



## **DEPARTMENT OF PUBLIC SAFETY REPORT TO THE 2007 LEGISLATURE**

**Act 178, Session Laws of Hawaii 2005,  
Relating to the State Budget  
(General Appropriations Act of 2005)**

**Section 64:  
Expenditures for the Housing of Inmates at  
Mainland Correctional Facilities**

**Section 65:  
Expenditures for the Housing of Inmates at the  
Hawaii-Based Federal Detention Center and  
Mainland Correctional Facilities**

**November 2006**

## **Background**

Due to the overcrowding conditions in the Hawaii Department of Public Safety's (PSD's) correctional facilities, the 2005 Legislature appropriated funds for housing up to 1,750 Hawaii inmates in private, out-of-State correctional institutions. In addition, the Legislature provided funds to house an additional 140 inmates at the Hawaii-based Federal Detention Center (FDC) to relieve overcrowding in PSD's jails (community correctional centers or CCCs), bringing the total number of FDC beds to 260.

In addition, the 2006 Legislature appropriated funds for: 1) Housing additional Hawaii inmates in private, out-of-State correctional institutions making up the shortfall from the previous Legislative session's Departmental request; and 2) Housing for 250 Hawaii inmates in private, out-of-State correctional institutions that will be temporarily displaced for one year during fire safety equipment repairs at the Halawa Correctional Facility.

## **Cost Comparisons Among Per Diem Rates for Mainland Facilities and Federal Detention Center**

As of June 2006, the Department maintained a total of 1,844 inmates in four states other than Hawaii. These inmates were housed in four correctional institutions owned and operated by the Corrections Corporation of America (CCA): (a) Diamondback Correctional Facility (DbCF) in Oklahoma; (b) Florence Correctional Center (FCC) in Arizona; (c) Tallahatchie County Correctional Facility (TCCF) in Mississippi; and (d) Otter Creek Correctional Center (KYOC) in Kentucky (female inmates). The per diem rate varied at each of these facilities ranging from \$44.08 - \$53.84 per inmate through contract expiration on June 30, 2006. On July 1, 2007, housing contracts for DbCF, TCCF and FCC were renewed for one year with per diem rates adjusted to \$49.55 per inmate/day. In addition, a 2.5% annual increase was applied to KYOC adjusting its per diem rate to \$53.20 per inmate/day.

As of September 2006, the Department began its transition to consolidate its out-of-State population from four states into one state by transferring approximately 200 Hawaii inmates to Arizona. Red Rock Correctional Center (RRCC), a newly constructed correctional facility in Eloy, Arizona, owned and operated by CCA opened its doors to the State of Alaska (1000 beds) and the State of Hawaii (460 beds). Per diem rates for RRCC is \$57.00 per day/inmate with an annual 2.5% increase.

By July 1, 2007, Saguaro Correctional Facility (SCF), currently under construction near RRCC in Eloy, Arizona, will offer 1,896 beds to the State to complete its out-of-State inmate consolidation. SCF is also owned and operated by CCA.

It is important to note that the per-day costs at out-of-State facilities do not include the following cost items:

- Certain medical expenses.
- Routine transport of inmates to and from Hawaii.
- Transport of inmates to and from Hawaii under special circumstances.
- Inmate wages for work performed during incarcerated.
- Video-conferencing via long-distance telephone calls.

Attached as Exhibits A and B are expenditure reports for out-of-State inmates and FDC inmates, respectively, for FY 2006 (July 1, 2005 - June 30, 2006) and FY 2007 to-date (July 1, 2006 – October 31, 2006).

Since the prior report to the 2006 Legislature, the daily cost of housing an inmate at the Hawaii-based Federal Detention Center increased from \$78.09 to \$79.00 per inmate/day. Inmates in the custody of the State Department of Public Safety were first accepted for housing at the FDC in January 2001. Due to US Bureau of Prisons regulations on federal detention centers, PSD was limited to transferring convicted inmates with short detention periods. The FDC beds have helped to address overcrowding conditions primarily at the Oahu Community Correctional Center, Hawaii Community Correctional Center, Kauai Community Correctional Center, and the Maui Community Correctional Center.

In FY 2006, the Department expended \$5,398,739 for the use of FDC beds. On June 30, 2006, there were 200 inmates (172 male inmates and 28 female inmates) housed at the FDC. In July 2005, the Department began to significantly increase FDC's inmate population by chartering special flights to transport inmates from the

neighbor Islands to Oahu's FDC. As of October 2006, the Department has awarded an RFP bid/contract to Inter-island Airways as it continues to charter special flights to transport inmates from the neighbor islands to Oahu.

### **Selection Criteria for Inmates to be Transferred to Mainland Facilities**

The current selection criteria for mainland transfers are based primarily on the state requirements of the receiving facility, as summarized below:

#### **State of Oklahoma (Male Inmates)**

- No persons convicted of sex offenses.
- No persons convicted of Escape 1.
- No persons convicted of Murder 1.
- Highest custody level accepted is Medium custody.

#### **State of Mississippi (Male Inmates)**

- No persons convicted of Escape 1 or any escape involving violence.
- Highest custody level accepted is Close custody.

#### **State of Arizona (Male Inmates)**

- No Maximum custody inmates.

#### **State of Kentucky (Female Inmates)**

- Highest custody level accepted is Close custody.

In addition, the following priorities are included in the overall process of screening potential inmate candidates for transfer to the mainland:

- Time left to serve on sentence.
- Program refusal, non-clinical discharge, or misconducts incurred.
- Multiple-time parole violators with more than 12 months to serve.
- No pending charges.
- No medical or mental health conditions that may affect an inmate's ability to function within a normal range.
- Inmates who volunteer and have cleared all facility holds.

As of June 2006, PSD's correctional facilities in Hawaii had an operating bed capacity of 3,487 as compared to the 3,898 inmates currently housed in PSD facilities. Additionally, 1,844 inmates were housed in mainland facilities. Although PSD correctional facilities remain overcrowded, the out-of-State contract beds have helped to ease overcrowding conditions primarily at the Halawa Correctional Facility and the Women's Community Correctional Center.

### **Closing**

The Department of Public Safety established the Mainland and FDC Branch in October 2004 under the general supervision of the Institutions Division Administrator. Since that time, monitoring of and accountability for mainland prison contracts and expenditures continue to improve considerably. The 2006 Legislature has authorized an additional four positions for a total of 10 authorized positions to monitor all contracts and to provide case management for all out-of-State Hawaii inmates to ensure that the terms of our private prison contracts are upheld and enforced and that prisoners receive appropriate treatment.

**DEPARTMENT OF PUBLIC SAFETY  
ENCUMBRANCES AND EXPENDITURES FOR OUT-OF-STATE AND FDC INMATES  
FY 2006**

Revised: 11/27/06

FACILITY	INMATE COSTS				STAFF COSTS				TOTAL ENC & EXP
	HOUSING	MEDICAL	WAGES	TRANSPORT	SITE INSP <sup>1</sup>	PAYROLL <sup>2</sup>	ADMIN <sup>3</sup>	OTHER <sup>4</sup>	
<b>OKLAHOMA</b> Diamondback	15,791,230.04	484,967.67	339,410.64	1,169,216.04	41,795.79	87,753.00		2,139.00	17,916,512.18
<b>MISSISSIPPI</b> Tallahatchie	13,690,562.20	1,185,240.66	257,275.82	283,530.28	37,518.23			1,387.24	15,455,514.43
<b>ARIZONA</b> Florence	5,481,818.32	54,029.68	13,798.48		12,065.46	10,101.50		7,577.91	5,579,391.35
<b>KENTUCKY</b> Otter Creek	2,120,998.30	80,931.49	34,229.11		35,628.86			4,245.30	2,276,033.06
<b>MAINLAND BRANCH</b>		1,269.07		28,612.00	7,862.12	232,044.59	243,932.28	43.53	513,763.59
Subtotal - Mainland	37,084,608.86	1,806,438.57	644,714.05	1,481,358.32	134,870.46	329,899.09	243,932.28	15,392.98	41,741,214.61
<b>FEDERAL DETENTION CTR</b>	5,207,835.29			173,555.89		5,384.67		11,963.20	5,398,739.05
Total - Mainland+FDC	42,292,444.15	1,806,438.57	644,714.05	1,654,914.21	134,870.46	335,283.76	243,932.28	27,356.18	47,139,953.66

- 1 SITE INSPECTION:** Site visits to inspect facility and inmate treatment, as well as review compliance with contractual and other provisions.
- 2 PAYROLL:** Employee payroll including salaries, overtime pay, night differential pay, on-site monitor salary.
- 3 ADMIN:** Office supplies, photocopying, postage, telephone, long distance tolls, mileage, gas, office lease, legal and consultant fees, video-visit teleconferencing equipment, repair/maintenance of motor vehicle, computer hardware and software.
- 4 OTHER:** Services on-a-fee, funeral expenses, long distance tolls, rental of equipment, interest charges, law books and subscriptions, miscellaneous postage fees, paper uniforms (FDC), and handcuffs (FDC)