



DEPARTMENT OF PUBLIC SAFETY

**RESPONSE TO
ACT 200, PART III, SECTION 58
SESSION LAWS OF HAWAII 2003
As amended by
ACT 41, PART II, SECTION 35
SESSION LAWS OF HAWAII 2004**

January 2005

BACKGROUND

Due to the overcrowding in Hawaii's correctional facilities, the Legislature funded the transfer of up to 1,500 Hawaii inmates to private, out-of-state correctional institutions. In addition, the 2004 Hawaii State Legislature provided funds to house up to 120 inmates at the Hawaii-based Federal Detention Center (FDC) or to mainland facilities to relieve the Oahu Community Correctional Center (OCCC)'s overcrowding.

As of June 2004, the Department of Public Safety had a total of 1,579 inmates in out-of-state facilities. Between July 2003 and April 2004, the Department contracted with two facilities in two states to house Hawaii male inmates. These inmates were housed at the Diamondback Correctional Facility in Watonga, Oklahoma and the Florence Correctional Center in Florence, Arizona. The cost of housing for these facilities was \$52.53 per inmate, per day.

In May 2004, entered into an additional contract with the Tallahatchie Correctional Facility in Tutwiler, Mississippi, to house Hawaii male inmates. The cost of housing for this facility was \$43.00 per inmate, per day as long as the Department maintained a minimum total number (862) of Hawaii inmates housed at the Florence Correctional Center and the Diamondback Correctional Center at the higher price. By June 2004, 690 Hawaii inmates transferred from the Florence Correctional Center to the Tallahatchie Correctional Facility.

Effective July 1, 2004, all per diem rates on Hawaii male inmates housed in the Diamondback Correctional Facility and the Florence Correctional Center increased by 2.5% at \$53.84 per inmate, per day. Tallahatchie Correctional Facility's per diem rate shall increase by 2.5% on July 1, 2005.

Female inmates were housed at the Mabel Bassett Correctional Center, formerly known as the Central Oklahoma Correctional Facility, in McLoud, Oklahoma until May 2004. The cost of housing for this facility was \$47.90 per inmate, per day. In August 2004, the Department entered into a contract with the Brush Correctional Facility in Brush, Colorado and transferred its 63 female inmates from Oklahoma into Colorado. The cost of housing for this facility is \$51.90 per inmate, per day.

Per day costs for out-of-state facilities do not include the following:

1. Certain medical expenses;
2. Routine transportation of inmates to and from Hawaii;
3. Transportation of inmates to and from Hawaii under special circumstances;
4. Cost of wages for work done by inmate (inmate compensation); and
5. Cost of video-conferencing via long distance telephone calls.

The expenditure report for out-of-state inmates from July 1, 2003 to October 31, 2004 is attached for reference.

Since the last budget proviso report in response to Act 200, Part III, Subsection 58, SLH 2003, submitted to the Legislature in January 2004, the cost for an inmate to be housed at the Hawaii-based FDC has decreased from \$93.88 to \$76.10 per inmate, per day. Hawaii inmates were first accepted for housing at the FDC in January 2001. Due to federal laws that require the

Hawaii-based FDC to only accept convicted inmates, the Department is limited to transferring convicted inmates awaiting sentencing hearings.

In FY 2003-2004, the Department expended \$1,551,034 for the use of FDC beds. On June 30, 2004, there were 115 inmates housed at the FDC (111 males; 4 females). The number of inmates transferred to the FDC during FY 2003-2004 averaged 53 inmates.

If all cost factors remain the same, it is more cost-effective for Hawaii inmates to be transferred to out-of-state facilities as opposed to remaining at the FDC. The current selection criteria for mainland transfers is primarily based on the state requirements of the receiving facility:

State of Oklahoma: No persons convicted of sex offenses;
No persons convicted of Escape 1;
No persons convicted of Murder 1; and
Highest custody level accepted is Medium custody

State of Mississippi: No persons convicted of Escape 1 or any escape involving violence; and
Highest custody level accepted is Close custody

State of Arizona: No Maximum custody inmates

State of Colorado: Highest custody level accepted is Medium custody;
(Female Inmates) No persons having any mental health history;
No persons sentenced to Life With/Without Parole (long term); and
No persons convicted of sex offenses with lengthy terms

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

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

In October 2004, the Department with the approval of the Governor's Office created and established the Mainland & FDC Branch. Under the general supervision of the Department's Institutions Division Administrator, this branch has the statewide responsibility for all Hawaii inmates (male and female) housed in mainland prison facilities and the Federal Detention Center.

This report is submitted to the Legislature as required by Act 41, Part II, Section 35, Session Laws of Hawaii 2004.

**EXPENDITURE REPORT FOR OUT-OF-STATE INMATES
FY 2003-2004**

FACILITY	HOUSING	MEDICAL	WAGES	TRANSPORT	SITE INSP.	MISC.	OTHER	TOTAL
OKLAHOMA								
Diamondback	15,785,179.55	725,873.43	319,387.04	774,327.87	20,975.21	15,881.57	94,786.09	17,736,410.76
Mabel Bassett	1,120,860.00				10,303.29	2,260.78		1,133,424.07
ARIZONA								
Florence	9,308,347.55	571,019.87	246,746.94	341,656.73	27,335.19	48,900.50	2,991.85	10,546,998.63
SUB TOTALS	26,214,387.10	1,296,893.30	566,133.98	1,115,984.60	58,613.69	67,042.85	97,777.94	29,416,833.46
FDC								
Federal Detention Center	1,551,033.55							
GRAND TOTALS	27,765,420.65	1,296,893.30	566,133.98	1,115,984.60	58,613.69	67,042.85	97,777.94	30,870,089.07

MISC= Employee salaries, overtime, night differential
OTHER= Services on-a-fee, equipment/furniture, long distance calls, rental of equipment, interest charges
funeral expenses, office supplies

EXPENDITURE REPORT FOR OUT-OF-STATE INMATES
July 1, 2004 - October 31, 2004

FACILITY	HOUSING	MEDICAL	WAGES	TRANSPORT	SITE INSP.	MISC.	OTHER	TOTAL
OKLAHOMA								
Diamondback	5,327,360.32	177,689.02	105,548.03	25,113.13	16,291.23	11,905.48	90,294.66	5,754,201.87
Mabel Bassett	90,531.00					22,089.39		112,620.39
ARIZONA								
Florence	141,687.49	27,025.11	6,850.38	3,850.00	1,809.83	14,295.74		195,518.55
MISSISSIPPI								
Tallahatchie	3,617,246.00	26,769.55	61,248.16	231,835.00	7,849.50		2,402.23	3,947,350.44
COLORADO								
Brush	278,806.80		2,552.00					281,358.80
SUB TOTALS	9,455,631.61	231,483.68	176,198.57	260,798.13	25,950.56	48,290.61	92,696.89	10,291,050.05
FDC								
Federal Detention Center	509,023.68			8,638.00				517,661.68
MAINLAND BRANCH								
Administrative Costs							7,852.29	
GRAND TOTAL	9,964,655.29	231,483.68	176,198.57	269,436.13	25,950.56	48,290.61	100,549.18	10,808,711.73

MISC= Employee salaries, overtime, night differential
OTHER= Services on-a-fee, equipment/furniture, long distance calls, rental of equipment, interest charges
funeral expenses, office supplies