death-lawsuit/>

August 12, 2022-Workers unionize and strike at CoreCivic’s Central Arizona Florence Correctional Complex.⁴²

August 2022-CoreCivic settles with the mother of Terry Childress, who dies in CCA’s Trousdale Turner Correctional Center after his cellmate assaulted him.⁴³

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.⁴⁴

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.⁴⁵

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.⁴⁶

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

⁴² <https://www.azcentral.com/story/news/local/arizona/2022/08/15/private-prison-maintenance-workers-strike-over-wages-safety-concerns/10333152002/>

⁴³ <https://www.tennessean.com/story/news/local/2022/08/15/corecivic-settle-lawsuit-after-lawyer-ordered-stop-tweeting/10328441002/>

⁴⁴

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-IAxWGKEQIHd3tDR0QFnoECBYQAQ&usq=AOvVawI_Tg2kngdx1nkvQOakvMI

⁴⁵ *Smith v. CoreCivic, Inc.*, 3:20-cv-00563 (M.D. Tenn. Dec. 12, 2022)

⁴⁶ *Lucero-Gonzalez v. Kline*, 464 F. Supp. 3d 1078 (D. Ariz. 2020)

vulnerable to sexual assault, [the boy] was placed in an adult jail facility where other inmates were provided the opportunity to bully [him].”⁴⁷

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.⁴⁸

June 27, 2018- Attorney Kathleen Bliss filed suit against CoreCivic, alleging CoreCivic recorded privileged conversations with her clients at Nevada Southern Detention Center.⁴⁹

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.⁵⁰

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.⁵¹

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 2023.⁵²

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.⁵³

2018-Three ongoing lawsuits, including a class action lawsuit, against CoreCivic raised issues under the Americans with Disabilities Act, the 8th Amendment, and the 14th 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.⁵⁴

⁴⁷

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

⁴⁸ <https://www.prisonlegalnews.org/news/2019/mar/5/corecivic-billed-rural-oklahoma-town-forced-pay-back-money-lawsuit/>

⁴⁹ [Bliss v. CoreCivic, Inc., 580 F. Supp. 3d 924](#)

⁵⁰ <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.>

⁵¹ [Gonzalez v. CoreCivic 1:18-cv-00169](#)

⁵² <https://www.splcenter.org/presscenter/settlement-forced-labor-case-against-private-prison-company-operating-immigration>

⁵³ <https://www.prisonlegalnews.org/news/2018/jan/8/lawsuit-claims-corecivic-allowed-corruption-and-gangs-flourish-oklahoma-prison/>

⁵⁴ <https://www.tennessean.com/story/news/2018/08/07/corecivic-diabetic-inmates-denied-insulin-trousdale-turner/925297002/>

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.⁵⁵

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.⁵⁶

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 2017.⁵⁷

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.⁵⁸

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.⁵⁹

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 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."⁶⁰

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.⁶¹

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.⁶²

⁵⁵ *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.

⁵⁶ <https://www.ktvb.com/article/news/jury-prison-company-violated-rights-but-no-need-to-pay/277-414222365>

⁵⁷ <https://www.tampabay.com/news/politics/stateroundup/legislators-audit-florida-paid-private-prison-operator-16-million-too-much/2309289/>

⁵⁸ <https://www.prisonlegalnews.org/news/2016/feb/29/pln-obtains-confidential-cca-litigation-records-tennessee/>

⁵⁹ See: *Williams v. Hardeman County Government*, Circuit Court of Hardeman County (TN), Case No. 08-02-0328. *Lit. Medical*.

⁶⁰ See: *Johnson v. Wichita County*, Texas Sheriff's Office, U.S.D.C. (E.D. Tenn.), Case No. 1:12-cv-00394. *Lit*

⁶¹ <https://www.cbsnews.com/losangeles/news/private-prison-company-pays-8m-in-back-wages/>

⁶² <https://www.washingtonexaminer.com/news/599114/prison-company-pays-260k-in-lawsuit-settlement/>

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.⁶³

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.”⁶⁴

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.⁶⁵

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.⁶⁶

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 weapons and equipment, attending meetings and job assignment briefings, and completing paperwork.⁶⁷

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.”⁶⁸

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 \$35,000.⁶⁹

⁶³ *Smith v. CCA*, U.S.D.C. (E.D. Tenn.), Case No. 1:11-cv-00121.

⁶⁴ <https://www.aclu.org/news/smart-justice/cca-it-again-held-contempt-understaffing-prison-and-lying>

⁶⁵ <https://oig.justice.gov/press/2016/2016-12-20.pdf>

⁶⁶ See: *Townsend v. CCA*, U.S.D.C. (M.D. Tenn.), Case No. 3:08-cv-00697.

⁶⁷ <https://www.prisonlegalnews.org/in-the-news/2009/pln-wins-motion-to-unseal-settlement-in-cca-wagehour-class-action-suit/>

⁶⁸ See: *Plunk v. CCA*, U.S.D.C. (W.D. Tenn.), Case No. 1:07-cv-01057-JDT-sta.

⁶⁹ *Thompson v. Hamilton County*, U.S.D.C. (E.D. Tenn.), Case No. 1:07-cv-00109. *Lit.*

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.⁷⁰

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.⁷¹

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."

⁷⁰ <https://www.prisonlegalnews.org/news/2007/sep/15/cca-pays-438626-for-discriminatory-hiring-practices-in-arizona/>

⁷¹ <https://www.oklahoman.com/article/2805216>



HB 1376, HD1, RELATING TO CORRECTIONAL FACILITIES

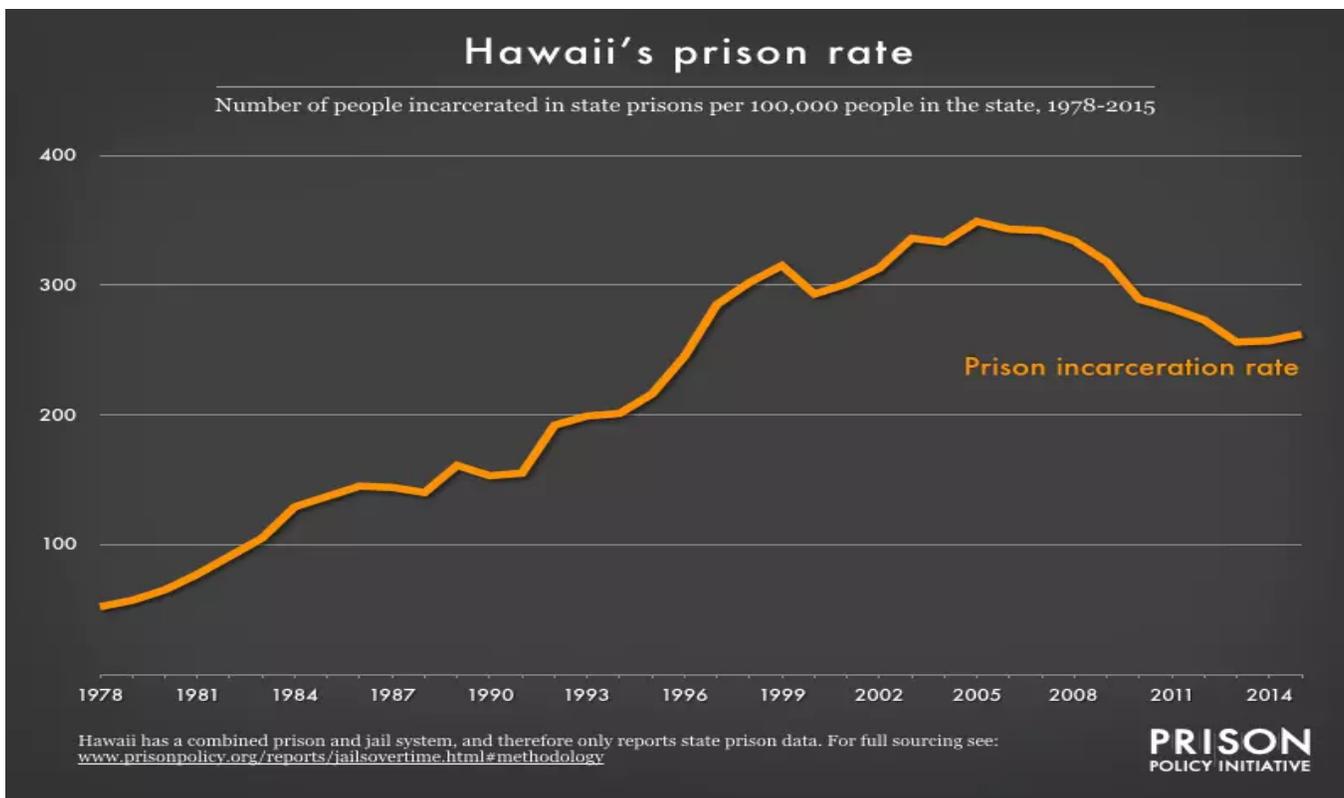
FEBRUARY 13, 2025 · JHA HEARING

POSITION: Support.

RATIONALE: Imua Alliance **supports** HB 1376, HD1, relating to correctional facilities, which requires the Director of Corrections and Rehabilitation to reduce the number of individuals incarcerated in private, out-of-state correctional institutions.

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.



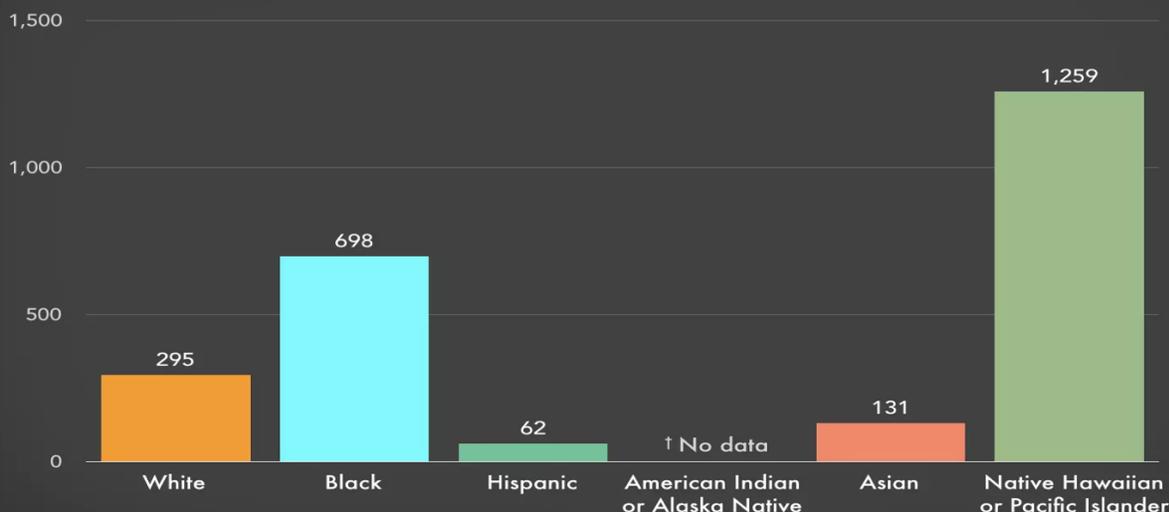
While wealthy defendants can afford to pay for bail, impoverished defendants often cannot afford to pay even minimal amounts, leaving economically disadvantaged people languishing in our jail system for low-level offenses. **These irrational “public safety” policies are the reason our jails are overcrowded.** 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.

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.

COMMUNITY ALLIANCE ON PRISONS

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Today's Inmate; Tomorrow's Neighbor



COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair

Representative Mahina Poepoe, Vice Chair

Thursday, February 13, 2025

Room 325 & VIDEOCONFERENCE

2:00 PM

HB 1376 HD1 - STRONG SUPPORT for REDUCING THE NUMBER OF INDIVIDUALS SENT TO CORPORATE PRISONS IN THE U.S.

Aloha Chair Tarnas, Vice Chair Poepoe and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for more than two decades. This testimony is respectfully offered on behalf of the 3,726 Hawai'i individuals living behind bars¹ and under the "care and custody" of the Department of Corrections and Rehabilitation on As of February 3, 2025 . We are always mindful that 937 - 28% - of Hawai'i's imprisoned male population are serving their sentences abroad -- thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons appreciates this opportunity to **strongly support HB 1376**. The HD1 amended the bill by deleting the preamble and language that would have prohibited the State from committing, transferring, or housing any inmate at a ~~private~~ **corporate** correctional facility beginning on July 1, 2030 and adding language to require that: (A) Beginning July 1, 2028,

¹ DCR Weekly Population Report, February 3, 2025

<https://dcr.hawaii.gov/wp-content/uploads/2025/02/Pop-Reports-Weekly-2025-02-03.pdf>

the Director of Corrections and Rehabilitation (Director) reduce the number of committed felons incarcerated at private, out-of-state correctional institutions by 25%; and (B) Beginning July 1, 2030, the Director reduce the number of committed felons incarcerated at private, out-of-state correctional institutions 50%.

The HD1 also requires the Department of Corrections and Rehabilitation to report to the Legislature on its actions and progress in meeting the requirements of paragraph (2) and deleting the language that would have prohibited the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawaii Correctional System Oversight Commission.

However, we object to deleting the language that would have prohibited the construction of new correctional facilities or the expansion of existing correctional facilities without the approval of the Hawaii Correctional System Oversight Commission (HCSOC) and ask “Why are some people in government so afraid of oversight?” In these perilous times, keeping information hidden is dangerous and a huge liability for the state and taxpayers.

Community Alliance on Prisons reminds the committee that part of HCSOC’s mission is Reentry, which starts from the first day an individual is incarcerated. This makes it crucial for this important entity to be involved in these processes. We suggest that the addition of language including HCSOC’s involvement/participation/inclusion be added to the bill and/or committee report. We understand that the word ‘approval’ is radioactive, therefore, language that promotes HCSOC’s inclusion in the process might be preferable.

Since 2020 there have been an inordinate number of deaths and suicides in Hawai`i’s jails and prisons as well as at Saguaro, many that were preventable. By deleting this sentence, the bill is kowtowing to DCR, who will not meet with the community to answer our questions. They contracted out ‘community engagement’ so they would not have to answer the questions from the friends, families, and loved ones of those under the “care and custody” of the state. In short, the community has never had an opportunity to ask questions and receive answers to them from the department that our hard-earned tax dollars pay for. There have been and continue to be a plethora of

problems with exiling our people to corporate prisons in other jurisdictions. How could this be acceptable in a real democracy?

Community Alliance on Prisons has been working to get a copy of the Policies and Procedures (P&Ps) from Saguaro so that we can understand the rules and practices that our people are subject to at this corporate prison. However, we have been told that these are proprietary and cannot be shared. Sadly, the DCR agrees with the corporate prison and appears to support not disclosing this guidance, as Hawai`i does by posting our P&Ps on the DCR website. By allowing CCA/CoreCivic to hide important documents under the guise of 'proprietary information' Hawai`i has allowed them to continually assert that they are 'partners'. They are not - they are vendors/contractors who must live up to the terms of the contract, and those terms must be enforced by DCR.

To address the many issues that lead people to incarceration, we again assert that Hawai`i must develop a robust deflection and diversion program instead of building more human cages. Jails and prisons are not appropriate places for individuals contending with a myriad of mental and physical health challenges. **WE ARE HAWAII - WE CAN, AND MUST, DO BETTER FOR OUR PEOPLE!**

Community Alliance on Prisons appreciates and respects your work this session! We mahalo the committee for hearing this measure and we hope that you hear the pleas from families, loved ones, and friends - the invisibly incarcerated - and take to heart the community's concerns by moving this bill forward.

Mahalo nui!



Hawai'i State Legislature
Committee on Judiciary & Hawaiian Affairs
Rep. David A. Tarnas, Chair
Rep. Mahina Poepoe, Vice Chair

Hearing: Thursday 2:00 pm, February 13, 2025
Conference Room: 325 & Via Videoconference

Subject: Testimony in Support of HB1376 HD1 Relating to Correctional Facilities

Dear Chair Tarnas, Vice Chair Poepoe and Members of the Committee,

Mahalo for your public service and the opportunity to share our strong support of HB1376 HD1, which would systematically reduce the number of Hawai'i's use of private, out-of-state correctional institutions.

Instead of sending incarcerated people thousands of miles away to private prisons, overcrowding should be addressed by expanding in-state rehabilitation and reentry programs that are more sustainable and ethical. Investing in rehabilitation and reentry programs can reduce crime and create a more just system overall.

The state has claimed that this bill will overwhelm in-state facilities, but it ignores broader systemic changes that can reduce incarceration rates, e.g., expanded rehabilitation and reentry programs, bail reform, probation/parole reform. The [cost comparison provided by the state previously](#)—\$307 per person per day in Hawai'i versus \$106.51 on the continent—also ignores the long-term economic and social costs of incarcerating people in private facilities thousands of miles from their home.

[Studies show](#) that incarcerating individuals far from home weakens family ties, reduces reentry success, and [increases recidivism](#), which is also a [problem with private correctional facilities](#).

Instead of investing millions into planning new jail/prison construction, our state should spend on alternatives to incarceration including community-based rehabilitation and reentry, which research [shows reduce crime and are more cost-effective](#) than incarceration.

The state needs to sift its priorities from jail/prison construction to rehabilitation. Instead of spending millions of dollars on planning and building corrections construction, an investment in evidence-based rehabilitation programs, which have higher success rates in reducing repeat crime that keeps our community safer than incarceration does, should be made.

HB1376 is a necessary step toward more humane, cost-effective, and rehabilitative corrections. By phasing out private prisons, this bill aligns with both fiscal responsibility and social justice. We urge the committee to pass this measure and to prioritize investments in rehabilitation, and reentry over costly and ineffective incarceration models. Please contact me if you have any questions about our testimony in strong support of this measure. Mahalo again.

Aloha,

Lorenn Walker, JD, MPH

Director, Hawai'i Friends of Restorative Justice

HB-1376-HD-1

Submitted on: 2/11/2025 11:55:21 AM

Testimony for JHA on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ellen Awai	Individual	Support	Written Testimony Only

Comments:

I support HB1376 HD1 to decrease the number of incarcerated out of state. Healing of criminals is done at home with family and friends close by to support those labeled and sometimes injustly just to keep up with numbers or for financial gains!

HB-1376-HD-1

Submitted on: 2/12/2025 7:23:55 PM

Testimony for JHA on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaylin Helepololei	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Poepoe, and Committee Members,

I am writing to show my strong support for HB1376. We do not need more people in our prisons locally or on the continent. While it is true that our correctional facilities are overcrowded, the answer is not in building more facilities or sending our people away to private prisons. Private prisons lead to increased incarceration and longer sentences; rather than being closer to their loved ones and families, our people are exploited, treated poorly, and retraumatized. This is a huge concern when taking into consideration the fact that Native Hawaiians are overrepresented in our prison systems and are often incarcerated due to punitive laws regarding substances. Instead, I hope our systems can prioritize our people and focus on the ways we can provide healing over punishment by building up our mental health and social services.

Thank you!

HB-1376-HD-1

Submitted on: 2/13/2025 8:50:35 AM

Testimony for JHA on 2/13/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jessica Braun	Individual	Support	Written Testimony Only

Comments:

Jessica Braun

02/13/2025

H.B. No. 1376, HD1: RELATING TO CORRECTIONAL FACILITIES

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

The Office of the Public Defender supports HB 1376, HD1.

I strongly support this bill H.B. 1376. Privatized prisons are motivated by profit rather than focusing on the rehabilitation of the inmates. The intent of HB 1376 is to phase out the use of private correctional facilities for incarcerating Hawaii inmates. The bill prohibits the construction of new correctional facilities or the expansion of existing ones without the approval of the Hawaii Correctional System Oversight Commission. This bill also requires the Director of Corrections and Rehabilitation to reduce the number of individuals incarcerated in private, out-of-state correctional institutions and mandates regular reports to the legislature on this progress. This bill also aims to return all committed felons incarcerated in private mainland facilities to Hawai`i. Returning these inmates to their homes and supportive networks will increase their opportunity for successful reintegration. The main concerns in passing this bill will be housing and or space availability for the inmates and having appropriate rehabilitation programs.

Your consideration of these matters and solutions is very much appreciated.

Thank you for your time.