

COMMUNITY ALLIANCE ON PRISONS

76 North King Street ~ Suite 203 ~ Honolulu, Hawai`i 96817
Phone * E-Mail: 533-3454 * communityallianceonprisons@hotmail.com

October 17, 2005

Frank Lopez, Interim Director
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawai`i 96814

Dear Frank,

It seems that we have sent our women from the frying pan in Colorado to the fire in Kentucky.

I have been receiving calls almost daily from our women inmates at Otter Creek, Kentucky and from their families and friends, who are worried about the treatment that our women are receiving, or not receiving, at this private prison so far away.

I have been advised by the women that since Hawai`i has not yet signed a final contract, our women are considered prisoners of the Kentucky Department of Corrections. What protections do our women have, if they are not under Hawai`i state jurisdiction?

Before leaving Brush Prison, the women were told that they could not bring certain items with them. One inmate has over \$800 in legal books that she purchased herself to research her case and was told that she must ship the books because she couldn't take them with her. This was a huge problem since books can only be sent to inmates from the publisher, so her family could not re-send them to her at Otter Creek. I called public safety and spoke with Ed Shimoda several times and he listened, but never got back to me with any resolution.

I have also heard that the restrictions on what the women could bring have come from Hawai`i, because families have called Otter Creek to ask about what the inmates could take with them and were told that there was no restriction. Many of the hygiene products and personal items the women bought with their own money had to be left behind.

Sadly, it appears that PSD ascribes to the 'out of sight, out of mind' philosophy and our inmates thousands of miles away from home are at the mercy of people who don't care and feel that they can do whatever they please because no one is watching. Quarterly visits are not sufficient to protect the health and safety of our people so far away. The state has a moral and fiscal obligation to ensure that the rights of our inmates are protected, that they receive the health care necessary, and that if they must be transferred out of state, they be sent to a safe environment with appropriate programming to address their needs.

Below are a list of problems that I have been told about to date:

Health Problems:

- **Hawai`i women have been sick at Otter Creek** - As I noted in my August 22nd letter to you (copy attached), there appears to be an *unresolved* problem with the water at Otter Creek Prison. In that letter I mentioned that there was E-coli found in the water there and that this is a serious problem that must be addressed before our women are shipped there. I have now heard from three separate sources that our women have been sick with diarrhea and vomiting from the water. In fact, they told me that if the water stands in a cup, after a while it turns black and has an oily film on top. The nurses are telling the inmates not to drink the water. Does this sound like the water problem has been resolved? We think not.
- **Hawai`i women have been denied their approved medication** - I have been told by several sources that our women have been unable to access their approved medication for high blood pressure, etc., which is generally part of the negotiated contract . I have heard from several inmates that their blood pressure was skyrocketing, with one inmate's at 192/120. This is a problem, since our women appear to be considered Kentucky Department of Corrections inmates who are now at the mercy of the staff at Otter Creek. They must now buy aspirin for \$.64, which is only dispenses in the morning, and their pay is a mere \$.14 per day.
- **There is hardly any recreation time** - Hawai`i inmates are in the same pod as Kentucky inmates, but do not share cells. I have received many reports saying that there is very little recreation, as most of our people are in lockdown. I have even been told that the Kentucky inmates are shocked at the way the Hawai`i women are being treated.
- **No liquids allowed at recreation** - Hawai`i inmates have been told that they cannot carry bottled water or juice to recreation. Some of the women play basketball, and water is vital to replace the fluids lost during this strenuous exercise. Hawai`i must immediately ensure that our inmates get bottled water during meals and recreation or exercise time.
- **No warm clothes have been issued to our women** - One inmate told me that her jacket was taken away for no reason and no other was issued to her, hence when she is allowed to go outside, she has no jacket to protect her from the cold. The weather there has been in the 40's in the evenings and mornings, so a jacket is a necessity to a Hawai`i inmate.
- **No hot water** - There was no hot water at Otter Creek, so the women were forced to each cold food and take cold showers. The hot water just was restored Monday evening.

Lost Property:

- **Some women's property never got to Kentucky** - I have been told that some inmates' personal property never arrived in Kentucky. When they asked about it, they were told that it was Brush's problem. No one is taking responsibility for the transfer of inmates' belongings. Who is liable for this and how will the state reimburse those inmates who lost their property in the 'transfer'?

Confusion on Rules/Contract:

- **Who is in charge?** Before leaving Brush, the women were told about the provisions of the contract that Hawai'i was negotiating with Otter Creek. They were assured that that Otter Creek would comply with the provisions. Sadly, once they arrived at Otter Creek these provisions have been ignored and the inmates are told that they are Kentucky inmates and they 'don't have to comply' with a contract that is not finalized.
- **Confusion over who is making rules** - The woman are told that many of the punitive restrictions relating to the transfer and since their arrival at Otter Creek are coming from Hawai'i. They get the runaround when they question the origin of the 'rule'. This of course leads to rumors and innuendo and a sense of uncertainty among the women.

Civil Rights Violations:

- **Women denied legal calls** - Our women have been told that they cannot call or receive calls from their attorneys. This is a violation on their civil rights.
- **Mail is either being held up or unusually slow** - Although families are telling inmates that they have written to them, they report that they have no received any correspondence from their loved ones since they arrived at Otter Creek.
- **Mail being returned to senders** - Although the women were assured that their mail from Brush would be forwarded to them at Otter Creek, mail is being stamped 'return to sender' and sent back to originator.
- **Asking a question could get one a 'write-up' or put in lockdown** - When the women question a rule or ask about provisions of the contract, they are threatened with lockdown and told that 'today there is a new rule' or 'we don't follow that.' This leads to an atmosphere of fear, confusion, and insecurity.
- **Threats and Intimidation appear to be the operational philosophy at Otter Creek** - The management appears to espouse the 'management by fear' model, which does little to lead by example and does nothing to model good behavior. When women ask questions, they are targeted and given no explanations for the sanctions that are levied against them.
- **Staff disrespectful to Hawai'i inmates** - Since their arrival, our women have been repeatedly told by Otter Creek staff that they don't want them there. They have been subjected to name-calling and derision by correctional officers there.

Other Strange Things:

- **There appears to be no established meal times** - The dinner meal is sometimes served as late as 8:05 PM, inmates have told me. It apparently varies.
- **Commissary Hours** - Women have reported to me that at times the commissary, where they must purchase their hygiene products and aspirin, has been only open at 2:00 AM.

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It appears, from all the reports I have received from numerous inmates and family members, that our women have been transferred to a prison that not only doesn't want them, but has imposed rules at whim and then tells the women that the administration can do as it pleases since they are under the Kentucky Department of Corrections now. Rules are made and then broken by the staff routinely, leaving the women in a state of confusion as to what is allowed and what isn't allowed.

Community Alliance on Prisons is very concerned about the health and safety and civil rights of our women at Otter Creek. E-coli in the water system is nothing to fool with, as I mentioned to you during several of our phone conversations. Many of the women have existing medical problems, and they certainly don't need contaminated water to exacerbate their medical conditions.

Community Alliance on Prisons asserts that no Hawai`i inmate should be transferred to any prison where they are afraid for their safety. Inmates have told me that they are scared and their families tell me that they worry constantly about the safety of their loved ones. This is shameful.

The concerns I have outlined put the state at great liability, and I look forward to hearing how the department plans to address these problems. I look forward to receiving the contract between the state and CCA's Otter Creek Correctional facility, as we discussed previously. Also, I know you mentioned that I could find all the contracts Hawai`i has with prisons on the U.S. continent on the PSD website, but I have never seen them there. Can you please check to make sure that these important documents are posted on line so that families know just what services are being funded by the state of Hawai`i for their loved ones being incarcerated so far away from home.

I am sending a copy of this letter to the legislature as well, since public money is used to render services to our inmates. I appreciate your attention to this matter and will await your response.

Sincerely,

Kat Brady
Coordinator

enclosures

cc: Hawai`i State Legislature