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# HOUSE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF PUBLIC SAFETY TO RECOGNIZE THE VALUE OF  
CULTURE-BASED REHABILITATION ACTIVITIES 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, in *Davis v. Abercrombie*, Civil No. 11-00144  
25 LEK-BMK, the Native Hawaiian Legal Corporation sought to  
26 establish the rights of Hawaii's pa'ahao, or prisoners, to engage  
27 in traditional and customary practices while serving their  
28 sentences in Arizona, having seen first-hand the positive  
29 impacts of culture-based rehabilitation in its representation of  
30 the pa'ahao; and



1 WHEREAS, since 1977, the number of people incarcerated in  
2 the State has increased more than nine hundred percent, creating  
3 an unprecedented level of overcrowding at the State's jails and  
4 prisons; and

5  
6 WHEREAS, to address this overcrowding, Hawaii has relied on  
7 contracted private, for-profit prisons to house a significant  
8 portion of the State's inmate population for more than two  
9 decades; and

10  
11 WHEREAS, inmates who serve their sentences in these out-of-  
12 state facilities are effectively exiled thousands of miles away  
13 from their families, friends, and crucial support networks, and  
14 experience negative impacts associated with dislocation from  
15 home, culture, and post-prison job prospects; and

16  
17 WHEREAS, Native Hawaiians, who are more likely to be  
18 transferred to out-of-state prisons than inmates of other  
19 ethnicities, feel these impacts disproportionately in part  
20 because they are forced to serve their sentences thousands of  
21 miles away from their ancestral homelands; and

22  
23 WHEREAS, despite this physical isolation from their home, a  
24 number of distinguished and respected Native Hawaiian cultural  
25 practitioners have dedicated time and energy to travel to  
26 correctional facilities, both on the mainland United States and  
27 within Hawaii, to teach inmates traditional native practices  
28 such as hula and oli, the Hawaiian language, and Hawaiian  
29 religious ceremonies; and

30  
31 WHEREAS, the revered kumu who take on this important task  
32 do so at no cost to the State, including those who perform this  
33 valuable service at private prisons in Arizona, three thousand  
34 miles away from Hawaii; and

35  
36 WHEREAS, the inmates who have participated in these  
37 programs have found it to be a valuable and transformative  
38 experience, including many participants who had not previously  
39 been in touch with their cultural roots and were truly  
40 connecting with their culture for the first time; and



1 WHEREAS, the opportunity to participate in these programs  
2 helps inmates to reclaim their dignity, acquire a connection to  
3 their culture, attain a strong sense of identity, gain mental  
4 strength, and rehabilitate, both as they serve their sentences  
5 and when they return home to reenter society and reconnect with  
6 families and others whom the inmates had been separated from  
7 during their sentences; and

8  
9 WHEREAS, as inmates invest the time to learn their culture,  
10 some have become so proficient in the practices that they became  
11 kumu themselves, sharing their knowledge with other prisoners  
12 and becoming leaders within their communities; and

13  
14 WHEREAS, the impact that these programs have on inmates was  
15 highlighted in Ciara Lacy's documentary "Out of State," which  
16 illustrated how the use of culture-based rehabilitation  
17 activities impacted Hawaii-born inmates serving sentences in an  
18 Arizona prison during their stay in the prison and after they  
19 returned to Hawaii; and

20  
21 WHEREAS, "Out of State" has been shown at more than thirty  
22 festivals around the world, from the Hawaii International Film  
23 Festival in Hawaii to the Cayman International Film Festival in  
24 the Cayman Islands to Berlinale in Berlin, Germany; and

25  
26 WHEREAS, at these screenings, "Out of State" received  
27 overwhelmingly positive reviews from critics and audiences and  
28 won a number of awards, including Best Feature Film and Audience  
29 Choice Award Best Feature Film at the Hawaii International Film  
30 Festival, and Best Feature Film at the Made in Hawaii Film  
31 Festival; and

32  
33 WHEREAS, the Native Hawaiian Justice Task Force,  
34 recognizing that culture-based programs are effective and should  
35 be expanded upon, recommended in its report that "[t]he State  
36 should recognize and support community and grassroots efforts  
37 that promote indigenous cultural practice models demonstrated to  
38 be successful in Hawai'i or elsewhere"; and

39  
40 WHEREAS, the success of culture-based rehabilitation  
41 activities shows that these programs may be helpful in other  
42 contexts, including as a means to end the school-to-prison



1 pipeline, which also disproportionately impacts Native  
2 Hawaiians; and

3  
4 WHEREAS, the use of culture-based rehabilitation activities  
5 should be encouraged and the individuals who dedicate their time  
6 and energy to make these programs possible should be recognized;  
7 now, therefore,

8  
9 BE IT RESOLVED by the House of Representatives of the  
10 Thirty-first Legislature of the State of Hawaii, Regular Session  
11 of 2021, the Senate concurring, that the Department of Public  
12 Safety is urged to recognize the value of culture-based  
13 rehabilitation activities in the State's correctional system;  
14 and

15  
16 BE IT FURTHER RESOLVED that the use of and access to  
17 culture-based rehabilitation activities in the State should be  
18 increased; and

19  
20 BE IT FURTHER RESOLVED that the Hawaii Paroling Authority  
21 is requested to promote participation in culture-based  
22 rehabilitation activities and to provide appropriate credit to  
23 inmates participating in those activities for purposes of parole  
24 decisions; and

25  
26 BE IT FURTHER RESOLVED that any new correctional facility  
27 built in the State be designed to include specific space and  
28 facilities for culture-based rehabilitation activities; and

29  
30 BE IT FURTHER RESOLVED that certified copies of this  
31 Concurrent Resolution be transmitted to the Governor, Director  
32 of Public Safety, Chairperson of the Hawaii Paroling Authority,  
33 and director and producers of the "Out of State" film.

