WHEREAS, in 1996, the State initiated a prison transfer program to alleviate overcrowding in state-owned and operated correctional facilities by sending Hawaii inmates to private correctional facilities on the mainland; and

WHEREAS, since the inception of this program, the number of Hawaii inmates serving sentences abroad has increased from 300 individuals in 1996 to more than 2,000 individuals in 2008, a population which now constitutes more than one-third of Hawaii's entire incarcerated population; and

WHEREAS, Hawaii currently ranks third in the nation for the number of inmates incarcerated outside of its state borders; and

WHEREAS, in fiscal year 2007, the Department of Public Safety (DPS) spent $50,291,460 to transfer inmates from Hawaii to private prisons in Arizona and Kentucky; and

WHEREAS, these costs went to the for-profit company, Corrections Corporation of America, the sole vendor charged with housing Hawaii's inmates; and

WHEREAS, although the population of Hawaii inmates in these private mainland prisons continues to grow, there has never been an audit of these facilities that Hawaii has contracted with to house the State's inmates, despite the fact that deaths and serious injuries have occurred at several of the prisons, and there are indications that various programs and services that are being paid for are not currently being provided; and

WHEREAS, there have been several instances of cell doors opening "by mistake" at several Corrections Corporation of America prisons in which Hawaii inmates have been incarcerated, and one of Hawaii's
inmates was severely beaten when this occurred in Tallahatchie, Mississippi; and

WHEREAS, there have been numerous complaints of abuses and unwarranted and prolonged lockdowns within the Special Housing Incentive Program in Saguaro Correctional Center in Arizona, which sells such lockdown services under the banner of a behavioral-modification program for people who are violent and cannot live in the general population; and

WHEREAS, in August of 2007, the Honolulu Star Bulletin reported on the resignation of the heads of the education and addiction-treatment programs at a private Arizona prison holding Hawaii inmates, and the two attributed their resignation to poor management, inadequate facilities, and lack of staffing; and

WHEREAS, in Otter Creek Correctional Center in Wheelwright, Kentucky, three of Hawaii's inmates were rushed to the hospital after repeatedly asking for medical care, one of whom died on December 31, 2005, after being threatened with lockdown because she continued to ask for help; and

WHEREAS, legislators have questioned whether Hawaii inmates are receiving the services and programs paid for by the State; and

WHEREAS, an independent audit will help in determining if out-of-state transfers are cost-effective and reduce recidivism rates in Hawaii; now, therefore,

BE IT RESOLVED by the House of Representatives of the Twenty-fourth Legislature of the State of Hawaii, Regular Session of 2008, the Senate concurring, that the Auditor is requested to conduct a performance audit of DPS's Mainland and Federal Detention Center Branch, on contract compliance of private prisons that house Hawaii inmates, including the Red Rock Correctional Center and Saguaro Correctional Center in Eloy, Arizona, and Otter Creek Correctional Center in Wheelwright, Kentucky; and
BE IT FURTHER RESOLVED that the performance audit shall include the following:

(1) Treatment and services provided to Hawaii inmates, including:
   (A) Medical services;
   (B) Mental health services, including suicide prevention;
   (C) Substance abuse treatment;
   (D) Education;
   (E) Vocational training; and
   (F) Food services;

(2) Facilitation of family and community connections, including:
   (A) Visitation;
   (B) Videoconferencing; and
   (C) Telephone communication;

(3) DPS's execution of its statutory duties, including:
   (A) Monitoring of private prisons;
   (B) Enforcement of contract provisions; and
   (C) Public access to contracts and monitoring reports;

(4) DPS's oversight of the private prison's management of Hawaii inmates, including:
   (A) Due process hearings;
   (B) Incident reports;
   (C) Disciplinary actions;
   (D) Time in segregation;
   (E) Repeat offenders;
   (F) Administrative actions;
   (G) Criminal actions;
   (H) Administrative or criminal actions against employees of the private prison; and
   (I) Internal quality assurance;

and

BE IT FURTHER RESOLVED that the Auditor is requested to report its findings and recommendations to the Legislature no later than 20 days prior to the convening of the Regular Session of 2009; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Governor, Director of Public Safety, and the Auditor.