

MAR 09 2018

SENATE 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
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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
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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
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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
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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
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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
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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
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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
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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
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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



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



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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 Senate of the Twenty-ninth
7 Legislature of the State of Hawaii, Regular Session of 2018, the
8 House of Representatives concurring, that this body urges the
9 full implementation of the recommendations of the Native
10 Hawaiian Task Force, and Pu'uhonua 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.
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OFFERED BY: 






