
HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF PUBLIC SAFETY TO INCLUDE PROVISIONS IN NEW CONTRACTS WITH PRIVATE OR OUT-OF-STATE PRISON FACILITIES THAT INMATE COMPLAINTS ARE SUBJECT TO INVESTIGATION BY THE OMBUDSMAN AND TO RENEGOTIATE EXISTING CONTRACTS TO ALLOW THE OMBUDSMAN TO INVESTIGATE INMATE COMPLAINTS.

1 WHEREAS, Hawaii's prison population has dramatically
2 increased, particularly since the passage of mandatory minimum
3 sentences for crystal methamphetamine; and
4

5 WHEREAS, the rise in the incarcerated population has caused
6 Hawaii to contract with out-of-state private prisons to ease
7 overcrowding; and
8

9 WHEREAS, the Department of Public Safety's 2007 annual
10 report states that, at the end of the fiscal year, Hawaii had
11 over two thousand prisoners serving their sentences in prisons
12 in Arizona and Kentucky operated by the Corrections Corporation
13 of America; and
14

15 WHEREAS, there is continued concern over the treatment of
16 Hawaii inmates being held out-of-state at private correctional
17 facilities, because the practice of contracting with private or
18 out-of-state prison facilities has removed inmate programs and
19 services from the direct oversight of the Office of the
20 Ombudsman; and
21

22 WHEREAS, while most of the private entities that provide
23 inmate services are well run and sensitive to those they
24 service, the recipients of those services tend to be vulnerable
25 or marginalized in some way and often find it difficult, if not
26 impossible, to proceed through the bureaucracy of existing
27 grievance processes if they should have a complaint against the
28 private entity providing the program or service; and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43

WHEREAS, authorizing the Office of the Ombudsman to investigate the acts of contracted private correctional facilities would provide inmates with an easily accessible and simple mechanism to address their grievances; and

WHEREAS, the use of video conferencing could be used as a substitute for site visits during preliminary investigations, followed by actual site visits, if deemed necessary; and

WHEREAS, collaboration with the Department of Public Safety, in order to use the Department's video conferencing equipment and facilities to help address inmate complaints at out-of-state prison facilities according to Department grievance protocol processes, would allow for proper informational exchange between inmates and the Office of the Ombudsman without requiring the expenditure of funds for additional visits to address the problems; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fifth Legislature of the State of Hawaii, Regular Session of 2009, the Senate concurring, that the Department of Public Safety is urged to include, in contracts with private or out-of-state prison facilities, provisions that inmate complaints are subject to investigation by the Office of the Ombudsman; and

BE IT FURTHER RESOLVED that the Department of Public Safety is also urged to renegotiate existing contracts to allow investigation of inmate complaints by the Office of the Ombudsman; and

BE IT FURTHER RESOLVED that the Office of the Ombudsman, in collaboration with the Department of Public Safety and private or out-of-state prison facilities, is encouraged to use video conferencing equipment to help address inmate complaints; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of Public Safety, the Ombudsman, and the Chief Executive Officer and Chairman of the Board of the Corrections Corporation of America.

OFFERED BY: 