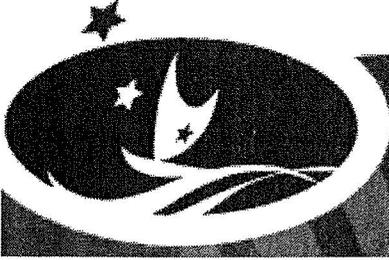


# LATE TESTIMONY



WOMEN'S CAUCUS

DEMOCRATIC PARTY OF HAWAII

Hawai'i State Democratic Women's Caucus 1050 Ala Moana Blvd #D-26, Honolulu, HI 96814 Email: [hidemocraticwomenscaucus@yahoo.com](mailto:hidemocraticwomenscaucus@yahoo.com)

February 5, 2009

To: Rep. Faye Hanohano, Chair  
Rep. Henry J.C. Aquino, Vice Chair and  
Members of the House Committee on Public Safety

From: Jeanne Ohta, Chair of Legislative Committee, Hawai'i State Democratic Women's Caucus

Re: HB 1487 RELATING TO PUBLIC SAFETY  
(Thursday, February 5, 2009, 9:15 a.m., Conference Room 309)

Position: STRONG SUPPORT

Thank you for hearing this bill and for allowing me to present testimony today, in strong support of HB 1487 which requires the Office of Hawaiian Affairs to conduct a study on the disparate treatment of Native Hawaiians and other ethnic groups in the State's criminal justice system.

The Hawai'i State Democratic Women's Caucus (HSDWC) is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai'i's women and girls. It is because of this mission, the Women's Caucus strongly supports this measure.

A resolution supporting this study was adopted by the Hawai'i State Democratic Party at its 2008 convention. That resolution also urges that legislation be introduced to reduce disparities in the state and federal criminal justice systems. The resolution (HLTH 08-07) is attached.

The HSDWC believes that all citizens are entitled to a fair and just judicial system. Disparities in the criminal justice system foster mistrust in the system, which also impedes the promotion of public safety. This study would be a first step to reducing disparity. The purpose of this study is to determine points in the system where disparities occur and identifying the causes. Then, appropriate intervention and action can be taken to reduce disparities.

The Sentencing Project recently released a report "Reducing Racial Disparity in the Criminal Justice System a Manual for Practitioners and Policymakers." (The report is available at: <http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=626>). This report defines racial disparity as "when the proportion of a racial or ethnic group within the control of the system is greater than the proportion of such groups in the general population.

Native Hawaiians make up between 40% and 60% of the incarcerated population; but account for 20% of the state's population; and are twice as likely to be incarcerated as any other group. High rates of incarceration have

profound social impacts on families and communities; have long-term negative impacts on health, family instability, diminished lifetime wages, social stigma, and educational limitations.

The Justice Policy Institute in a 2007 report "The Vortex" also found racial disparities in incarceration rates for drug offenses. Although reports such as this have been done on a national level, policy makers would be able to make better policy decisions and enact legislation to reduce racial disparities with a report on Hawai'i's criminal justice system. Hawai'i has a unique and multi-cultural population and understanding those nuances requires its own report.

There are many causes of racial disparity; some are institutionalized and long-standing, some are unintended consequences of policies. The study will help determine how we will make the necessary changes.

I urge the committee to pass HB 1487 and recommend full funding so that we may take the first step in making our criminal justice system fair for everyone. Thank you for allowing me to testify.

**HLTH 08-07 URGING THE REDUCTION IN DISPARATIES IN TREATMENT IN HAWAII'S CRIMINAL JUSTICE SYSTEM**

**Whereas**, the Hawai'i State Democratic Party believes that all citizens of Hawai'i are entitled to a fair and just judicial system; and

**Whereas**, the country's foremost researchers on race and the criminal justice system have analyzed the impact of race on policing, arrests, prosecution, and sentencing; the studies have uniformly found overwhelming disparities based on race; and

**Whereas**, Native Hawaiians make up only 9.1% of the total population of the State, yet many correctional facility workers estimate the Native Hawaiian inmate population to be close to 60%; Native Hawaiians average 23% of all arrests in Hawai'i and are twice as likely to be incarcerated as any other group in the State; and

**Whereas**, studies suggest that incarceration-related risks are more problematic in families where a mother has been incarcerated; adult children of incarcerated mothers are two and one-half times more likely to be incarcerated than adult children of incarcerated fathers; 95% of the 120 female Hawai'i inmates incarcerated at a single mainland prison facility are mothers and 71% of the female participants in an O'ahu furlough program are mothers of minor children; and

**Whereas**, Native Hawaiian families are greatly impacted, as almost 60% of children who are placed in child protective services are of Native Hawaiian descent and of those children, 8% to 33% of their parents are incarcerated; and

**Whereas**, a study would be helpful in determining the extent, nature, and impact of disparate treatment of Native Hawaiians and other ethnic groups in Hawai'i's criminal justice system; now, therefore

**Be It Resolved** by the Democratic Party of Hawai'i that it shall support a study of disparate treatment in Hawai'i's criminal justice systems; and

**Be It Further Resolved** that legislation be introduced to reduce disparities in the state and federal criminal justice systems; and

**Be It Further Resolved** that copies of this resolution be transmitted to members of Hawai'i's Congressional Delegation and the Democratic members of the Hawai'i State Legislature.