
HOUSE CONCURRENT RESOLUTION

RECOGNIZING AND SUPPORTING THE USE OF NATIVE CULTURE-BASED
REHABILITATION IN THE STATE'S CORRECTIONAL SYSTEM.

1 WHEREAS, one finding from the 2012 report of the Native
2 Hawaiian Justice Task Force was that "Native Hawaiians have
3 suffered from severe intergenerational, historical, and
4 political trauma from the loss of land, language, and culture.
5 This collective trauma has negative economic, health, cultural,
6 and educational impacts on individuals, and often manifests
7 itself in criminal activity. Any effort to reduce the number of
8 Native Hawaiians who come in contact with the criminal justice
9 system must include a multi-pronged approach to addressing this
10 trauma"; and

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12 WHEREAS, studies have shown that the criminal justice
13 system disproportionately impacts Native Hawaiians, that this
14 disproportionate impact accumulates at each stage of the system,
15 and that Native Hawaiians are more likely to receive a prison
16 sentence than any other ethnic group; and

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18 WHEREAS, another finding from the Native Hawaiian Justice
19 Task Force report was that "[w]ithout proactive policy and
20 oversight, there is no indication that the disproportionate
21 representation of Native Hawaiians in the criminal justice
22 system will abate"; and

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24 WHEREAS, since 1977, the number of people incarcerated in
25 the State has increased more than nine hundred percent, creating
26 an unprecedented level of overcrowding at the State's jails and
27 prisons; and

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29 WHEREAS, to address this overcrowding, Hawaii has relied on
30 contracted private, for-profit prisons to house a significant



H.C.R. NO. 171

1 portion of the State's inmate population for more than two
2 decades; and

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4 WHEREAS, inmates who serve their sentences in these out-of-
5 state facilities are effectively exiled thousands of miles away
6 from their families, friends, and crucial support networks, and
7 experience negative impacts associated with dislocation from
8 home, culture, and post-prison job prospects; and

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10 WHEREAS, Native Hawaiians, who are more likely to be
11 transferred to out-of-state prisons than inmates of other
12 ethnicities, feel these impacts disproportionately in part
13 because they are forced to serve their sentences thousands of
14 miles away from their ancestral homelands; and

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16 WHEREAS, despite this physical isolation from their home, a
17 number of distinguished and respected Native Hawaiian cultural
18 practitioners have dedicated time and energy to travel to
19 correctional facilities, both on the mainland United States and
20 within Hawaii, to teach inmates traditional native practices
21 such as hula and oli, the Hawaiian language, and Hawaiian
22 religious ceremonies; and

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24 WHEREAS, the revered kumu who take on this important task
25 do so at no cost to the State, including those who perform this
26 valuable service at private prisons in Arizona, three thousand
27 miles away from Hawaii; and

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29 WHEREAS, the inmates who have participated in these
30 programs have found it to be a valuable and transformative
31 experience, including many participants who had not previously
32 been in touch with their cultural roots and were truly
33 connecting with their culture for the first time; and

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35 WHEREAS, the opportunity to participate in these programs
36 helps inmates to reclaim their dignity, acquire a connection to
37 their culture, attain a strong sense of identity, gain mental
38 strength, and rehabilitate, both as they serve their sentences
39 and when they return home to reenter society and reconnect with
40 families and others whom the inmates had been separated from
41 during their sentences; and

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1 WHEREAS, as inmates invest the time to learn their culture,
2 some have become so proficient in the practices that they became
3 kumu themselves, sharing their knowledge to other prisoners and
4 becoming leaders within their communities; and
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6 WHEREAS, the impact that these programs have on inmates was
7 highlighted in Ciara Lacy's documentary "Out of State," which
8 illustrated how the use of culture-based rehabilitation
9 activities impacted Hawaii-born inmates serving sentences in an
10 Arizona prison both during their stay in the prison and after
11 they returned to Hawaii; and
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13 WHEREAS, "Out of State" has been shown at more than thirty
14 festivals around the world, from the Hawaii International Film
15 Festival in Hawaii to the Cayman International Film Festival in
16 the Cayman Islands to Berlinale in Berlin, Germany; and
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18 WHEREAS, at these screenings, "Out of State" received
19 overwhelmingly positive reviews from critics and audiences and
20 won a number of awards, including Best Feature Film and Audience
21 Choice Award Best Feature Film at the Hawaii International Film
22 Festival, and Best Feature Film at the Made in Hawaii Film
23 Festival; and
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25 WHEREAS, the Native Hawaiian Justice Task Force,
26 recognizing that culturally-based programs are effective and
27 should be expanded upon, recommended in its report that "[t]he
28 State should recognize and support community and grassroots
29 efforts that promote indigenous cultural practice models
30 demonstrated to be successful in Hawai'i or elsewhere"; and
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32 WHEREAS, the success of culture-based rehabilitation
33 activities shows that these programs may be helpful in other
34 contexts, including as a means to end the school-to-prison
35 pipeline, which also disproportionately impacts Native
36 Hawaiians; and
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38 WHEREAS, the use of culture-based rehabilitation activities
39 should be encouraged and the individuals who dedicate their time
40 and energy to make these programs possible should be recognized;
41 now, therefore,
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H.C.R. NO. 171

1 BE IT RESOLVED by the House of Representatives of the
2 Thirty-first Legislature of the State of Hawaii, Regular Session
3 of 2021, the Senate concurring, that the Department of Public
4 Safety is urged to recognize the value of culture-based
5 rehabilitation activities in the State's correctional system;
6 and

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8 BE IT FURTHER RESOLVED that the use of and access to
9 culture-based rehabilitation activities in the State should be
10 increased; and

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12 BE IT FURTHER RESOLVED that the Hawaii Paroling Authority
13 is requested to promote participation in culture-based
14 rehabilitation activities and to provide appropriate credit to
15 inmates participating in those activities for purposes of parole
16 decisions; and

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18 BE IT FURTHER RESOLVED that any new correctional facility
19 built in the State be designed to include specific space and
20 facilities for culture-based rehabilitation activities; and

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22 BE IT FURTHER RESOLVED that certified copies of this
23 Concurrent Resolution be transmitted to the Governor, Director
24 of Public Safety, Chairperson of the Hawaii Paroling Authority,
25 and director and producers of the "Out of State" film.

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28 OFFERED BY:



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