

News Releases

News Release No. 2002-26 July 1, 2002

STATE NOT LIABLE FOR PRISON DEATH DUE TO HEROIN OVERDOSE

First Circuit Court Judge Dan Kochi has ruled in favor of the State of Hawaii in a lawsuit arising out of the death of inmate David C. Afong at the Halawa Correctional Facility. Afong died on June 25, 1994. The apparent cause of death was a heroin overdose.

Plaintiff, Afong's mother, alleged that the personnel at Halawa were negligent in allowing him to obtain contraband drugs. Among other things, Plaintiff claimed that inmates were not properly searched upon returning to their housing units from other areas of the prison; and that Afong should have been forced to participate in recommended substance abuse treatment programs. Afong, a regular heroin user for many years, refused to participate in such programs.

At trial, the State presented evidence establishing that the personnel at Halawa took various measures to minimize the introduction of contraband into the prison population. These measures included random strip searches, random urinalyses, and shakedowns of the inmates' housing units. Experts for both the Plaintiff and the State testified that no prison in the United States is contraband free, regardless of the security measures taken.

Judge Kochi found that the actions taken by the prison personnel were reasonable and proper, and consistent with generally accepted correctional practice. He noted that Plaintiff's case consisted of a number of alleged unrelated acts or omissions on the part of the State's employees at Halawa. The Judge concluded, however, that Plaintiff failed to prove a causal relationship between any of the alleged acts or omissions and Afong's obtaining the heroin that caused his death.

The State was represented at the three-day trial by Deputy Attorneys General Kendall J. Moser and John F. Molay.

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