

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON PUBLIC SAFETY

Rep. Faye Hanohano, Chair

Rep. Henry Aquino, Vice Chair

Wednesday, February 25, 2009

2:15 PM

Room 309

## SUPPORT

**HCR 27- Disparate Treatment of Native Hawaiians in Criminal Justice System**

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Aloha Chair Hanohano, Vice Chair Aquino and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance our quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HCR 27 requires the Office of Hawaiian Affairs to conduct a study on the disparate treatment of native Hawaiians and other ethnic groups in Hawai'i's criminal justice system and makes an appropriation to accomplish this task.

Mahalo for hearing this important bill. Community Alliance on Prisons is in STRONG SUPPORT of this measure. The disparity of people of color in the criminal justice system is an issue that is being raised and addressed all across the nation. The U.S., with 5% of the world's population incarcerates 25% of its people and a majority of those people are people of color, as the Pew Center on the States One in 100 Report highlights. [http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS\\_Prison08\\_FINAL\\_2-1-1\\_FORWEB.pdf](http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf)

It is long overdue for Hawai'i to conduct a study of the disproportionate representation of Native Hawaiians in the criminal justice system. There are several bills this session to address this growing injustice and our stumbling economy provides an opportunity to improve the quality of justice in Hawai'i. This study will provide the necessary data to make the changes necessary to provide equal justice for all.

"The strong affiliation of Native Hawaiians with cultural practices, tradition, and identity is also reflected in broader community survey that queried a representative sample of randomly selected Native Hawaiian households about their levels of Hawaiian cultural affiliation, frequency of traditional practices, and desire for greater cultural resources.

- Nearly 80 percent of Native Hawaiian respondents felt it is important to "live and practice" Hawaiian culture daily. Among the examples offered by respondents, cultural

practices that involved traditional and ancient customs such as food preparation for *lūāu* (large feasts), and Hawaiian values were most frequently cited (20.9 percent), followed by group functions surrounding family and community (16.4 percent) and place-based activities ranging from recreation to learning opportunities.

- Almost two-thirds of respondents with Hawaiian first or middle names (64.1 percent) used their Hawaiian name in public or at work. Overall, 61.8 percent of respondents reported having a Hawaiian first or middle name (not shown), most of whom (88.9 percent) knew the name's meaning.
- Roughly three-quarters of Native Hawaiian families expressed a desire for Hawaiian language courses. Very few reported Hawaiian as their primary spoken language, although many reported some use of the language (52.8 percent) and exposure to some Hawaiian language in their youth (45.3 percent).
- Four out of five respondents believed that universal Hawaiian language instruction for Native Hawaiian keiki in the state would considerably help overall Native Hawaiian pride and self-respect. Slightly more (81.8 percent) believed it would considerably help the preservation of Hawaiian culture, and 56.7 percent reported it would substantially help with Native Hawaiian political influence in the state.

## **Crime and Social Justice**

Thus far, the discussion of Native Hawaiian social well-being has highlighted some of the community's greatest strengths: the inclusive nature of *ʻohana*, the cohesive power of communities, and the growing sense of cultural identity. However, the multiple stressors and social imbalances within the Native Hawaiian community have led to troubling outcomes – antisocial, self-destructive, and criminal behavior – that are amplified by an enforcement and justice system in which inequality is an ongoing reality (*Source: Conference of State Court Administrators 2001; Libber and Blowers 2003; MacDonald 2003; Zatz 2000*)

The disproportionately high number of young Native Hawaiian men and women in the state's correctional system has profound implications for Native Hawaiian education. Not only are educational and other opportunities severely limited for incarcerated adults, but Native Hawaiian children of inmates are also at increased risk of growing up without a parent to support them through critical stages of growth and development. Moreover, the deviant activities that lead to arrests and incarceration—such as crime and drug use—directly influence the safety and stability of communities, which may further hinder the educational prospects for Native Hawaiian children and adults.”

## **Juvenile Arrests and Family Court Cases**

Risky behavior among Native Hawaiian children is often accompanied by early experiences with the criminal justice system. Once youths are involved in crimes and subject to the penal system, they may find it increasingly difficult to redirect their lives toward socially legitimized goals such as high school completion and adult employment (*Source: Freeman 1992; Laub and Sampson 1995; Sampson and Laub 1993*).

The brutality of incarcerated life can harden children and squash their hopes and aspirations. Furthermore, the social stigma that accompanies criminal involvement can limit children's opportunities for educational success.

- Native Hawaiians had the highest juvenile arrest rates for nearly all types of index offenses
- For all index crimes combined, the juvenile arrest rate among Native Hawaiians – 187.4 per thousand – was more than twice that of all other major ethnic groups
- Compared with Filipinos (which accounted for the second-highest arrest rate in most index offenses), Native Hawaiian juveniles were more than four times as likely to be arrested for aggravated assault or robbery, and twice as likely to be arrested for larceny-theft or motor vehicle theft.”

All of the above information (within quotes) is from Ka Huaka'i – 2005 Native Hawaiian Educational Assessment, published by Kamehameha Schools (Source: KA HUAKA'I - <http://hawaiidigitallibrary.org/elib/cgi-bin/library?e=q-0nhea-000Sec--11en-50-20-frameset-search-CRIMINAL+JUSTICE-1010escapewin&a=p&p=frameset>)

Community Alliance on Prisons urges the committee to pass HCR 27. Mahalo for this opportunity testify.