



Robin K. Matsunaga
Ombudsman

David T. Tomatani
First Assistant

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STATE OF HAWAII**

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**TESTIMONY OF ROBIN K. MATSUNAGA, OMBUDSMAN,
ON H.B. NO. 409, A BILL FOR AN ACT
RELATING TO PUBLIC SAFETY**

**HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT
FEBRUARY 13, 2009**

Chair Tokioka and Members of the Committee:

Thank you for the opportunity to present testimony on H.B. No. 409, which will expand the jurisdiction of the ombudsman to include the acts of any correctional facility contracted by the Department of Public Safety (PSD) to house persons committed to the custody of the Director of Public Safety (Hawaii inmates). The bill also amends section 96-9, Hawaii Revised Statutes (HRS), to specify that when investigating a complaint involving a correctional facility, the ombudsman may visit the correctional facility at a suitable hour.

I am aware that there is continued concern over the treatment of Hawaii inmates being held out of state at private correctional facilities contracted by the PSD. It is appropriate that this committee and the Legislature are considering whether greater oversight of the contracted private correctional facilities is needed, regardless of where those facilities are located, and if so, how such oversight should be provided.

Since becoming the ombudsman in 1998, I have been concerned that the privatization of government programs and services, particularly in the areas of health care and human services, has removed those programs and services from the direct oversight of the ombudsman. While most of the private entities that deliver these services are well run and sensitive to those they service, the recipients of those services tend to be vulnerable or marginalized in some way and often find it difficult, if not impossible, to proceed through the bureaucracy of existing grievance processes if they should have a complaint against the private entity delivering the program or service. If the ombudsman was authorized to investigate the acts of the contracted private entities, the recipients of the governmental services that those entities provide would have an easily accessible and simple mechanism to address their grievances. H.B. No. 409 addresses one of the more recent privatized programs, adult corrections, and therefore, at least in general concept, would address at least part of my concern regarding privatization.

However, I have serious concerns with section 5 of this bill, which would amend Section 96-9, HRS, to specify that the ombudsman, if investigating a complaint involving a correctional facility, may visit the facility at a "suitable hour." The existing language of Section 96-9 authorizes the ombudsman to enter any agency's premises without notice and places no limitation on the time of day when the ombudsman can do so. This authority is a major tool of the ombudsman, and while the term "suitable hour" is not defined in H.B. No. 409, specifying that the ombudsman may visit at a suitable hour would appear to limit the ombudsman's ability to conduct an on-site inspection to certain hours of the day. I do not feel it is necessary to provide special treatment for correctional facilities, as compared to other state and county facilities (especially since unlike most other agencies, correctional facilities are "open for business" 24 hours a day, every day of the year). **Therefore, I respectfully urge this committee to delete section 5 of the bill.**

With regard to the impact that this bill would have on my office, in fiscal year 2007-2008, the office received a total of 3,268 jurisdictional complaints. Of this total, 1,746 complaints were against correctional facilities or programs in Hawaii. We also received 99 complaints in fiscal year 2007-2008 against the contracted correctional facilities on the mainland. While the number of complaints is low, please bear in mind that many Hawaii inmates being held at mainland facilities understand that the ombudsman does not have jurisdiction to investigate complaints against the private contracted facilities. Should the ombudsman's jurisdiction be expanded to include private contracted facilities, I believe it is safe to assume the number of complaints from Hawaii inmates held at the contracted private facilities will increase significantly and necessitate the hiring of additional staff.

With regard to the appropriation necessary to carry out the intent of the bill, providing jurisdiction over contracted facilities will have operational and fiscal implications beyond simply hiring staff to handle the complaint workload. With contracted facilities, the Office of the Ombudsman will need to learn the policies and procedures of each facility, familiarize itself with the key staff at each facility, and have the resources necessary to conduct site visits and on-site investigations, if necessary. The ability of the ombudsman to conduct on-site investigations, especially the ability to conduct these visits without notice to the agency (assuming the proposed amendment to Section 96-9 to limit visits to "suitable hours" is deleted), is not only an investigative tool of the ombudsman but also acts as a disincentive for an agency that might contemplate providing a less than truthful or timely response to an inquiry from the ombudsman.

At this time, I cannot provide this committee with an estimate of the total amount of funding that will be needed to effectively carry out the purpose of this bill, primarily due to the question of

how to resolve the problem of a lack of available space in our office to accommodate the additional analyst staff that will be needed to handle the anticipated increase in caseload.

In terms of staffing, my best estimate, based on the number of complaints we currently receive against Hawaii correctional facilities and the number of Hawaii inmates being held at mainland facilities, is that we will need 4 additional analysts. The funding that will be required for the first year is approximately \$300,000, which would cover the cost of salaries, furnishings, equipment, books, etc. Of this total, \$260,000 would be recurring costs for salaries.

In addition, we will need funding for travel-related expenses to visit the out-of-state contracted facilities. Based on the current, primary facilities in Arizona and Kentucky, we will need \$8,000 for travel-related expenses for the ombudsman or first assistant plus 2 staff persons to conduct an initial 2-day visit to each facility, and an additional \$16,000 to allow subsequent visits as necessary.

We will also need to establish an arrangement with each out-of-state contracted facility to provide Hawaii inmates held at those facilities with similar telephone access to our office that inmates held in local facilities have. Such an arrangement might involve our office accepting collect calls (which we currently do not do for any complainant), establishing some sort of dedicated telephone line, or having the contracted facility assist in making the telephone calls and then charging the office or the PSD based on the actual costs that the contracted facility incurs (which should be lower than the cost of collect calls). Funding will be needed to cover the cost of the selected alternative.

With regard to office space, our current location is approximately 2,715 square feet in size. We no longer have a conference room, which was renovated in 1990 to create two offices for analyst staff. According to Department of Accounting and General Services (DAGS) standards, for the number and type of staff that we have, we should have approximately 3,714 square feet of office space. In order to restore the conference room, the total area should be approximately 3,974 square feet, and to accommodate 4 additional investigative staff, the total would be approximately 4,442 square feet.

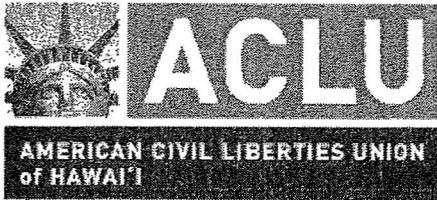
We have previously explored a number of alternatives to address the office space issue. The first alternative, which would have the least impact on our operations, would be to acquire space adjacent to our office on the fourth floor of the Kekuanaoa Building that is currently assigned to the State Auditor. While this alternative would require some renovation, it is preferable to relocating the office to entirely new space, which would involve moving costs and also most

probably require some level of renovation. However, the Auditor has consistently informed me that she requires all of the existing office space on the fourth floor.

The second alternative would be to relocate the office to state-owned space that is or might become available. In our last inquiry to DAGS in 2007, there was no state-owned space under their control that was available or anticipated to be available in the near future. Two locations that we believe might be appropriate if they became available are the makai/diamond head corner of the fourth floor of the State Capitol, which is currently occupied by the Governor's Office of Information and other administrative offices, and the old Archives building on the grounds of the Iolani Palace, which is under the control of the Department of Land and Natural Resources and currently occupied by the Friends of Iolani Palace.

The third alternative, and most costly, would be to relocate the office to leased space in the private sector. In 2007, DAGS Leasing Branch informed us that lease rents in the capital district ranged from \$2.72 to \$3.00 per square foot, and costs to renovate were estimated to be \$50 per square foot. Based on 4,442 square feet, we estimated at that time the annual cost to lease private space would be about \$160,000. We did not seek an estimate on moving expenses or the cost to renovate (it was and is our understanding that at least some degree of renovation will likely be required). However, at \$50 per square foot, it would cost \$100,000 to renovate 2,000 square feet of the leased space. If this bill continues to move forward, we will work with DAGS throughout the session to seek an acceptable resolution to the office space issue.

Thank you, again, for the opportunity to submit these comments on H.B. No. 409. If you have any questions, I would be happy to answer them.



Via E-mail: LMGTestimony@Capitol.hawaii.gov
Committees: Committee on Legislative Management
Hearing Date/Time: Friday, Feb. 13, 2009, 2:15 p.m.
Place: Room 423
Re: Testimony of the ACLU of Hawaii in Support of H.B. 409, Relating to Public Safety

Dear Chair Tokioka and Members of the Committee on Public Safety and Military Affairs:

The American Civil Liberties Union of Hawaii ("ACLU of Hawaii") writes in strong support of H.B. 409, which seeks to clarify that the Office of the Ombudsman has the authority to investigate facilities that hold Hawaii inmates, appropriates funds to conduct investigations and makes gender neutral amendments.

H.B. 409 clarifies that the scope of the Ombudsman's authority includes assisting Hawaii inmates currently held in mainland correctional institutions. The ACLU of Hawaii has received hundreds of complaints about the treatment these inmates are receiving at the mainland facilities; these complaints to the Ombudsman have gone unaddressed due to the Ombudsman's claims that it lacks "jurisdiction" over the inmates because they are on the mainland. Hawaii's inmates are therefore left without any recourse, because the Arizona Ombudsman will not review their complaints either (because they are Hawaii's inmates).

Without this bill, the inmates from Hawaii are left without an essential tool to address and resolve grievances with the mainland correctional institutions. Confirming that the scope of the Ombudsman's jurisdiction extends to mainland facilities will ensure that the inmates' legal rights, as well as their health and safety, are maintained.

The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides free services to the public and does not accept government funds.

Thank you for this opportunity to testify.

Sincerely,

Laurie A. Temple
Staff Attorney
ACLU of Hawaii

American Civil Liberties Union of Hawaii
P.O. Box 3410
Honolulu, Hawaii'i 96801
T: 808.522-5900
F: 808.522-5909
E: office@acluhawaii.org
www.acluhawaii.org



TO: HOUSE COMMITTEE ON LEGISLATIVE MANAGEMENT

FROM: PAMELA LICHTY, MPH, PRESIDENT

RE: HB 409 RELATING TO PUBLIC SAFETY – **IN STRONG SUPPORT**

DATE: FEBRUARY 13, 2009, 2:15 p.m., room 423

The Drug Policy Action Group supports this bill which clarifies that the office of the state Ombudsman has the authority to investigate facilities that hold Hawai'i inmates.

Over the years that we've been shipping Hawai'i inmates to the continent there have been many incidents and alleged contractual violations. The Ombudsman has maintained that they cannot help Hawai'i inmates not currently in-state. This makes no sense. We are still the state responsible for incarcerating them, paying the costs, and to which they will return upon release.

It is important to have an agency in the legislative branch watching the various private prisons to whom we have entrusted our inmates. This bill would promote accountability and transparency and help pave the way for better management of our corrections system.

Thank you for hearing this bill today and for the opportunity to testify.

Drug Policy Action Group · P.O. Box 61233 · Honolulu, HI 96839 *phone/fax:* 808 988 4386
email: plichty@dpfhi.org · *web:* www.dpfhi.org



the
**Drug Policy
Forum**

February 13, 2009

To: Representative James Tokioka, Chair
Representative Blake Oshiro, Vice Chair
And Members of the Committee on Legislative Management

From: Jeanne Ohta, Executive Director

RE: HB409 Relating to Public Safety
Hearing: February 13, 2009, 2:15 p.m., Room 423

Position: Support

I am Jeanne Ohta, Executive Director of the Drug Policy Forum of Hawai'i. Thank you for this opportunity to testify in support of HB409 which clarifies that the Ombudsman has the authority to investigate facilities housing Hawai'i inmates, appropriates funds to conduct investigations, and makes gender neutral amendments.

The Office of the Ombudsman currently asserts that they cannot investigate cases pertaining to those incarcerated in mainland facilities. In fiscal year 2007, the Office of the Ombudsman had 4,649 inquiries. Of those, 1,746 inquiries were categorized as prison complaints. Since 38% of complaints are regarding prisons, it is important that those on the mainland have access to the services of the Ombudsman.

The fact that Hawai'i does not have sufficient prison capacity within the boundaries of the state should not prevent those who are sent away to mainland facilities from having their cases investigated by the Ombudsman. The office is charged with "investigating complaints made by the public about any action or inaction by any officer or employee of an executive agency of the State and county governments." In the past, the office has assisted in clarifying rules regarding prison visitation and ensuring that the rules are enforced properly and consistently.

Please pass HB409 to ensure that the services of the Ombudsman's office are available to those incarcerated on the mainland and their families.

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boshiro2-Bryan

From: Jyoti Mau [light@jyotimau.com]
nt: Thursday, February 12, 2009 10:32 PM
o: LMGtestimony
Subject: support HB 409

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Friday, February 13, 2009

2:15 PM

Room 423

STRONG SUPPORT

HB 409

TO: COMMITTEE ON PUBLIC SAFETY

Rep. James Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Friday, February 13, 2009

2:15 PM

Room 423, Hawaii State Capitol

RE: Testimony in Support of HB 409 – State Ombudsman Authority

FROM: Atty Daphne Barbee-Wooten

1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813

Dear Chair Tokioka, Vice Chair Oshiro, and Members of the Committee:

My name is attorney Daphne Barbee-Wooten and I represent inmates who are incarcerated in Saguaro Correctional Facility. One of my clients requested assistance from the State Ombudsman office. I wrote to the State Ombudsman office in an effort to contact my client who was being held in solitary confinement for allegedly sending me grievances of other inmates who were retaliated against when they complained about the facility. Attached is my letter to the State Ombudsman. The State Ombudsman responded to my complaint and stated "Our office does not have authority to investigate complaints about SCC." See attached letter. Since the State of Hawaii is giving money to Saguaro Correctional Facility to house inmates from Hawaii, the State Ombudsman should have authority to investigate complaints. The purpose of the State Ombudsman is to investigate complaints about the State from State citizens. Inmates in Hawaii are allowed to go through the State Ombudsman with their complaints. Since the inmates are transferred to Saguaro without their consent or agreement, they should not be prohibited from filing complaints with the State Ombudsman concerning their treatment. The inmates are still Hawaii residents despite the transfer from Hawaii to Arizona. Allowing the State Ombudsman to investigate these complaints makes good fiscal sense. Many of these complaints can be resolved without filing a lawsuit, which takes resources from the courts and financial costs. Thus, allowing inmates to file the complaints with the State Ombudsman will save the taxpayers money. Furthermore, a State agency should be authorized to investigate the lack of State oversight and condoning unconstitutional acts against inmates when the State transfers inmates from Hawaii to another state. President Obama is now closing Guantanamo Bay because of the lack of constitutional protections for those that are incarcerated. The State of Hawaii should follow suit and if it is going to transfer someone to another state, it should ensure that the transferred prison facility follow the State Constitution. Please pass this Bill. It would be a step in the right direction to ensure Hawaii inmates are guaranteed their Hawaii State Constitutional Rights.

Dated: Honolulu, Hawaii

2-12-09

Daphne Barbee-Wooten

Daphne Barbee-Wooten
Attorney at Law



Robin K. Matsunaga
Ombudsman

David T. Tomatani
First Assistant

**OFFICE OF THE OMBUDSMAN
STATE OF HAWAII**

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Honolulu, Hawaii 96813
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complaints@ombudsman.hawaii.gov

In reply, please refer to:
#09-01666 (PK)

November 12, 2008

Ms. Daphne E. Barbee
Attorney At Law
1188 Bishop Street, Suite 1909
Honolulu, HI 96813

Dear Ms. Barbee:

Re: Your Complaint Regarding Saguaro Correctional Center

This letter is in response to your telephone request on November 10, 2008 for a written response from our office.

We received your letter dated November 6, 2008, in which you stated that you were writing on behalf of your client Eric Wilson, a Hawaii inmate currently housed in the Saguaro Correctional Center (SCC) in Eloy, Arizona. You stated that Mr. Wilson has been unable to send you legal mail "without it being confiscated by the guards." You included a copy of a your letter dated October 30, 2008 to Attorney General Mark Bennett, and a copy of your letter dated November 5, 2008 to SCC Warden Todd Thomas.

As we informed you during our telephone conversation on November 10, 2008, our office does not have authority to investigate complaints about the SCC. Therefore, you should address your client's concerns to the Mainland Branch (MB) of the Department of Public Safety. The MB staff monitors the contractual performance of the mainland correctional facilities and is in regular contact with those facilities. The MB may be reached at:

Department of Public Safety
919 Ala Moana Boulevard, Room 400
Honolulu, HI 96814

Ms. Daphne E. Barbee
November 12, 2008
Page 2

If you write to the MB and do not receive a timely or reasonable response, you may write or call us again and we can review the actions of the MB.

Sincerely yours,



PAUL KANOHO
Analyst

Approved by



ROBIN K. MATSUNAGA
Ombudsman

PK:so

boshiro2-Bryan

From: L M [peaceofmindhawaii@yahoo.com]
Sent: Thursday, February 12, 2009 7:51 AM
To: LMGtestimony
Subject: *****SPAM***** HB969 AND HB409 EXTREME STRONG SUPPORT!!!!

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Friday, February 13, 2009
2:15 PM
Room 423

EXTREME STRONG SUPPORT !!!!

HB409.

LMGTestimony@capitol.hawaii.gov

HB409 - [http://www.capitol.hawaii.gov/session2009/bills/HB409 .pdf](http://www.capitol.hawaii.gov/session2009/bills/HB409.pdf)

RELATING TO PUBLIC SAFETY.

Public Safety; Ombudsman; Correctional Facilities; Appropriation; Contracted Facilities

Makes clear that the office of the ombudsman has the authority to investigate facilities that hold Hawaii inmates, appropriates funds to conduct investigations, and makes gender neutral amendments. (H) 1/23/2009

HANOHANO, AWANA, M. LEE, Aquino, Nakashima, Saiki, Souki, Yamashita

Committee Referrals: PBS, LMG, FIN

Our people, who are serving their sentences abroad, have been repeatedly told by the Ombudsman's office that they cannot help a Hawai'i inmate who is not in Hawai'i. This is contrary to what attorneys have told me about the law. This bill clarifies that the Ombudsman IS authorized to investigate claims of our people abroad.

This bill has been around for about 3 years and the Ombudsman has been successful in killing it at the last conference committee coming in with a humongous funding request to make it happen. The bottom line, is that the Ombudsman should be able to follow up with contractual violations (and there are plenty) and this would be helpful – at least more than they are now. The appropriation in the bill is the kiss of death, so we can ask that they only do paper investigations for now. At least it will light a fire under the Mainland branch (who seem to think CCA is the best thing since sliced bread!) ***when they know someone else is watching.***

Talking Points:

- **It is important to have another agency watching, especially one in the Legislative Branch**
- **The Ombudsman issues an annual report – latest one on web:** <http://www.ombudsman.hawaii.gov/Annual%20Reports%20PDF/Report%2037%20Final.pdf>
- **Here is a summary of PSD complaints investigated by Ombudsman:** <http://www.ombudsman.hawaii.gov/PSD%20summaries.htm>
- **Individuals serving their sentence abroad are still under Hawai'i's jurisdiction, therefore, are entitled to this service**
- **HB 409 promotes accountability and transparency**

HB969 - [http://www.capitol.hawaii.gov/session2009/bills/HB969 .pdf](http://www.capitol.hawaii.gov/session2009/bills/HB969.pdf)

RELATING TO PRIVATE PRISON PERFORMANCE AUDIT.

Private Prison Performance Audit

Authorizes the state auditor to conduct performance audits of private prisons housing Hawaii inmates, namely Red Rock Correctional Center and Saguaro Correctional Center in Eloy, Arizona and Otter Creek Correctional Center in Wheelwright, Kentucky in the following areas: (1) treatment and services that Corrections Corporation of America is providing to Hawaii inmates including medical, mental health, substance abuse treatment, education, vocational training, and food services; (2) visitation, videoconferencing, and telephone communication; and (3) the department of public safety's monitoring of private prisons, enforcement of contract provisions, and public access to contracts and monitoring reports. (H) 1/26/2009

HANOHANO, Aquino

Committee Referrals: PBS, LMG, FIN

This is a really important bill. There have been two deaths since August at Saguaro and things are not good there. I've been getting calls, letters, and e-mails from families about conditions and the incredible lack of professionalism. I am very concerned about our

people who live there. PLEASE, call your legislator and say THIS BILL MUST PASS. I have been speaking with Rep. Marcus Oshiro about the bill. I even asked him in December if I should bother putting it in. After he heard the stories I related to him, he advised me to put it in. The ONLY way this will pass is if there is a HUGE OUTCRY FROM THE COMMUNITY. This is our second try on this bill. Please, please, please support it. I have attached a list of just some of the incidents that have taken place at CCA facilities since 2005.

Talking Points:

- Hawaii has been sending prisoners to U.S. private prisons since 1995, when the first 300 individuals went to Texas
- Today PSD (Department of Public Safety) reports more than 2,000 are serving their sentences abroad
- There has NEVER BEEN AN INDEPENDENT AUDIT of the private prisons Hawaii contracts with
- PSD vehemently defends CCA (Corrections Corporation of America), which is why we need an INDEPENDENT look at what is going on there
- CCA just raised their prices from \$57/day to \$78/day. They are the ONLY vendor we contract with for prison beds
- In this fragile economy, we fill CCA's coffers with more than \$50 million a year. The Department of Business, Economic Development and Tourism (DBEDT) says that for every \$1 we export, we lose \$3 in economic activity.
- What could we do with \$50 million + at home, provide more programs and reentry beds to implement Act 8?
- Last year, Marion Higa (Legislative Auditor) testified that it would cost approximately \$500,000 to do an audit of all three prisons
- Compare \$500,000 for an audit with the hundreds of thousands the state pays out to settle PSD claims
- The taxpayers are constantly shelling out more money and we don't even know if we are getting what we are paying for
- Other states (Colorado, New Mexico) and the General Accounting Office (GAO) of the federal government have done audits of private prisons because of their responsibility to taxpayers, so Hawaii can too
- In these stressed economic times, the government should be even more mindful of how they spend our money

CCA just raised their prices from \$57 a day to \$78 a day. Of course, that's without lots of other stuff. That is just for the bed. We NEED an independent audit NOW. PLEASE SUPPORT THIS IMPORTANT BILL.

.....

Lynnette M. Mau
Peaceofmindtraining.com
808-281-2106

"To come from Truth is incredibly natural as one realizing the subtleness of the power of one's own breath." Lynnette Mau



COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Friday, February 13, 2009

2:15pm

Room 423

STRONG SUPPORT: HB 409 RELATING TO PUBLIC SAFETY

Aloha Chair Tokioka, Vice Chair Oshiro, and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in strong support of HB 409. My experiences as a former Public Defender and Civil Rights Enforcement Attorney, past staff member of a reentry program on Maui and member of Community Alliance on Prisons have shaped my advocacy efforts to promote rehabilitation, accountability and transparency within our correctional system, and focus on alternatives to prisons.

HB 409 clarifies that the Office of the Ombudsman has the authority to investigate facilities that hold Hawai'i inmates, and appropriates funds to conduct investigations. I strongly support this bill because it would strengthen oversight of prisons wherever Hawai'i inmates are housed. As you are aware, Hawai'i's incarcerated population increased by 153 percent from 1980 to 2007. In 1980, Hawai'i's inmate population totaled 926 persons. By 2007, the incarcerated population increased to 6,045 persons. See, *Department of Public Safety Annual Report 2007*.

I believe that the Legislature shares a growing concern among taxpayers about increased public expenditures on prison and whether this money is effective in maintaining safe facilities and assisting adult offenders with their successful reintegration back into the community. Despite the massive expenditure of taxes and the Department of Public Safety's mandate to operate humane and safe prisons, there is little oversight of prisons where Hawai'i inmates are housed.

Significantly, a growing number of United States jurisdictions have established independent Oversight Committees to ensure public and private facilities that confine individuals for alleged or adjudicated crimes meet their legal obligation to ensure constitutional conditions of confinement. See, "Opening Up a Closed World: What Constitutes Effective Prison Oversight" Conference sponsored by the Lyndon B. Johnson School of Public Policy at the University of Texas-Austin, <http://www.utexas.edu/lbj/prisonconference/index.php>. In August 2008, the American Bar Association approved a policy recommendation requesting federal and state governments to establish public entities independent of any correctional agency to regularly monitor and report publicly on the conditions in all correctional facilities.

Since Hawai'i does not have an Independent Oversight Prison Committee, at minimum, we must have an Office of the Ombudsman that will help the State to fulfill its mandate to ensure constitutional conditions of confinement for incarcerated persons whether they are housed in-state or transferred to private prisons on the U.S. continent. Otherwise, Hawai'i is creating a class of citizens that are exported from their home and without any recourse to remedy violations of their rights, except through PSD's internal grievance process and the courts. In many instances, the fairness of the grievance process is questionable. And filing a lawsuit in court is expensive and challenging given the hurdles that prisoners on the American continent encounter in terms of legal and court access.

Respectfully submitted,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i
(808) 269-3858

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair

Rep. Blake Oshiro, Vice Chair

Friday, February 13, 2009

2:15 PM

Room 423

STRONG SUPPORT

HB 969 – Private Prison Performance Audit

LMGTestimony@capitol.hawaii.gov

Chair Tokioka, Vice-Chair Oshiro, and Member of the Committee:

My name is Diana Bethel and I am writing to express my concern about the treatment of the approximately 2,000 Hawaii prison inmates who are housed in private prisons on the mainland. I was shocked to find out that there have been numerous human rights abuses inflicted upon Hawaii inmates, but that the Department of Public Safety has not adequately responded to these complaints and is remiss in not sufficiently monitoring the prisons in which they have occurred.

Clearly an **independent audit** is called for. These private prison contracts are costing Hawaii's taxpayers over \$50,000,000 a year and are scheduled to rise dramatically this year. We should be getting our money's worth in terms of safe prisons and effective services that will enable returning inmates to successfully reenter our communities on their return to Hawaii.

Please pass HB969 so that a long past overdue audit can be performed, and the state can remedy any liability issues that have already cost the taxpayers over \$5,000,000 so far in claims for this lack of oversight.

Thank you for addressing this critical issue.

Aloha,

Diana Bethel

1441 Victoria St.

Honolulu, Hawaii 96822

boshiro2-Bryan

From: DDMaria121212@aol.com
Sent: Thursday, February 12, 2009 5:09 PM
To: LMGtestimony
Subject: HB409 OMBUDSMAN

COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. James Tokioka, Chair
Rep. Blake Oshiro, Vice Chair
Friday, February 13, 2009
2:15 PM
Room 423
HB 409

STRONG SUPPORT

PLEASE, PLEASE, PLEASE, PASS THIS LEGISLATION FOR THE WELL BEING OF THE INMATES, THEIR FAMILIES, THE TAXPAYERS, AND IN THE INTEREST OF JUSTICE AND DECENCY. MY SON TOLD ME THAT NO ONSITE MAINLAND MONITORS HAVE BEEN A SAGUARO FOR MONTHS. WHEN THEY HAVE BEEN THERE, THEY ROLL OVER AND PLAY DEAD. THEY ARE NOT MONITORING. THEY ARE SCARED TO DEATH OF THE WARDEN AND DPS BRASS. THEY GO ALONG TO GET ALONG. I HAVE DONE EVERYTHING IN MY POWER TO BRING BLATANT ABUSES TO THE ATTENTION OF OMBUDSMAN, AND MAINLAND DIRECTOR KIMOTO AND TOMMY JOHNSON. THEY DON'T CARE. THEY THREATEN TO PUT MY SON BACK AT THE HALAWA HIGH HELL HOLE "IF HE DOESN'T LIKE IT AT SAGUARO". MY SON IS A MODEL INMATE. HE IS A GOOD AND CAPABLE PERSON. HE HAS BEEN HARRASSED, THREATENED, PUT IN THE HOLE FOR WRITING TOO MANY REQUESTS AND FINALLY HAVING TO GRIEVE CIVIL RIGHTS VIOLATIONS, STOLEN PROPERTY, MISSING BOX OF LEGAL PAPERWORK MEDICAL NEGLECT, AN OVERDOSE OF HIS ANTI-SEIZURE MEDICATION BY THE MEDICAL UNIT AND DIAMOND PHARMACY, AND MORE.

THE MORE EYES ON SAGUARO, THE BETTER. PLEASE KNOW THAT IT IS WORSE THERE THAN YOU CAN IMAGINE. MOST INMATES ARE SCARED OF RETALIATION. THE WARDEN SETS INMATE AGAINST INMATE IF HE HAS BEEN CHALLENGED LEGALLY OR ETHICALLY. WARDEN THOMAS IS A DANGEROUS MAN. I HAVE MET WITH HIM FOR OVER AN HOUR LAST SUMMER. HIS ASSISTANT WARDENS ARE VERBALLY ABUSIVE AND AGRESSIVE TOWARD THE HAWAII INMATES AS WELL, ESPECIALLY IF THE INMATE IS LITERATE AND FOLLOWS THE RULES FOR FILING REQUESTS AND GRIEVANCES. THEY ARE SINGLED OUT AS TROUBLEMAKERS. THIS HAS HAPPENED TO MY SON. FOR THE RECORD, MY SON WAS FRAMED BY HILO DAS KIMURA, MATSUKAWA, KAGAMI AND DETECTIVES ARAUJO AND WEBER. MY SON IS OF MIXED RACE, AFRICAN/IRISH/NATIVE AMERICAN. THERE DEFINITELY A PREJUDICE IN THE "JUSTICE SYSTEM". HE IS APPEALING HIS ERRONEOUS CONVICTION AT THIS TIME. PLEASE PASS THIS LEGISLATION.

THANK YOU FOR YOUR ATTENTION,

DIANE DIMARIA

Nothing says I love you like flowers! [Find a florist near you now.](#)