

DAVID Y. IGE
GOVERNOR



CATHY BETTS
DIRECTOR

JOSEPH CAMPOS II
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES

P. O. Box 339
Honolulu, Hawaii 96809-0339

February 2, 2022

TO: The Honorable Senator Maile S. L. Shimabukuro, Chair
Senate Committee on Hawaiian Affairs

The Honorable Senator Clarence K. Nishihara, Chair
Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

FROM: Cathy Betts, Director

SUBJECT: **SB 2770 – RELATING TO NATIVE HAWAIIAN REHABILITATION
PROGRAMS.**

Hearing: February 3, 2022, 1:00 p.m.
Via Videoconference, State Capitol

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this measure, defers to the Department of Public Safety and the Office of Hawaiian Affairs, and offers comments.

PURPOSE: The purpose of the bill is to appropriate funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs in the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

Traditionally, rehabilitation programs, if offered, are often based on western models that may not have any relevance or foundation to prison inmates' identity, cultural beliefs, and worldview. The national movement on racial and gender equality and equity continues to address the needs of various cultural groups. It recognizes the richness of cultural practices

while acknowledging historical and intergenerational trauma. Addressing historical and intergenerational trauma through informed cultural practices and frameworks will become a foundational part of rehabilitating incarcerated individuals during and after incarceration.

Thank you for the opportunity to testify on this measure.



SB2770

RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS

Ke Kōmike ‘Aha Kenekoa o ke Kuleana Hawai‘i, a me Ke Kōmike ‘Aha Kenekoa o ka Palekana
Lehulehu, ka Pilina O Nā Aupuni, a me ke Kuleana Pū‘ali Koa

Senate Committee on Hawaiian Affairs, and

Senate Committee on Public Safety, Intergovernmental, and Military Affairs

Pepeulali 3, 2022

1:00 p.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs submits the following **COMMENTS** on SB2770, which urges the Department of Public Safety (PSD) to recognize the value of culture-based rehabilitation activities in the State’s correctional system and to increase the use and access to culture-based programming in the correctional system.

OHA has long supported the integration of culturally-based models to better rehabilitate pa‘ahao, reconcile them with their ‘ohana and communities, and reduce recidivism. The Native Hawaiian Justice Task Force has similarly encouraged the exploration of options to address systemic issues in the criminal justice system, such as by supporting indigenous models of healing, and bolstering reintegration programs and services.¹ In this regard, OHA agrees that an increase and expansion of culture-based rehabilitation activities in the State’s correctional system will better ensure that pa‘ahao can access critically-needed cultural programs. Moreover, OHA agrees that culturally-based support services may best aid formerly incarcerated pa‘ahao in reconnecting with their culture, ‘ohana, and community, increasing their chances of successfully reintegrating with and becoming productive members of society.

However, OHA did not have the opportunity to discuss this measure with the Department of Public Safety, the Legislature, and interested parties and would appreciate further consultation on the matter.

Accordingly, OHA asks the Committee to please **Note in the Committee Report** that OHA desires further consultation to address the intention and possible implementation of this measure. Mahalo piha for the opportunity to testify.

¹ THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 8 (2012), http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

GLORIA CHANG
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
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ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE SENATE COMMITTEES ON HAWAIIAN AFFAIRS AND
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
ON
SENATE BILL NO. 2770

February 3, 2022
1:00 p.m.
Via Videoconference

RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill No. 2770 appropriates an unspecified amount of general funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and

- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

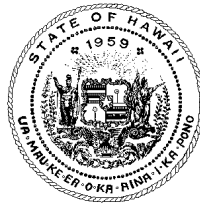
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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MAX N. OTANI
DIRECTOR

Maria C. Cook
Deputy Director
Administration

Tommy Johnson
Deputy Director
Corrections

Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 2770
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.**

by
Max N. Otani, Director
Department of Public Safety

Senate Committee on Hawaiian Affairs
Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keohokalole, Vice Chair

Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Senator Clarence K. Nishihara, Chair
Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022; 1:00 p.m.
State Capitol, Via Videoconference

Chairs Shimabukuro and Nishihara, Vice Chairs Keohokalole and DeCoite, and
Members of the Committees:

The Department of Public Safety (PSD) supports the intent of Senate Bill (SB) 2770, which appropriates funds to PSD to collaborate with the Office of Hawaiian Affairs (OHA), to create a Native Hawaiian rehabilitation program for prison inmates that emphasizes Native Hawaiian values and cultural practices.

PSD is very willing to work with OHA to gain their valuable input, guidance, and expertise on creating such a program that will benefit Native Hawaiian inmates, to include an estimated cost for this initiative. If the program is successful, the Department is hopeful that it can be expanded to be inclusive of all interested inmates.

Thank you for the opportunity to provide testimony supporting the intent of SB 2770.



STATE OF HAWAII
HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION

February 3, 2022

TO: The Honorable Senator Maile Shimabukuro Chair
Senate Committee on Hawaiian Affairs

FROM: Mark Patterson, Chair Hawaii Correctional System Oversight
Commission.

SUBJECT: **SB 2770 Related to Native Hawaiian Rehabilitation Programs**

POSITION: STRONG SUPPORT

Chair Shimabukuro, Vice Chair Keohokalohe and Members of the Committee

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. The Commission's statutory responsibilities include monitoring and reviewing the comprehensive offender reentry program of the Department of Public Safety and ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

National movements regarding indigenous programming within a correctional setting advocate that for successful reintegration to occur the following must be addressed.

- their participation in and access to spiritual and cultural activities
- culturally responsive programs, preferably delivered by Indigenous people
- the support they receive from family and community

In the Office of Hawaiian Affairs report on the Disparate Treatment of Native Hawaiians in the Criminal Justice System 2011 recommendations were offered that spoke on:

- Honoring the Sacred Forgiveness, and Successful Entry Back
- Kuleana (Responsibility within the context of the collective)
- Pili, Close Relations, and Feeding with learning

In the commissions responsibility of oversight of the Department of Public Safety in regards to population control and a Comprehensive re-entry program we strongly support SB2770 to

encourage collaboration between the department of Public Safety and the Office of Hawaiian Affairs in the creation of a Native Hawaiian indigenous model of healing to manage culturally relevant programming for its entire incarcerated population.

Mark Patterson
Chair
Hawaii Correctional System Oversight Commission

SB-2770

Submitted on: 1/31/2022 11:39:08 AM

Testimony for HWN on 2/3/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Patrick L. Kahawaiolaa	Testifying for Keaukaha Community Association	Support	No

Comments:

Aloha e Chair Shimabukuro and members of the Hawaiian Affairs Committee, I am Patrick L Kahawaiolaa a native Hawaiian as defined pursuant to 42, 42 stat. 108 July 9, 1921 and the current President of the the Keaukaha Community Association (KCA) and We are here to SUPPORT SB 2770, however with RESERVATIONS and those reservations needs answers to the PROCESS like who will be teaching those Hawaiian Values & Cultural Practices to the inmates? Will a kahea (call) go out the the many Practioner available? If and when contracted will then the broader Hawaiian communities as well as the general public be invited to participate? Public hearings? Cost\$? Location of classes? In the not to distant past when an expenditure of State funds was to be used at Kulani Prison to BRING BACK THOSE NA PA'HAO (Inmates) incarcerated outside of the State of Hawaii back home. Is this program an extension of that program? I believe a program was initiated several years ago and many still remain committed to help those incarcerated called Ho'opakele with the emphasis on one of the true Hawaiian value of HOOPONOPONO... and many exist today so have the State reached out to those Hawaiian entities that COULD help with the State's position on REHABILITATION OF INMATES!! Mahalo for allowing me to share our mana'o on this very important matter as the record will reflect a dispportionate of those incarcerated are our native Hawaiians. I can be reached @(808)-937-8217. 'Owau Patrick L. Kahawaiolaa

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS

Senator Clarence Nishihara, Chair

Senator Lynn DeCoite, Vice Chair

Thursday, February 3, 2022

1:00 PM

SB 2770 - STRONG SUPPORT FOR NATIVE HAWAIIAN PROGRAMS

Aloha Chair Nishihara, Vice Chair DeCoite and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,103 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in strong support of cultural programming, especially when delivered by cultural practitioners. We have witnessed the effect of programs that have resonated with Kanaka Maoli and others who gain a deeper understanding of their responsibilities to themselves, their families, and their communities.

We urge the committee to support programs about Hawaiian culture and values!

Mahalo for this opportunity to testify.

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Kenneth R. Conklin, Ph.D. Executive Director
e-mail Ken_Conklin@yahoo.com
Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON HAWAIIAN AFFAIRS and
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

For hearing Thursday, February 3, 2022

Re: SB2770

RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.

Appropriates funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

TESTIMONY IN OPPOSITION

The whole purpose of this bill is to mandate "The department of public safety, in collaboration with the office of Hawaiian affairs, shall create a rehabilitation program for Native Hawaiian prison inmates with an emphasis on preserving Native Hawaiian values and cultural practices."

Is that really a good idea?

For several decades ethnic Hawaiian activists have been working hard to strengthen government and private institutions or programs that require members or beneficiaries to prove they have "Native Hawaiian" ancestry, even if the percentage of blood quantum is low. DHHL, OHA, Kamehameha Schools, Council for Native Hawaiian Advancement, Queen Lili'uokalani Childrens Center... the list is endless. Apparently there is something so powerful in even a single drop of the magic blood that many people who have it feel compelled to associate predominantly or even exclusively with anyone else who has it. Racial "preference" turns out to be racial segregation and separatism. The beautiful Hawaiian creation legend "Kumulipo" says all humans are children of the gods and siblings to the 'aina; but today's activists twist it as describing only ethnic Hawaiians, relegating everyone else to an inferior status of "other."

See webpage "Hawaiian religious fascism. A twisted version of a beautiful creation legend provides the theological basis for a claim that ethnic Hawaiians are entitled to racial supremacy in the governance and cultural life of the Hawaiian islands."

<https://www.angelfire.com/big11a/HawnReligFascism.html>

See book "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State"

<https://www.angelfire.com/planet/bigfiles40/BookPromo.html>

How often have we heard it said that Native Hawaiians have the worst rate among all Hawaii's ethnic groups for drug abuse, spouse abuse, child abuse, arrests, incarceration, and other social dysfunction. Clearly there is something troubling about "Hawaiian values" and "Hawaiian cultural practices" -- the exact terms which this bill touts as the core of "rehabilitation programs" which prisons must be required to foist upon Native Hawaiian inmates, at taxpayer expense. Either "Hawaiian values" and "Hawaiian cultural practices" are purely aspirational labels and not descriptive of actual behavior in the community, or else they are damaging to the ability of Native Hawaiians to participate successfully in the larger society where they find themselves whether they like it or not.

A prison program designed to inculcate Native Hawaiian inmates with "Hawaiian values" and "Hawaiian cultural practices" closely resembles school curriculum in the Hawaiian-focus charter schools. It is designed to brainwash people with a political viewpoint leading them to become activists for race-based political power and, ultimately, sovereignty. Here are quotes from a foundational document where Ku Kahakalau unashamedly explained the purpose of her "Kanu O Ka 'Aina" Hawaiian-focus tax-funded public charter school:

"Kanu is tailored towards the distinctive cultural wants and needs of Hawai'i's indigenous student population. Utilizing our natives values handed down to us in thousands of proverbs as a philosophical basis ... The long-term goal of Kanu is to create a native designed and controlled system of Hawaiian education that will empower native communities throughout the archipelago to achieve political, cultural and economic self-determination. ... Kanu wants to actively prepare native students to participate in - and perhaps even lead - Hawai'i's indigenous sovereignty movement. Initially I was sort of hesitant to claim that Kanu represents a liberatory pedagogy. However, the more I reflected on the true purpose of my model the more I realized that my model is definitely designed to liberate. Specifically, Kanu wants to encourage Hawaiian students to become politically conscious, and individually and collectively tackle the problem of Hawaiian oppression by the United States and our subjugation to American law and a Western way of life. In that vein, Kanu has the potential of significantly contributing to the Hawaiian sovereignty effort."

Well, that is certainly not what most taxpayers want our government tax-funded schools to be doing with their students, and not what we want our government tax-funded prisons to be doing with their inmates.



Hawai'i

Committees: Senate Committee on Public Safety,
Intergovernmental, and Military Affairs
Hearing Date/Time: Thursday, February 3, 2022, 1:10 P.M.
Place: Via videoconference
Re: *Testimony of the ACLU of Hawai'i in Support of S.B. 2239 Relating to Law Enforcement*

Dear Chair Nishihara, Vice Chair DeCoite and members of the Committee:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") writes in **support of S.B. 2239**, which bans state and local law enforcement agencies from acquiring certain militarized equipment and weapons.

Every year, millions of dollars-worth of military equipment flows from the federal government to state and local police departments. Hawai'i is no exception—in 2019, Honolulu Police Department ("HPD") acquired its second Lenco Bearcat, a "tactical intervention vehicle with chemical, biological, radiological, nuclear, and explosive capabilities," which cost of \$580,000¹.

In addition to armored trucks, other military-grade gear and weaponry has made its way into law enforcement agencies as well. For example, the Hawai'i Department of Land and Natural Resources Division of Conservation and Resources Enforcement ("DLNR") acquired a long-range acoustic device, often referred to as an "LRAD" or "sound cannon."² This weapon, which was developed for and is used by the military to force compliance by causing pain, has been brought by the State to peaceful demonstrations at Mauna Kea³ and at Sherwood Forest⁴, though the State claimed that it would "only be used as a loudspeaker and not to disperse crowds."⁵

¹ Yoohyun Jung, *Honolulu Police Acquire More Military-Style Equipment*, Honolulu Civil Beat (October 17, 2019), <https://www.civilbeat.org/2019/10/honolulu-police-acquire-more-military-style-equipment/>.

² Solicitation No. Q19001912, Portable Battery Powered Public Address and Hailing System Kit, Hawai'i State Procurement Office (May 20, 2019).

³ In July 2019, the ACLU of Hawai'i sent a demand letter

⁴ Choon James, *LRADs Have No Place at Peaceful Hawai'i Protests*, Honolulu Civil Beat (October 21, 2019), <https://www.civilbeat.org/2019/10/lrads-have-no-place-at-peaceful-hawaii-protests/>.

⁵ Wendy Osher, *Hawai'i AG Addresses Concerns Surrounding LRAD "Sound Cannon"*, Maui Now (July 19, 2019), <https://mauinow.com/2019/07/19/hawaii-ag-addresses-concerns-surrounding-lrad-sound-cannon/>

Human and civil rights groups such as Amnesty International have warned that LRADs can cause devastating, long-lasting effects, and even permanent hearing loss.⁶

There is simply no reason why the State would need this caliber of weapon at peaceful demonstrations. There exist far more cost-effective sound amplification devices, and so it stands to reason that its *primary purpose* at these events is to chill First Amendment-protected speech through intimidation.

It is no coincidence that the LRAD has been used to intimidate those participating in demonstrations aimed at protecting land that is sacred to Native Hawaiian communities; across the U.S., militarized law enforcement tactics have been deployed disproportionately against communities of color. For this reason and others, the ACLU sent a demand letter in 2019 to DLNR, calling for the State to publicly commit not to deploy the LRAD for any anti-protest or crowd-control purposes, specifically in connection with the likely protests around TMT on Mauna Kea.⁷ The State declined to make such a commitment.

A 2014 report by the national ACLU found that “the militarization of policing encourages officers to adopt a ‘warrior’ mentality and think of the people they are supposed to serve as enemies.⁸ It is therefore no surprise that studies show that a 2017 study found that “[e]ven controlling for other possible factors in police violence...more-militarized law enforcement agencies were associated with more civilians killed each year by police.”⁹

S.B. 2239 expressly prohibits the acquisition of certain military-grade weapons such as LRADs and BearCats. Other state legislatures and city councils have adopted similar restrictions. A recently passed amendment to the National Defense Authorization Act reforms the federal Department of Defense’s 1033 program, through which surplus military equipment is transferred to state and local agencies, by prohibiting the transfer of 1) bayonets; 2) grenades (other than stuns and flash-bang grenades); 3) weaponized tracked combat vehicles; and 4) weaponized drones.

This is an important reform, but it is not enough to stem the increasing militarization of our local and state law enforcement and the inexcusable, unconstitutional intimidation of community members engaging in free speech. Passage of **S.B. 2239** is critical to fill in the gaps left by

⁶ *On the Streets of America: Human Rights Abuses in Ferguson*, Amnesty International (October 2014), <https://www.amnestyusa.org/files/onthestreetsofamericaamnestyinternational.pdf>.

⁷ Letter re: DLNR’s Acquisition of a Long Range Acoustic Device (LRAD), ACLU Of Hawai‘i, July 9, 2019, <https://acluhi.org/en/news/demand-letter-tmt-issue-ramps-state-must-reassure-public-lrad-sound-cannon-will-not-be-used>.

⁸ *War Comes Home: The Excessive Militarization of American Policing*, American Civil Liberties Union, (June 2014), <https://www.aclu.org/sites/default/files/assets/jus14-warcomeshome-report-web-rel1.pdf#page=23>.

⁹ Delehanty, Mehirter, Welch & Wilks, *Militarization and police violence: The case of the 1033 program*, Research and Politics (April-June 2017), <https://journals.sagepub.com/doi/full/10.1177/2053168017712885/>.

federal legislation and prevent further intimidation of our communities by law enforcement's unwarranted use of weapons of war.

For the above reasons, the ACLU of Hawai'i requests that the Committee support this measure. Thank you for the opportunity to testify.

Sincerely,

Carrie Ann Shirota

Carrie Ann Shirota

Policy Director

ACLU of Hawai'i

cshirota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i 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 Hawai'i has been serving Hawai'i for over 50 years.

American Civil Liberties Union of Hawai'i
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COMMITTEE ON HAWAIIAN AFFAIRS
Honorable Senator Maile S.L. Shimabukuro, Chair
Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
Honorable Senator Clarence K. Nishihara, Chair
Senator Lynn De Coite, Vice Chair

HEARING DATE: Thursday, February 3, 2022

TIME: 1:00 PM Via Videoconference

SUPPORT FOR SB2770 RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS

My name is Edgy Lee. I am testifying today on behalf of the Women's Prison Project (WPP) in **Strong Support of SB2770 RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.**

WPP is a group of twenty-nine (29) bi-partisan professionals from diverse backgrounds whose intent is to see long term sustainable social and restorative solutions implemented for Hawaii's incarcerated women. As you know, we have submitted *A New Approach to Women's Corrections in Hawai'i* for your review and support of policies and programs that will improve rehabilitation for Hawai'i's incarcerated women, particularly for mothers of young children. One aspect of our proposal advocates for Native Hawaiian Rehabilitation programs. Concurrently, we have been developing a documentary film for submission to the Corporation for Public Broadcasting for national and Hawaii television broadcast, highlighting some unique and effective programs at the Women's Community Correctional Center (WCCC), most of which are embedded in Native Hawaiian traditional values and practices. These programs have struggled to stay afloat pre-pandemic, sustained solely by the commitments of volunteers and modest donations.

My experience spans 30 years in the arts & film. I have been overseeing WPP's documentary film endeavor and would like to share a glimpse of what we have been witnessing as to the efficacy of particular programs. During early interviews and filming inside and out of the women's prison, whether we met with former inmates now graduating with their masters degrees and reuniting with their children, or in conversations with women living out life sentences, the narrative was similar. Women who experienced "Huikahi Circles" (akin to

ho'oponopono, the traditional Hawaiian practice of reconciliation and forgiveness) or inmates who recalled working in the prison's now fallow taro lo'i a few years ago when it was cared for as an essential program (as one woman described, "*Working in the lo'i, feet in the earth, was healing for the soul.*"); or Halau Hula Kamalu'okukui, founded by Kumu Hula Malina Kaulukukui, described a program that successfully instills discipline, respect for one's self and for others, humility, patience, and kindness in women facing decades of incarceration — I am testifying to authentic narrative by these women. They are not thinking about stealing your car or breaking into your home, nor buying drugs or committing violent crimes. Through these programs influenced by ancient Native Hawaiian practices, they realized that their shame was in fact surmountable. They are worthy of better lives. They want to lead productive peaceful lives with their families. Tending the land and growing greens in the lo'i, learning to read and proving to themselves that they are not lesser and that they can excel in science and math, or Hula—experiencing and learning through Native Hawaiian cultural and educational programs can successfully lead them to self awareness, self esteem, and hope.

More than half of WCCC inmates are Native Hawaiian. Many from impoverished backgrounds, broken homes, entering prison with 4th to 5th grade educations, some illiterate, some victims of sexual and spousal abuse, mothers, grandmothers, and drug users who became addicted in their youth, yet the women we met who had found education as rehabilitation and managed to make prison a "*pu'uhonua*" a place of refuge, sanctuary and healing, where traditional cultural practices were emphasized, for these women the volunteer-driven Hawaiian based programs steered them toward sobriety and to discovering their self-worth so that the pursuit of higher education and successful re-entry into society became obtainable realities.

To those of us who believe that we are not, nor are any of our family members, directly affected by the quality of rehabilitation we currently provide Hawai'i's incarcerated population, we fail to make the big picture connection. For every woman (and man) who successfully does her time, makes parole, and re-enters society we add one more neighbor to our community. Please do not bypass this sector of society and support Native Hawaiian rehabilitation programs for their healing and positive effects on Hawaii's prison population.

Thank you for your time and consideration.

LATE

SB-2770

Submitted on: 2/2/2022 3:23:57 PM

Testimony for HWN on 2/3/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lorenn Walker	Testifying for Hawai'i Friends of Restorative Justice	Support	No

Comments:

We strongly support this measure with the hope that it will create support and make sustainable community based Native Hawaiian cultural practices for the incarcerated.

Our organization has voluntarily provided services in Hawai'i state prisons for almost 20 years. Over these years we have extensively studied what [helps people desist](#) from crime, which cultural identity helps achieve.

“A positive cultural identity can provide an individual with a sense of belonging, purpose, social support & self-worth” ([Shepherd, et al, 2018](#) and [Berry, 1999](#)). These identity factors are vital for criminal desistance as discussed by [Maruna, 2001](#) and [others, 2016](#). With increased criminal desistance, incarcerated people, their families, and our communities will enjoy more peaceful and healthy lives.

The state needs to provide the opportunity for the incarcerated to practice and learn more about Hawaiian culture, which this bill would help provide.

Please call Lorenn Walker, JD, MPH, lorenn@hawaii.edu or (808) 218-3712 for further information about our support for this bill.

**OPPORTUNITY
YOUTH
ACTION HUI**

03 February 2022

Senate Committee on Hawaiian Affairs/Public Safety, Intergovernmental, and Military Affairs

Hearing Time: 01:00pm

Location: Virtual

Re: SB 2770, Relating to Native Hawaiian Rehabilitation Programs

Aloha e Chair Shimabukuro and Chair Nishihara, Vice-Chair Keohokalole and Vice-Chair DeCoite, and members of the Committees:

We are writing in **strong support** of SB 2770, relating to Native Hawaiian Rehabilitation Programs. This measure will appropriate funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

This bill would highlight traditional practices in programs that focus on the betterment of Kānaka Maoli in the prison system. Hawai'i's incarceration crisis has had a particularly severe impact on Native Hawaiians and Pacific Islanders. In 2018, this group made up only 23% of adults in the state, but a reported **47%** of people incarcerated under Hawai'i's jurisdiction that year (ACLU). We believe this measure is a pivotal step to the effort to advance Native Hawaiian equity within the justice system.

The Opportunity Youth Action Hui is a collaboration of organizations and individual committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

Please support SB 2770.

Senator Clarence K. Nishihara
Hawaiian Affairs
Senate Bill 2770

Hearing: February 3rd, 2022
1pm via Videoconference

IN SUPPORT

Aloha mai kākou,

My name is Alisha Kaluhiokalani. I am a student at the University of Hawaii at Mānoa currently enrolled in the Bachelors of Social Work Program. I am testifying in favor of SB 2770. I encourage the Senate Committee of Hawaiian Affairs to adopt this bill.

I believe one of the major social issues in the community and even in the country is the trauma that people have experienced, have not been able to address, and the behavior or results that follow. The State of Hawai‘i is scarred with historical trauma and colonization. Native Hawaiians have grown up witnessing the injustices done to their people to where their culture of farming, fishing, living off the land, spiritual practices, hula, and even speaking their mother tongue was deemed uncivilized. Being stripped of their land & natural resources, and abruptly thrown into modernization with no escape has brought about confusion and intergenerational trauma causing many to act, live, and deal with it through indulging in substance abuse, violence, and crime, even from a young age. Colonization has destroyed the identity of Native Hawaiians.

Some of the major effects of this oppression have brought about homelessness, poverty, health issues, substance abuse, and mass imprisonment. Currently, Native Hawaiians make up less than 25% of the general population, but more than 40% are part of the prison population and 44% of them are Native Hawaiian women. I share this with you because I have been among that population and have dealt with this type of trauma.

As a Native Hawaiian, recovering addict, and being a part of the prison system, it has been a journey of finding out who I am, what my strengths and weaknesses are, and how to make the right choices in life. While incarcerated, I was given the opportunity to take college courses and was even able to work in the education and recreation unit as a Hawaiian culture instructor sharing with the women and some of the mental health patients my knowledge on the culture including history, language, chant, hula, and values. Teaching and helping others became my passion. It also allowed me to practice my culture, reconnect, and heal.

I went to numerous treatment facilities in and out of prison for the past 18 years. It took me to go back to prison to find myself and get grounded. I completed substance abuse treatment, life skills training, self-development classes, college courses, worked a job I enjoyed doing, exercised, but what made me feel whole was practicing my culture.

A couple years after my release, I decided to go back to college and continue the academic path I started on inside of prison. I attended Windward Community College, pursuing an AA in Hawaiian Studies/Liberal Arts and graduated with honors, maintaining a 4.0 GPA. I also became a student employee there as a Peer Tutor for ‘Ōlelo Hawai‘i 101/102, a former Pu‘uhonua Program Assistant helping the women at the Women's Community Correctional Center with academic advising, and am currently pursuing a bachelor's in Social Work at UH Mānoa.

The loss of land, language, and culture has resulted in significant intergenerational, historical, and political trauma for Native Hawaiians. Individuals suffer poor economic, physiological, cultural, and educational consequences, which frequently shows itself in criminal behavior. Any endeavor to lessen the number of Native Hawaiians who come into touch with the criminal justice system must involve a multifaceted strategy to dealing with this trauma.

There are 2 ways to look at treatment when it comes to rehabilitating a Native Hawaiian. Yes, we do live in a Western world and that approach may be beneficial, but when it comes to Kānaka Maoli, their worldview is different, the Western approach alone isn't enough. I personally understand this concept. To feel complete, you must heal the mind and mend the heart. Think about it this way, Western medicine or treatment deals with head knowledge by changing the way you think, focusing on cognitive development. Whereas, Hawaiian medicine or practices deals with the heart or in a deeper sense, is felt within the na'au (gut). Our na'au is often known as our sixth sense in which Kānaka Maoli are born with, it is the center of our instincts and feelings. Have you ever heard of the saying, "trust your gut?" Yes, same concept. It is that feeling that will guide a Native Hawaiian to do what is pono (right). To strengthen your na'au would be to heal from the hurt that has been done. This is why implementing Native Hawaiian practices into rehabilitation programs or facilities is vital for reformation and healing.

The combination of Western and Hawaiian approaches to rehabilitation I feel is prevalent especially since we live in a modern world. However, we must take heed that it is of utmost importance that we not deny a Kānaka Maoli the right to practice their culture. Which is why I reiterate: No ka piha pono, pono 'oe e ho'ōla i ka no'ono'o a ho'oponopono i ka na'au -To feel complete, you must heal the mind and mend the heart-

In closing, due to the experiences, challenges, and triumphs I have gone through, it taught me how important it is to give back, and is the guiding force of why I chose this path. I know as a social worker, it is my responsibility and aim to positively encourage, empower, and enhance the well-being of my clients. I intend to share my experience, strength, hope, and aloha with everyone in hopes to be a beacon of hope and inspiration to 'onipa'a (be steadfast) and never give up. My story is what ignites my passion and willingness to kōkua (help) my lāhui (people). Therefore, I highly encourage Senate Bill 2770 to be passed because it will create a stronger foundation in the Hawai'i correctional facility programs. Senate Bill 2770 will effectively expand the current systems for my fellow lāhui, Kānaka Maoli to live and conduct their lives accordingly in society.

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LATE

COMMITTEE ON HAWAIIAN AFFAIRS

Honorable Senator Maile S.L. Shimabukuro, Chair

Senator Jarrett Keohokalole, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Honorable Senator Clarence K. Nishihara, Chair

Senator Lynn De Coite, Vice Chair

HEARING DATE: Thursday, Feb. 3, 2022

TIME: 1:00 PM Via Videoconference

SB2770 RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS

Description: Appropriates funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

TESTIMONY IN SUPPORT OF NATIVE HAWAIIAN CULTURE AND VALUE BASED REHABILITATION PROGRAMS FOR NATIVE HAWAIIAN PRISONERS WITH QUESTIONS ASKED AS TO HOW MUCH THE OHA WILL BE ASKED TO CONTRIBUTE AND THE SPECIFIC CULTURE AND VALUE BASED PROGRAMS WHICH WILL BE CREATED AND FUNDED BY THIS BILL.

Aloha Senators. I am Carmen Hulu Lindsey, an OHA trustee elected from the Island of Maui and the Chair of the Board of the Office of Hawaiian Affairs. I am writing this testimony on behalf of myself as my OHA board is still reviewing a number of measures recently introduced into the legislature and have yet to review and take a position on this bill. This bill recently came to my attention and am writing to voice my full support of rehabilitation programs for Native Hawaiian prisoners which are grounded in and which emphasize Native Hawaiian values and cultural practices. However, the bill lacks information on how much the OHA would be required to fund and the specific culture and value based programs which would be created and funded by this initiative.

By way of background, I am very supportive of rehabilitation programs for Native Hawaiians, particularly culture and value based rehabilitation programs for Native Hawaiian women.

I have discovered that Native Hawaiians are disproportionately represented in the criminal justice system. In 2019, the incarcerated population of Native Hawaiian women was 40%, and Native Hawaiian women in the general population was 21%. Data demonstrate that these criminal justice disproportionalities accelerate at each stage of the criminal justice system with Native Hawaiians more likely to be sentenced to prison, more likely to receive longer prison sentences and probation terms, and more likely to have their parole revoked.

When we attempt to understand who these Native Hawaiian women are and the life experiences they have had in common we see some general trends: approximately 60% will report childhood and sexual victimization, 80% have experienced some violence in their lives, 95% have a history of substance abuse, 33% will have a history of mental health problems, and 60% will be a mother of at least one child.

Our experience across the board at OHA for the design and implementation of education, health, economic development, housing, and social programs intending to serve Native Hawaiians is that programs for Native Hawaiians that are grounded in and aligned with the customs, traditions, values and culture of Native Hawaiians are more effective and engage their beneficiaries and participants at a higher rate than do programs that are not. Given that Hawaiians are disproportionately represented in the criminal justice system, and given that Hawaiian values based and culturally aligned programs have been field tested and have been proven effective, I wholeheartedly support this approach.

However, the bill is silent on how much the Office of Hawaiian Affairs will be asked to contribute to these yet to be defined Hawaiian values and cultural based programs. Once these cost estimates and program plans are disclosed, the OHA board will be better able to review these data and render a decision as to whether they should support this measure.

Thank you for the opportunity to testify.