

---

# HOUSE CONCURRENT RESOLUTION

---

URGING THE FULL IMPLEMENTATION OF RECOMMENDATIONS FROM THE  
NATIVE HAWAIIAN TASK FORCE, PU'UHONUA SUMMIT, AND JUSTICE  
CENTER AS A COMPREHENSIVE CRIMINAL JUSTICE REFORM TO REDUCE  
THE INCARCERATED POPULATION, INCLUDING THE NATIVE HAWAIIAN  
INCARCERATED POPULATION, BY TWENTY-FIVE PERCENT BY 2023.

1 WHEREAS, from 1977 to 2015, the State's incarcerated  
2 population increased 1,357 percent, from three hundred ninety-  
3 eight prisoners in 1977 to roughly five thousand eight hundred  
4 in December 2015; and

5  
6 WHEREAS, during the same period, the State's incarceration  
7 rate increased eight hundred forty-two percent, from forty-three  
8 per one hundred thousand persons to four hundred five per one  
9 hundred thousand persons; and

10  
11 WHEREAS, numerous studies confirm that criminal justice  
12 policies are the main drivers of mass criminalization and  
13 incarceration, and that reductions in the correctional  
14 population may be achieved through changes in criminal justice  
15 policies; and

16  
17 WHEREAS, as a result of this stark increase in the  
18 incarcerated population, the State's correctional facilities are  
19 overcrowded beyond capacity; and

20  
21 WHEREAS, as of July 2015, Hawai'i has approximately one  
22 thousand three hundred incarcerated persons incarcerated at  
23 private, for-profit prisons on the American continent; and

24  
25 WHEREAS, the State's incarcerated population also included  
26 one thousand five hundred persons on parole supervision as of  
27 2016 and twenty-one thousand persons on probation supervision as  
28 of 2015; and  
29



1 WHEREAS, Hawai'i spends an average of \$50,000 annually to  
2 incarcerate a person; and  
3

4 WHEREAS, the average recidivism rate, defined as any new  
5 arrest or the revocation of probation or parole within three  
6 years from the start of supervision, was over fifty percent in  
7 2015; and  
8

9 WHEREAS, Hawai'i continues to push for correctional facility  
10 construction instead of establishing comprehensive criminal  
11 justice reform to solve overcrowding in correctional facilities;  
12 and  
13

14 WHEREAS, Hawai'i has allocated \$5,000,000 for plans to build  
15 a new correctional facility to replace O'ahu Community  
16 Correctional Center; and  
17

18 WHEREAS, any newly proposed correctional facility is likely  
19 to disproportionately incarcerate Kanaka Maoli, or Native  
20 Hawaiians; therefore, this body finds that construction of any  
21 new correctional facility should consider and incorporate  
22 comprehensive criminal justice reform; and  
23

24 WHEREAS, incarceration affects not only an individual, but  
25 tears families apart, leaves children without parents, and  
26 dismantles whole communities; and  
27

28 WHEREAS, works such as *A Genealogy of Punishment in Hawai'i:*  
29 *The Public Hanging of Chief Kamanawa II*; traces the historical  
30 root of criminalization and punishment of Native Hawaiians in  
31 Hawai'i through the public hanging of Chief Kamanawa II, the  
32 grandfather of King Kalākaua and Queen Lili'uokalani, to modern  
33 day times; and  
34

35 WHEREAS, studies such as the "Study of Native Hawaiian in  
36 the Criminal Justice System" (Alu Like, 1977), "Crime and  
37 Justice Related to Hawaiians and Part Hawaiians in the State of  
38 Hawaii" (Alu Like, 1981), and "Criminal Justice and Hawaiians in  
39 the 1990's: Ethnic Differences in Imprisonment Rates in the  
40 State of Hawai'i" (Alu Like, 1994), have independently concluded



1 that Native Hawaiians are over-represented in the criminal  
2 justice system; and

3  
4 WHEREAS, House Concurrent Resolution No. 27, H.D. 1,  
5 Regular Session of 2009 (HCR 27), requested the Office of  
6 Hawaiian Affairs to contract for a study to examine the  
7 disparate treatment of Native Hawaiians in the State's criminal  
8 justice system; and

9  
10 WHEREAS, pursuant to HCR 27, on September 28, 2010, the  
11 Office of Hawaiian Affairs released a report entitled "The  
12 Disparate Treatment of Native Hawaiians in the Criminal Justice  
13 System" (Disparate Treatment report); and

14  
15 WHEREAS, the Disparate Treatment report shows that the  
16 disproportionate impact of the criminal justice system on Native  
17 Hawaiians is represented by the fact that while Native Hawaiians  
18 make up twenty-four percent of the general population of Hawai'i,  
19 Native Hawaiians make up twenty-seven percent of all arrests,  
20 thirty-three percent of people in pretrial detention, twenty-  
21 nine percent of people sentenced to probation, thirty-six  
22 percent of people were admitted to prison in 2009, thirty-nine  
23 percent of the incarcerated population, thirty-nine percent of  
24 releases on parole, and forty-one percent of parole revocations;  
25 and

26  
27 WHEREAS, in her doctoral dissertation entitled *The Colonial*  
28 *Carceral and Prison Politics in Hawai'i*, Dr. RaeDeen Keahiolalo-  
29 Karasuda asserts that the firsthand accounts of prisoners,  
30 families, advocates, and prison industrial complex professionals  
31 suggest that Native Hawaiians actually represent more than sixty  
32 percent of imprisoned people in the State; and

33  
34 WHEREAS, the Disparate Treatment report recommended the  
35 formation of administrative or governmental resolutions to  
36 address the problem, which led to the passage of Act 170,  
37 Session Laws of Hawaii 2011, and the statutory creation of the  
38 Native Hawaiian Justice Task Force; and

39  
40 WHEREAS, the Native Hawaiian Justice Task Force released a  
41 report in 2012 that included forty-eight findings and thirty-  
42 eight recommendations to address the disproportionate



## H.C.R. NO. 115

1 representation of Native Hawaiians in the criminal justice  
2 system; and  
3

4 WHEREAS, the Native Hawaiian Justice Task Force  
5 recommendations have not been fully implemented to date, and  
6 Native Hawaiians continue to be overrepresented in the criminal  
7 justice system; and  
8

9 WHEREAS, under Act 117, Session Laws of Hawaii 2012 (Act  
10 117), the Department of Public Safety, in cooperation with Ohana  
11 Ho'opakele and other restorative justice groups, was directed to  
12 plan for the creation of a pu'uhonua, or a wellness center, on  
13 lands owned or controlled by the State; and  
14

15 WHEREAS, the Pu'uhonua Summit held in November 2012 in  
16 furtherance of Act 117 resulted in the following  
17 recommendations:  
18

- 19 (1) Divert non-violent offenders from the current system  
20 and fund the creation of pu'uhonua on every island;  
21
- 22 (2) Establish a pu'uhonua on every island;  
23
- 24 (3) Preference for Native Hawaiians or those who have  
25 Hawaiian or part-Hawaiian dependents;  
26
- 27 (4) Pilot projects that should be considered:  
28
  - 29 (A) Kulani Correctional Facility;  
30
  - 31 (B) Ho'omau Ke Ola;  
32
  - 33 (C) Women's Community Correctional Center; and  
34
  - 35 (D) Other programs identified by their island's  
36 communities; and  
37
- 38 (5) Develop a plan for the return of Native Hawaiian  
39 pa'ahao to the Hawaiians. Adequately fund the  
40 pu'uhonua. The State should designate land, not ceded  
41 land, and water for the pu'uhonua; and



1  
2 WHEREAS, many states have independently pursued criminal  
3 justice reform policies resulting in significant reductions in  
4 their correctional population and crime rates; and  
5

6 WHEREAS, from 2006 to 2012, California, under federal  
7 oversight, reduced its incarcerated population from 173,942 to  
8 134,211, a decrease of 39,731 persons, while simultaneously  
9 decreasing its violent crime rate by twenty-one percent and  
10 property crime rate by thirteen percent; and  
11

12 WHEREAS, from 1999 to 2012, New York reduced its prison  
13 population from 72,896 to 54,268, a decrease of 18,628 persons,  
14 while simultaneously decreasing its violent crime rate by  
15 thirty-one percent and property crime rate by twenty-nine  
16 percent; and  
17

18 WHEREAS, from 1999 to 2012, New Jersey reduced its prison  
19 population from 31,493 to 23,225, a decrease of 8,268 persons,  
20 while simultaneously decreasing its violent crime rate by thirty  
21 percent and property crime rate by thirty-one percent; and  
22

23 WHEREAS, the Council of State Governments Justice Center  
24 (Justice Center) is a national nonprofit organization that  
25 serves policymakers at the local, state, and federal levels from  
26 all branches of government in order to increase public safety  
27 and strengthen communities; and  
28

29 WHEREAS, the Justice Center developed the Justice  
30 Reinvestment project to address increases in state spending on  
31 correctional facilities while recidivism rates continue to  
32 remain high; and  
33

34 WHEREAS, the Justice Center helps state policymakers in  
35 jurisdictions where elected leaders demonstrate bipartisan,  
36 inter-branch interest in participating in the Justice  
37 Reinvestment project, a willingness to provide access to data,  
38 and a financial commitment to support the costs associated with  
39 technical assistance; and  
40

41 WHEREAS, Justice Reinvestment project staff members, with  
42 the help of expert consultants, work closely with state



1 policymakers to advance fiscally-sound, data-driven criminal  
2 justice policies to break the cycle of recidivism, avert prison  
3 expenditures, and make communities safer; and  
4

5 WHEREAS, twenty-seven states have worked with the Justice  
6 Center to develop state-specific, data-driven policies that save  
7 taxpayer dollars and direct some of those savings to strategies  
8 that can decrease crime and strengthen neighborhoods; and  
9

10 WHEREAS, many states working with the Justice Center have  
11 averted anticipated prison growth and reinvested the savings to  
12 expand the capacity of substance abuse, mental health treatment,  
13 and diversion programs; and  
14

15 WHEREAS, in June 2011, former Governor Neil Abercrombie,  
16 Chief Justice Mark E. Recktenwald, and legislative leaders  
17 requested technical assistance from the Justice Center to employ  
18 a data-driven justice reinvestment approach to improve public  
19 safety, reduce corrections spending, and reinvest savings in  
20 strategies that can decrease crime and reduce recidivism in  
21 Hawai'i; and  
22

23 WHEREAS, from June 2011 to January 2012, the Justice Center  
24 staff conducted extensive data analyses of the State's criminal  
25 justice system to identify criminal justice population and cost-  
26 drivers in the State; and  
27

28 WHEREAS, the Justice Center proposed policy options to the  
29 Hawai'i State Legislature that were projected to help reduce the  
30 State's inmate population by more than nine hundred inmates by  
31 the end of fiscal year 2016 and by one thousand ten inmates by  
32 fiscal year 2018; and  
33

34 WHEREAS, the Justice Center estimated that the  
35 recommendations, if fully adopted, would lead to savings of more  
36 than \$150,000,000 by the end of fiscal year 2018 and allow the  
37 State to reinvest \$42,000,000 into strategies that promote  
38 rehabilitation and reduce recidivism; and  
39

40 WHEREAS, Hawai'i has yet to fully implement recommendations  
41 from the Native Hawaiian Justice Task Force, Pu'uhoonua Summit,  
42 and Justice Center; and



## H.C.R. NO. 115

1  
2 WHEREAS, Native Hawaiians continue to be overrepresented at  
3 every stage of the criminal justice system in Hawai'i; now,  
4 therefore,

5  
6 BE IT RESOLVED by the House of Representatives of the  
7 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
8 of 2018, the Senate concurring, that this body urges the full  
9 implementation of the recommendations of the Native Hawaiian  
10 Task Force, and Pu'uuhonua Summit, and Council of State  
11 Governments Justice Center as a comprehensive criminal justice  
12 reform to reduce the incarcerated population, including the  
13 Native Hawaiian population, by twenty-five percent by 2023, with  
14 technical assistance from the Justice Center or national and  
15 local criminal justice reform experts; and

16  
17 BE IT FURTHER RESOLVED that the reduction of spending on  
18 corrections spending be directed to strengthening Native  
19 Hawaiian communities; and

20  
21 BE IT FURTHER RESOLVED that the Department of Public Safety  
22 is requested to take into consideration the comprehensive  
23 criminal justice reform when building the new correctional  
24 facility to replace the O'ahu Community Correctional Center; and

25  
26 BE IT FURTHER RESOLVED that certified copies of this  
27 Concurrent Resolution be transmitted to the Governor, Director  
28 of Public Safety, Deputy-Director for Corrections, Chief Justice  
29 of the Hawaii Supreme Court, Attorney General, Mayors of each  
30 county, and Chief of Police of each county.

31  
32  
33 OFFERED BY:

*Lyn DeLute*  
By Request

MAR - 9 2018

