

# SB 212

**Measure Title:**

RELATING TO PUBLIC SAFETY

**Report Title:**

Public Safety; Freedom of Information; Out-of-State Prisons

**Description:**

Requires privately owned prisons or out-of-state detention facilities holding prisoners under a contract with the State to follow state freedom of information laws pursuant to chapter 92F, Hawaii Revised Statutes.

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

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No. \_\_\_\_\_

TESTIMONY ON SENATE BILL 212  
RELATING TO PUBLIC SAFETY  
by  
Clayton A. Frank, Director  
Department of Public Safety

Senate Committee on Public Safety and Military Affairs  
Senator Will Espero, Chair

Tuesday, February 3, 2009; 1:15 PM  
State Capitol, Conference Room 229

Senator Espero, Senator Bunda, and Members of the Committee:

The Department of Public Safety (PSD) opposes Senate Bill 212. The measure is an unnecessary and inequitable procedure that will discourage any contractor from bidding with PSD for the contract to house Hawaii inmates. Further, this measure only applies to contractors housing Hawaii inmates. If the intent is to implement this process as a legal requirement, it should apply to all state contracts on all subjects. Also, as Chapter 92F Hawaii Revised Statutes is currently written, it cannot apply to a non-governmental entity.

This measure requires a private corrections contractor who contracts to house Hawaii state inmates to submit to procedures required of state agencies under HRS §92F simply because they contract to house Hawaii inmates. However, no other type of contractor is held to this same standard, including those contracting with PSD or with any other state agency. Further, any

document or record that is material to the state's interest regarding a correctional contract can be requested by the Legislature and it will be provided by PSD under existing contracting terms. The same procedure applies for any private citizen requesting documents that can be released pursuant to Hawaii Revised Statutes Chapter 92F, in that the department will provide the documents they receive from the contractor.

There are over 2,000 State inmates currently in mainland contract prisons simply because there is no adequate space in the State to safely and securely house these inmates. While there are a number of companies that contract to operate private prisons, there are few private contractors, if any, that would bid on PSD contracts if they are required to release information directly to the public upon request in the same way State agencies are required to comply. Implementing this requirement would discourage many contractors from bidding, effectively forcing the State to return inmates to existing State facilities. This would create serious overcrowding, creating dangerous and potentially unconstitutional situations. Therefore, the overall effect of this measure would greatly increase costs for the State, either by paying much more for a contractor who charges more to perform these tasks, or by paying the adverse judgments upon the return of all Hawaii inmates due to a lack of contractors.

PSD opposes this measure based on the premises that this procedure applies only to a very specific type of contractor, the measure would be very difficult to enforce, and that under the current circumstances, the same results

can be achieved by a simple request from the Legislature or from the public pursuant to HRS §92F. This bill is repetitive and inequitable, and will have an unnecessary chilling effect on any bidding process pursued by PSD for the housing of state prisoners.

Thank you for the opportunity to testify.

# OFFICE OF INFORMATION PRACTICES

STATE OF HAWAII  
NO. 1 CAPITOL DISTRICT BUILDING  
250 SOUTH HOTEL STREET, SUITE 107  
HONOLULU, HAWAII 96813  
TELEPHONE: 808-586-1400 FAX: 808-586-1412  
EMAIL: oip@hawaii.gov

To: Senate Committee on Public Safety and Military Affairs

From: Paul T. Tsukiyama, Director

Date: February 3, 2009, 1:15 p.m.  
State Capitol, Room 229

Re: Testimony on S.B. 212  
Relating to Public Safety

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Thank you for the opportunity to submit testimony on S.B. 212.

The Office of Information Practices ("OIP") supports the intent of this bill, which would require nongovernmental entities contracting with the State to incarcerate state prisoners to release information about prison operations in the same way that a state agency operating such a facility would be required to under the Uniform Information Practices Act (Modified), chapter 92F, Hawaii Revised Statutes.

It is often uncertain whether a nongovernmental entity performing a government function is subject to accountability laws such as the UIPA, and OIP welcomes legislative action to clarify the issue. This bill would make clear that although a private prison operator housing state prisoners is not itself a state agency, it must respond to UIPA requests in the same way as an agency.

OIP notes that the provision addressing the remedy available to a person requesting records from a private prison operator in the event a request is denied

contains superfluous and confusing language. Specifically, at page 3, lines 16-20, the qualification "provided that these remedies shall not be available for information is entitled to protection pursuant to section 92F-13 or for information that is a trade secret as provided in section 482B-2" is superfluous because in such a case the record requester would not be entitled to the records under the UIPA to begin with. Additionally, since the purpose of an appeal of a denial is generally to determine whether a record was, in fact, entitled to protection under section 92F-13, the qualification is confusing since it seems to contradict the first part of the provision, i.e. that a requester has a right to appeal a denial as provided for in the UIPA.

The issues of the enforceability of the measure against private entities located out of state and the administrative burden that would be placed on such entities are beyond OIP's jurisdiction, so OIP defers to PSD on those issues.

Thank you for the opportunity to testify.

# COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) 533-3454/[kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

1:15 PM

Room 229

### STRONG SUPPORT

**SB 212 - Freedom of Information, Out-of-State Contracted Facilities**

Sent to: [PSMTestimony@capitol.hawaii.gov](mailto:PSMTestimony@capitol.hawaii.gov)

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

SB 212 requires privately owned prisons and out-of-state detention facilities holding prisoners under a contract with the state to follow state freedom of information act laws pursuant to Chapter 92 (f), Hawai'i Revised Statutes.

Community Alliance on Prisons is in strong support of this measure.

Accountability is mandated for those incarcerated and it should be modeled by the rules and the staff at all facilities. There currently appears to be little to no accountability on the part of the contract prisons and any information that is requested is not easily accommodated, if at all. With more than 2,000 Hawai'i individuals serving their sentences in prisons abroad, accountability and transparency should be very important factors when deciding upon vendors.

### SB 212 PROMOTES GOOD GOVERNMENT:

As Congressman Bobby Scott, Chair of the Subcommittee on Crime, Terrorism and Homeland Security, said upon opening hearings on HR 1889 The Private Prison Information Act,

*"This is a simple piece of legislation that would do one thing - it would require prisons and other correctional facilities holding Federal prisoners under a contract with the Federal Government to comply with 5 U.S.C. 552, the Freedom of Information Act (FOIA).*

*There have been incidents when members of the press and public have attempted, unsuccessfully, to obtain information from private prisons, even in situations as serious as prison escapes or incidents of assaults in prison. There is simply no reason why these institutions, which are serving a governmental function, should not be subject to FOIA. This is a good government bill, which I hope my colleagues will support.*

The recent ruling by Tennessee Chancellor Claudia Bonneyman ruled that Corrections Corporation of America (CCA) was a "functional equivalent" to a governmental entity because of its operation of jails and prisons is an essential government function and most of its revenues are taxpayer-funded. She further ruled that CCA is not exempt from public records laws because of court orders or seals.

SB 212 is very important because it promotes good government. In A New Beginning for Hawai'i, the pamphlet published by the Governor's campaign it says:

***Making Government Work Better***

*"Restoring integrity to government requires us to share information openly with the public so the people of Hawai'i will know the true condition of state government, the programs it operates and the results of its efforts. Both elected leaders and the public must know the information essential to good decision-making. Government resources are limited, so all spending and policy choices must be based on reliable information and clearly articulated values and objectives, rather than short-term political considerations. ...Financial accountability and openness are essential if government leaders are able to make sound decision and then be held accountable for the actual results. They are absolutely necessary to break the vicious cycle of corruption and favoritism in state contracting, and to restore trust and integrity in government service."*

We agree with the Governor that good government demands transparency and accountability.

**2. THE PUBLIC HAS A RIGHT KNOW HOW OUR MONEY - IN EXCESS OF \$50 MILLION A YEAR AND RISING - IS BEING SPENT:**

Sadly, this transparency and accountability has been lacking when families have questions or inquire about their loved ones serving their sentences in Hawai'i's prison and jail facilities, Corrections Corporation of America (CCA) prisons, and the Interstate Compact prisons holding Hawai'i prisoners in various states.

PSD's opposition to the bill last session was that this is not required of other state contractors. The state has enacted laws overseeing contractors. For instance, care home operators were finally subject to unannounced visits when the Legislature passed a law after a death from alleged negligence occurred.

**3. CCA'S SHAMEFUL HISTORY OF MISMANGEMENT, UNDER-STAFFING & UNDER TRAINED CORRECTIONAL OFFICERS NEEDS PUBLIC OVERSIGHT:**

There have been several deaths, beatings, rapes, sexual assaults, and riots at CCA prisons housing Hawai'i individuals and no one knows what is happening at the interstate compact prisons holding Hawai'i individuals as there is no public information available. Two men died at Saguaro Prison in Eloy, Arizona since August 2008. This should not be acceptable to any person on good will.

**4. ALLEGATIONS ABOUT CCA'S 'QUALITY CONTROL':**

The allegations about two sets of books - one doctored for the clients and the public and the other for 'internal' use - should be very disturbing to everyone in Hawai'i. This allegation arose from the congressional investigation of Bush nominee, Gus Puryear IV, CCA's general counsel:

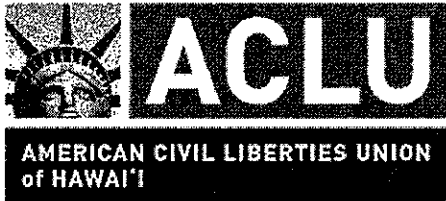


*Now, a former CCA manager tells TIME that Puryear oversaw a reporting system in which accounts of major, sometimes violent prison disturbances and other significant events were often masked or minimized in accounts provided to government agencies with oversight over prison contracts. Ronald T. Jones, the former CCA manager, alleges that the company even began keeping two sets of books — one for internal use that described prison deficiencies in telling detail, and a second set that Jones describes as "doctored" for public consumption, to limit bad publicity, litigation or fines that could derail CCA's multimillion-dollar contracts with federal, state or local agencies.*

Source: <http://www.time.com/time/nation/article/0,8599,1722065,00.html>

Community Alliance on Prisons urges the Legislature to pass SB 212 in the interest of accountability and transparency and public disclosure of information pertaining to the operation and conditions of facilities holding Hawai`i prisoners.

Mahalo for allowing us to testify on this important measure. Please pass SB 212!



Via E-mail: PSMTestimony@Capitol.hawaii.gov  
Committee: Committee on Public Safety and Military Affairs  
Hearing Date/Time: Tuesday, February 3, 2009, 1:15 p.m.  
Place: Room 229  
Re: Testimony of the ACLU of Hawaii in Support of SB 212, Relating to Public Safety

Dear Chair Espero 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 SB 212, which seeks to require privately owned prisons or out-of-state detention facilities holding prisoners under a contract with the State to follow state freedom of information laws pursuant to Chapter 92F, Hawaii Revised Statutes.

In these difficult economic times, it is important that private prisons are carefully scrutinized to determine whether they are a wise use of our limited funds. The ACLU of Hawaii’s experience with private prisons has been consistently negative, in that we continue to receive hundreds of requests for assistance from Hawaii inmates in CCA facilities. We have particular concerns about the private prisons on the mainland, because our requests for information on these prisons’ policies and procedures are frequently denied (on the basis that the Corrections Corporation of America’s policies and procedures are “proprietary”). These private prisons are in dire need of the layer of accountability and transparency that this bill will add.

Requiring private prisons to follow state freedom of information laws will help to ensure that private prisons are held accountable for their actions. It will increase transparency in what is otherwise an extraordinarily secretive system and ultimately ensure that Hawaii inmates’ health, safety and rehabilitative needs are met. Further, it will help to determine whether the millions of dollars paid to private prisons to house Hawaii’s inmates is the most effective use of that money.

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 fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for over 40 years.

American Civil Liberties Union of Hawaii  
P.O. Box 3410  
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Hon. Sen. Espero, Chair, PSM Committee  
and Members Thereof

February 3, 2009

Page 2 of 2

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. M. Gluck', written in a cursive style.

Daniel M. Gluck  
Senior Staff Attorney  
ACLU of Hawaii

American Civil Liberties Union of Hawai'i  
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the  
**Drug Policy  
Forum**

February 3, 2009

To: Senator Will Espero, Chair  
Senator Robert Bunda, Vice Chair  
And Member of the Committee on Public Safety and Military Affairs

From: Jeanne Ohta, Executive Director

RE: SB 212 Relating to Public Safety  
Hearing: February 3, 2009, 1:15 p.m., Room 229

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 SB 212 which requires privately owned prisons and out-of-state detention facilities holding prisoners under a contract with the state to follow state freedom of information act laws pursuant to Chapter 92 (f), Hawai'i Revised Statutes.

There should be no question that a multi-facility, \$50 million contract should be transparent and have accountability. There currently appears to be little to no accountability on the part of contract prisons and access to information is extremely limited. Since more than 2,000 individuals from Hawai'i are the responsibility of mainland prisons, an open information process is good practice, whether the facility is government owned or not. These prisons are serving a governmental function and are paid with taxpayer funds; and as such, should follow the state freedom of information laws.

When incidents happen in private prisons, the public should have access to information about them. The public has an interest in seeing that the contracted prisons fulfill their obligations under their contracts and that those entrusted to them are treated humanely and according to the specifications of the contract.

In the interest of accountability and transparency and public access to information pertaining to privately owned prison facilities, I urge you to pass SB211. Thank you for this opportunity to testify.

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COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Robert Bunda, Vice Chair

Tuesday, February 3, 2009

Room 229 at 1:15pm

SUPPORT: SB 212 ReLating to Public Safety  
Freedom Of Information Act Applicable To Out-of-State Entities Housing Prisoners

Aloha Chair Espero, Vice Chair Bunda and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in strong support of SB 212. I am an attorney on the island of Maui and have previously worked as a Public Defender, Civil Rights Enforcement Attorney, and staff member of a reentry program on Maui. I am also an active member of Community Alliance on Prisons. These experiences have shaped my advocacy efforts to promote accountability and transparency within our correctional system.

Presently, our FOIA laws do not apply to private prisons operated by Corrections Corporation of America or State correctional agencies that confine Hawai`i prisoners under the Interstate Compact Act. This legislation would require private prisons and out of state correctional agencies that incarcerate Hawaii prisoners to release information about the operation of the prison in accordance with the Freedom of Information Act under chapter 92F, Hawaii Revised Statutes.

As of December 31, 2007, PSD was responsible for a total of 5,995 inmates. Of the total number, 2,080 prison inmates were housed on the mainland in contracted facilities. With the increasing number of Hawai`i prisoners in private out-of-state facilities, and small but steady number of prisoners transferred under the Interstate Compact Act, it is important that these privately owned and operated facilities be held to the same standards and have the same responsibilities as the state government to promptly process requests for information and release information concerning prisoners and detainees under the FOIA laws.

Each of us has kuleana to ensure that the Department of Public Safety and any entity that PSD contracts with to house Hawai`i prisoners, operates safe and humane prisons that adheres to federal and state constitutional requirements. In addition, our community has a vested interest in ensuring that prisons both at home and on the American continent provides rehabilitation opportunities proven effective in helping individuals acquire the training and support to become law-abiding, contributing members of their `ohana and our community. This legislation would help to achieve the twin objections of accountability and transparency by requiring private prisons and out of state prisons where our people are housed to adhere to the freedom of information standards under chapter 92F, Hawaii Revised Statutes.

Mahalo for this opportunity to submit testimony in support of SB 212.

Sincerely,  
Carrie Ann Shirota, Esq.  
Kahului, Hawai`i  
(808) 269-3858

TO: COMMITTEE ON PUBLIC SAFETY AND MILITARY  
Sen. Will Espero, Chair  
Sen. Robert Bunda, Vice Chair  
Tuesday, February 3, 2009  
1:15 PM  
Room 229, Hawaii State Capitol

RE: Testimony in Support of SB 212 Relating to Public Safety Freedom of Information Act  
Applying to Out of State Prisons

FROM: Atty Daphne Barbee-Wooten  
1188 Bishop Street, Suite 1909, Honolulu, Hawaii 96813


Dear Senator Espero and Members of the Committee on Public Safety and Military:

My name is attorney Daphne Barbee-Wooten and I represent inmates who have been transferred to Saguaro Correction Facility. A recent case has ruled that out-of-state prisons must comply with the Freedom of Information Act. See enclosed summary.

I represent an inmate at Saguaro Correctional Facility that was placed in the hole for having contraband in his legal mail, i.e., grievances about the prison and case law which I sent him. When I questioned the warden at Saguaro the definition of contraband, I was not given any rules and brushed off. The State of Hawaii Attorney General has not sought any clarification and indeed supports Saguaro's position. With the Freedom of Information Act, the rules, regulations, and definitions would have to be given to attorneys who represent clients. Furthermore, grievance decisions and grievance appeal requests would also be given to attorneys and clients upon request. According to one of my clients, many of the grievances have disappeared and decisions have not been rendered. This Bill will make the prisons accountable and ensure it does not turn into a dark hole with rules that can be made up or ignored arbitrarily by guards and wardens.

Please pass this Bill. If a prison facility has nothing to hide, it should not be afraid of following the Freedom of Information.

Dated: Honolulu, Hawaii

2-2-09  
  
Daphne Barbee-Wooten  
Attorney at Law

# Prison Legal News Prevails in Tennessee Public Records Suit Against CCA

In 2002, the Tennessee Supreme Court ruled that a private company which performed services that were “functionally equivalent” to those provided by a public agency had to comply with the state’s Public Records Act, T.C.A. § 10-7-501, *et seq.* See: *Memphis Publishing Company v. Cherokee Children & Family Services, Inc.*, 87 S.W.3d 67 (Tenn. 2002).

This ruling was not tested against the nation’s largest private prison company, Nashville-based Corrections Corp. of America (CCA), until CCA officials refused to produce public records requested by *PLN* associate editor Alex Friedmann in April 2007.

*PLN* had asked for records related to successful litigation against CCA, including verdicts, settlements and judgments, as well as “reports, audits, investigations or other similar documents which found ... that CCA did not comply with one or more terms of its contracts” with government agencies.

After CCA declined to produce the requested records, *PLN* filed suit in Davidson County Chancery Court on May 19, 2008, seeking to force CCA to comply with the state’s Public Records Act pursuant to the ruling in *Cherokee*. “Public agencies cannot contract away the public’s ability to review records that otherwise would be publicly accessible under the state’s open records law. The public’s right to know is not delegable to private corporations,” said *PLN* editor Paul Wright.

Chancellor Claudia Bonnyman ruled in *PLN*’s favor on July 29, 2008 following an evidentiary hearing. The court found that CCA’s operation of prisons and jails on behalf of government agencies meant the company performed a “functionally equivalent” public service within the meaning of *Cherokee*, and thus had to comply with public records requests.

The court rejected CCA’s argument that it did not receive “funding” from the state but merely received contractual payments for services rendered. The court also rejected CCA’s position that the firm only received about 10 percent of its income from public agencies in Tennessee. As *PLN*’s attorney pointed out, almost all of CCA’s income was derived from government sources through taxpayer funds, including 100% of its operations

in Tennessee. The records that *PLN* had requested related solely to the company’s Tennessee facilities.

With several limited exceptions, Chancellor Bonnyman held that CCA must produce the requested records – including verdicts, settlements and damage awards in lawsuits filed against the company that were not sealed by court order. “CCA has fought tooth and nail to prevent the media and members

of the public from obtaining information about the company’s operations, and been successful until now. We will be able to see what they’ve been hiding,” said Friedmann. CCA has stated it will appeal the ruling.

*PLN* was well represented by Alex Clarke of the Memphis law firm of Bonnyman and Kramer, P.C. See: *Friedmann v. Corrections Corp. of America*, Chancery Court of Davidson County, Tennessee, Case No. 08-1105-I. ■

## NY DOC’s Former 60% Prisoner Phone Call Kickback Scheme Did Not Violate Prisoners’ Families’ Constitutional Rights

In December, 2007, the New York State Supreme Court (this is a trial level court) held that the New York Department of Corrections’ (NYDOC) policy of contracting for prisoner collect telephone calls, which resulted in a 60% kickback to NYDOC from the telephone company, did not violate the constitutional rights of the recipients of those calls. While any recovery of past alleged overcharges was thus blunted, future rates have been contained by a progressive new New York state law (Corrections Law § 623, 12007, ch. 240, § 2), effective April 1, 2008, that bars NYDOC from gouging prisoners’ families with charges that exceed the reasonable cost of establishing and administering its telephone system. This ruling comes after the case had been remanded to the trial court by the state Court of Appeals, the highest court, which had reversed a prior dismissal of the case. See: *Walton v. NY DOCS*, 863 N.E.2d 1001 (NY 2007).

Ivey Walton and other friends and relatives of prisoners in NYDOC, supported by the Office of the Public Defender and New York State Defenders Association, sued NYDOC seeking relief from alleged abusive overcharging by NYDOC’s prisoner telephone contractor MCI Worldcom Communications, Inc. (MCI) for calls from prisoners. NYDOC’s contract, which had been awarded to the bidder offering NYDOC the biggest kickback, provided for MCI to pay NYDOC a “commission” of 57.5% to 60%. The plaintiffs sued under a variety of constitutional theories, several of which survived dismissal, but none of

which were ultimately successful.

Plaintiffs’ claim that the contract violated the power to tax was rejected when the court held that the commission paid by MCI to NYDOC did not constitute an amount to a tax.

The next claim, that offering a single telephone provider violated plaintiffs’ substantive due process rights, was denied when the court determined that there were insufficient facts to sustain an infringement on the plaintiffs’ rights to either freedom of speech or association.

Plaintiffs’ equal protection claim that they were being charged a higher rate than MCI charged other customers was denied when the court ruled that the plaintiffs, as recipients of prisoner telephone calls, were not similarly situated to members of the public at large.

Finally, plaintiffs’ claim of violation of their Constitutional free speech and association rights failed because while the Constitution has been found to protect guarantees of prisoners and non-prisoners to communicate, it offers no guarantee regarding the expense for that provision.

Accordingly, the court dismissed all constitutional claims regarding overcharges, while noting the April 1, 2008 launch of the new statutory limiting costs that may be passed on to recipients of prisoner telephone calls. The plaintiffs, represented by the Center for Constitutional Rights, has filed an appeal. See: *Walton v. New York State Department of Correctional Services*, NY Sup Court, County of Albany, Index No. 04-ST4340. ■

**Hepatitis Prevention, Education, Treatment & Support Network of  
Hawai'i**

**Prisoner Reintegration and Family Reunification Program**

1286 Queen Emma Street

Honolulu, Hawaii 96813

[www.idlinks.com](http://www.idlinks.com)

Andy Botts, Director

[poidogpub@hawaiiantel.net](mailto:poidogpub@hawaiiantel.net)

808-942-4276

February 3, 2009

COMMITTEE ON PUBLIC SAFETY

Senator Will Espero, Chair

Senator Robert Bunda, Vice-chair

Tuesday, February 3, 2009

1:15 p.m.

Conference room 229

SB 212

Relating to Public Safety

SUPPORT

I support this bill for two reasons. First, accountability is important, especially within our correctional facilities where nobody ever knows what's really going on behind the walls. Second, The Federal Freedom of Information Act should ensure that we are allowed to know what's going on, and this bill will enforce the right to know.

Thank you for the opportunity to testify in this matter, it is of great importance to consider.

Andy Botts, Director

Prisoner reintegration program



COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Sen. Will Espero, Chair  
Sen. Robert Bunda, Vice Chair  
Tuesday February 3 2009  
1:15 PM  
Room 229  
SB212  
Strong support

Hello Chair Espero, Vice Chair Bunda and members of the Committee

My name is Cathy Tilley and I am a member of the Community Alliance on Prisons and I have a son who is an inmate at Saguaro Correctional Facility in Arizona.

I strongly support SB 212 requiring privately owned prisons or out of state detention facilities holding prisoners under a contract with the State to follow state freedom of information laws.

Right now there is very little information about how the private prisons that house our loved ones operate. The public and especially concerned family members should have access to the same information that the public prisons must provide. It all boils down to accountability and transparency and we need and deserve both.

Sincerely,  
Cathy Tilley  
621 Pauku St  
Kailua, HI 96734  
808 2616274