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No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 2887  
RELATING TO NATIVE HAWAIIANS**

by

Clayton A. Frank, Director  
Department of Public Safety

Committee on Public Safety  
Senator Will Espero, Chair

**AND**

Committee on Agriculture and Hawaiian Affairs  
Senator Jill N. Tokuda, Chair

Thursday, February 7, 2008, 2:00 p.m.  
State Capitol, Conference Room 225

Senator Espero, Senator Tokuda, and Members of both Committees:

The Department of Public Safety would like to express concern regarding Senate Bill 2887, which seeks to establish a work group to conduct a study and convene public hearings to determine the factors that contribute to the over-representation of native Hawaiians and part-Hawaiians in the State's prisons and jails.

We are concerned with the impact that this measure would have on the priorities as outlined in the Governor's Executive Budget. Further, this measure also places a priority for the work group to examine the reporting system used by the department to determine the number of incarcerated native Hawaiians and part-Hawaiians in the correctional system. This information is generally self-reported, and

is very difficult to confirm. Therefore, any reasonable study would entail the development of another process by which to confirm the accurate statistics regarding the ethnic origin of the prisoners. This would not only be an expensive undertaking, but one that is precipitated by an issue that is not as critical as other issues facing the department.

As previously noted, the information regarding race and ethnic origin information in PSD's records are self-reported by the inmates themselves. Currently, the inmate population in our jails and prisons totals 6,045 (5,288 males and 757 females). 39% of the 5,288 males or 1,521 males, and 43% of the 757 females or 326 females, report being of Hawaiian ancestry. Therefore, based on the current system, approximately 1,847 (30.5%) report being of Hawaiian ancestry.

Thank you for this opportunity to provide testimony on this important measure.



**SB 2887 RELATING TO NATIVE HAWAIIANS**  
Senate Committees on Public Safety and Agriculture and  
Hawaiian Affairs

Date: February 7, 2008                      Time: 2:00 pm  
Room: 225

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Aloha Chairpersons Espero, Tokuda and members of the committee. I am Clyde Namuo, Administrator to the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs strongly supports SB 2887 that establishes a work group to conduct a study and convene public hearings to determine the factors that contribute to the overrepresentation of Native Hawaiians in the state's prisons and jails.

Our nation's incarceration rates continue to escalate at an unprecedented rate. In 2006, both state and federal jurisdiction increased by 2.8% in one year (from 2005). The United States has now over 1.5 million prisoners. Alarming, Hawaii is no different. In 2007, Hawai'i's total prisoner count amounted to 6,045, yet in 1980, Hawaii had only 926 prisoners.

Although Native Hawaiians comprise 19.9% of Hawai'i's state population, they make up 39% of the total prison population. This high rate of incarceration has led to other social disparities, including the break up of families; an overwhelming rate of Child Protective Service cases (59% Native Hawaiian), the stresses placed on grandparents and other family members caring for their children, and an increase in foster care services.

Research studies have analyzed the disparate incarceration rate for African Americans and Latinos compared to Caucasians by looking closer at criminal laws and sentencing as contributing factors to the high incarceration rates within these groups (Mauer and King 2007; Ehlers, Schiraldi, Lotke 2004).

To our knowledge, there has never been such a study done on Native Hawaiians, even though there is strong evidence that Native Hawaiians who enter the criminal justice system are more likely to receive prison sentences than individuals from other groups who are convicted of similar crimes. We, who are working to better the conditions of Native Hawaiians, need to know all the reasons why our people are overrepresented in correctional facilities. We need to know what the causes of sentencing disparity are when it comes to Native Hawaiians. Is it only because of, as some evidence suggests, economic disparity? Or, is there a more insidious, deeply ingrained, institutional problem that we're dealing with. If it is, we need to know, as painful as the truth might be, so that all of us who are charged with bettering the conditions of Native Hawaiians can begin to fix the problem.

It is imperative that we do so. The high rate of incarcerated Native Hawaiians is causing major dysfunction within our families. It is destroying the strength and very fabric of our `ohana.

We strongly urge your support for this bill. Mahalo nui loa for the opportunity to present testimony.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Sen. Will Espero, Chair

Sen. Clarence Nishihara, Vice Chair

Thursday, February 7, 2008

2:00 PM

Room 225

## **STRONG SUPPORT - SB 2887 - DETERMINING FACTORS CAUSING OVER-REPRESENTATION OF NATIVE HAWAIIANS IN JAILS AND PRISONS**

Aloha Chairs Espero and Tokuda and Members of the Committees!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working on prison reform and criminal justice issues in Hawai`i for a decade. I respectfully offer our testimony, always being mindful that Hawai`i has more than 6,000 people behind bars with more than 2,000 individuals serving their sentences abroad, thousands of miles away from their homes and their loved ones.

SB 2353 appropriates funds for the Department of Public Safety to provide reintegration programs that combine cognitive behavioral theory with Native Hawaiian holistic interventions that address domestic violence, addictions, self mastery through identity, and community connections for successful transitions back into the community.

Community Alliance on Prisons strongly supports this measure. The Legislative Oversight Committee is the perfect entity to hold public hearings on this important issue. When one looks at the data, drug use, misuse, and abuse is fairly even across socioeconomic indicators yet our incarcerated population, the majority of whom have substance abuse problems, is predominantly Native Hawaiian. It is about time that we look at the factors contributing to the over-representation of Native Hawaiians in our jails and prisons.

Mahalo for this opportunity to testify.



the  
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Forum**  
of hawaii

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February 7, 2008

To: Members of the Committee on Public Safety and  
Members of the Committee on Agriculture and Hawaiian Affairs

From: Jeanne Ohta, Executive Director

Re: SB 2887 Relating to Native Hawaiians  
Hearing: February 7, 2008, 2:00 p.m., Room 225

Position: Support (suggest amendment)

Good afternoon members of the Committee on Public Safety and members of the Committee on Agriculture and Hawaiian Affairs. The Drug Policy Forum of Hawaii supports this important measure that will help determine the factors that contribute to the over-representation of native Hawaiians in Hawaii's prisons and jails.

We suggest however, that the work group include gathering data on arrests and sentencing as well as incarceration. Most studies on ethnic and racial disparities in prisons also gather data on arrests and sentencing as they also affect incarceration rates.

It has long been known that this ethnic disparity exists in our criminal justice system; however, there has been little research in Hawaii into the contributing factors. Until we know its causes, it is difficult to solve the problem.

We urge the committee to pass this measure. Thank you for this opportunity to testify.

COMMITTEE ON PUBLIC SAFETY  
Sen. Wil Espero, Chair  
Sen. Clarence K. Nishihara, Vice Chair

COMMITTEE ON AGRICULTURE & HAWAIIAN AFFAIRS  
Sen. Jill N. Tokuda, Chair  
Sen. J. Kalani English, Vice Chair

Thursday, February 7, 2008  
Room 225 at 2:00 pm

LATE TESTIMONY

**STRONG SUPPORT: SB 2887 RELATING TO NATIVE HAWAIIANS**

Aloha Chair Espero and Tokuda and Members of the Committees:

My name is Carrie Ann Shirota, and I strongly support SB 2887 Relating to Native Hawaiians. My experiences as a former Public Defender and Civil Rights Enforcement Attorney, and current staff member of a reentry program on Maui have shaped my advocacy efforts to promote accountability and transparency within our correctional system, and improving how individuals are prepared in prison for successful transition into the community.

The purpose of SB 2887 is to require the offender reentry Legislative Committee to establish a working group to conduct a study and convene public hearings to determine the factors that contribute to the over-representation of native Hawaiians and part-Hawaiians in the State's prisons and jails.

I support this bill for three simple reasons:

**First, we need to have accurate data about the number of Native Hawaiians that are detained and incarcerated in State (whether at home or in private prisons on the American continent) and federal prisons.** The Department of Public Safety's ethnographic data is outdated, and appears to be inaccurate. For example, CCA is still categorizing Native Hawaiians under the category "Asian Pacific Islanders." This is misleading.

**Second, in order to explore solutions and significantly reduce the number of Native Hawaiians in prison, we must have a better understanding of the factors that contribute to their over-representation.**

**Third, this bill creates a legislative working group that is independent of the Department of Public Safety.** To ensure the integrity of the report's finding, the working group must be able to do their work without the interference or pressure from the Department of Public Safety or any other body. In addition, the working group shall have access to facilities, prisoners, staff, documents and materials. The working group should also be mandated to take a holistic approach to evaluating this issue, relying on observations, interviews, surveys, and other methods of gathering information from prisoners as well as on statistics.

Mahalo for this opportunity to submit testimony in strong support of SB 2887!

Sincerely,  
Carrie Ann Shirota, Esq.  
Kahului, Hawai'i  
(808) 269-3858