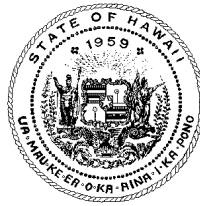


DAVID Y. IGE  
GOVERNOR



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No. \_\_\_\_\_

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

by  
Max N. Otani, Director  
Department of Public Safety

Senate Committee on Ways and Means  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Tuesday, February 15, 2022; 10:30 a.m.  
State Capitol Conference Room 211 and Via Videoconference

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

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.

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**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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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 COMMITTEE ON WAYS AND MEANS  
ON  
SENATE BILL NO. 2770

**February 15, 2022**  
**10:30 a.m.**  
**Room 211 and 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 on 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.



**LATE**

**SB2770**  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS  
Ke Kōmike 'Aha Kenekoa o ke Ki'ina Hana a me nā Kumuwaiwai  
Senate Committee on Ways and Means

Pepeluali 15, 2022

10:30 a.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 agrees with the intent of SB2770. It 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.<sup>1</sup> Our beneficiaries who were pa'ahao have shared how valuable culturally-based programs, such as working in the lo'i, hula and even having Hawaiian food on Kamehameha Day, helped in their healing.

Meaningful consultation with indigenous peoples from conception to implementation, evaluation and reform is integral to self-determination. Truly partnering with the Native Hawaiian people will ensure culturally-based programs will be most effective, sustainable and pono.

Mahalo piha for the opportunity to testify on SB2770.

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<sup>1</sup> 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](http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

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Unity, Equality, Aloha for all



To: SENATE COMMITTEE ON WAYS AND MEANS  
For hearing Tuesday, February 15, 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.

## COMMITTEE ON WAYS AND MEANS

Senator Donovan Dela Cruz, Chair

Senator Gilbert S.C. Keith-Agaran, Vice Chair

HEARING DATE: February 15, 2022

TIME: 10:30 AM, Via Videoconference

### **SUPPORT FOR SB2770 RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS**

I am testifying on behalf of the Women's Prison Project, a group of 31 bi-partisan women professionals from diverse backgrounds whose intent is to see gender-responsive, sustainable social and restorative solutions implemented for Hawaii's incarcerated women.

One aspect of the comprehensive proposal we developed, *A New Approach to Women's Corrections in Hawai'i*, 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 these programs are embedded in Native Hawaiian traditional values and practices.

These Native Hawaiian programs, including a now fallow taro lo'i, have struggled to stay afloat pre-pandemic, sustained solely by the commitments of volunteers and modest private donations.

The Women's Prison Project asks the Committee on Ways and Means to appropriate \$500,000 for these and other Native Hawaiian-based rehabilitation programs. Half of WCCC inmates are Native Hawaiian, but we believe that all inmates, regardless of their ethnic background, can benefit from and should have access to these programs.

Many WCCC inmates are from impoverished backgrounds, broken homes, and enter prison with a 4<sup>th</sup> to 5<sup>th</sup> grade education. Over 60% of WCCC inmates are mothers, and more than half are victims of sexual or physical abuse or both.

Whether working in a taro lo'i, being part of the WCCC hula halau founded by Kumu Hula Malina Kaulukukui, participating in hukahui circles to support reentry to the community, or new Native Hawaiian-based rehabilitation programming, we believe these kinds of healing programs restore self-esteem and give hope to these women and their families.

The Women's Prison Project strongly supports SB2770.

Linda Rich

On Behalf of the Women's Prison Project





# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Senator Donovan DelaCruz, Chair

Senator Gilbert Keith-Agaran, Vice Chair

Tuesday, February 15, 2022

10:30AM

### **SB 2777 - STRONG SUPPORT FOR NATIVE HAWAIIAN PROGRAMS**

Aloha Chair DelaCruz, Vice Chair Keith-Agaran, 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 4,069 Hawai`i individuals living behind bars under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,112 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.

These programs, initiated by our people serving sentences abroad in Minnesota, have been amazing. When our people were sent to prisons on the continent, they worked hard to keep their connections to home alive. We know many of the men who created the program; some have been released after serving many years in prison, and they are now contributing members of our communities. We know that facilitating people to maintain their connections to their culture has been transformative, not only for them and their families, but for their communities as well.

In the Saguaro program there is a rule that you leave your colors or gang symbols at the door - and they do. In class they work together learning mele and oli and gaining a deeper understanding of who they are and what their responsibilities are to themselves, their families, and their communities. The program has been successful because the focus is on culture and values.

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

Mahalo for this opportunity to testify



15 February 2022

Senate Committee on Ways and Means

Hearing Time: 10:30am

Location: CR211 & Virtual Videoconference

Re: SB 2770, Relating to Native Hawaiian Rehabilitation Programs

Aloha e Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the Committee:

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 focus on traditional practices in programs that contribute to the betterment of Kānaka 'Ōiwi 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, yet also a reported **47%** of people incarcerated under Hawai'i's jurisdiction that year (ACLU). Prison sentences alone are not enough to rehabilitate Native Hawaiian individuals. Connection to cultural and ancestral roots are crucial in healing and creating opportunities for better ways of life for Kānaka. We believe this measure is a very important step in the efforts 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.**

**SB-2770**

Submitted on: 2/13/2022 3:48:56 PM

Testimony for WAM on 2/15/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Elizabeth Nelson	Individual	Support	No

Comments:

I support this bill and hope you will also. Rehabilitation programs that honor a person's culture can be so helpful. The person can connect with their individual values and experience how their culture can help to keep them safe and going in the right direction.

Thank you,

Elizabeth Nelson

Kaneohe

**SB-2770**

Submitted on: 2/14/2022 12:07:29 PM

Testimony for WAM on 2/15/2022 10:30:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Cheryl Ho	Individual	Support	No

Comments:

Aloha, Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Ways and Means Committee!

My name is Cheryl Ogawa Ho. I am a kumu hula; grandmother of 8; and retired social worker, living in Nu'uānu.

As a person who holds Hawaiian culture and values in high regard, I wish to testify in **STRONG SUPPORT** of

SB2770, relating to **NATIVE HAWAIIAN REHABILITATION PROGRAMS**.

Decades ago, I attended an event at the Kalihi-Palama Health Center, reporting on the pioneering qualitative research work of Dr. Val Kalei Kanuha, native of Hawai'i Island. Her research centered on Hawaiian values and practices in working with victims of Domestic Violence. The reported responses and behavioral changes in the participants indicated strong effectiveness. Dr. Kanuha is now on the faculty of the University of Washington, and has gained national recognition for her advocacy and research contributing to restoration of health in indigenous and gender-diverse populations.

Over the many intervening years, I have continued to "tune in" to the growing number of programs and events offering opportunities for Kanaka Maoli and haole alike to grow in awareness of, pride in, and practice of Hawaiian traditions in many varied aspects of life. These include birthing, parenting, development of family living practices, Hawaiian history, and cultural/spiritual practices.

I have also seen-captured on film- and heard from a close friend, about a culturally-rich ministry to prisoners from Hawai'i incarcerated on the mainland. The benefit of immersion in Hawaiian practices and values while incarcerated is immense, and carries over into re-entry, with proper support. Once the development of culturally approved skills and pride takes place, it becomes integral to the self-image of the person- whether female prisoner, male prisoner, or helping professional. This self-image strengthens the person for handling whatever challenges she or he may meet as they work their way through eventual parole and re-entry into the community.

Mahalo nui for your attention to my testimony!

Cheryl Ogawa Ho

**LATE**

**SB-2770**

Submitted on: 2/14/2022 4:03:29 PM

Testimony for WAM on 2/15/2022 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Robin Hart	Individual	Support	No

Comments:

I write in strong support of this bill, because I believe that culturally based programming is healing, encourages prosocial values and builds self esteem and confidence.

Thank you for your time and attention to this matter.





COMMITTEE ON WAYS AND MEANS  
Senator Donovan M. Dela Cruz, Chair  
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Hearing: February 15, 2022  
10:30 am via Videoconference

## **IN STRONG SUPPORT OF SB2770**

Aloha mai kākou,

My name is Alisha Kaluhiokalani. I am a student at the University of Hawaii at Mānoa currently enrolled in the Bachelor of Social Work Program. I am testifying in favor of SB2770. I encourage the Senate Committee of Ways and Means 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 do 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.

Alisha Kaluhiokalani  
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