



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

LATE TESTIMONY

COMMENTS OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEES ON HAWAIIAN AFFAIRS AND
PUBLIC SAFETY & MILITARY AFFAIRS

**HCR 115, REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT
OF HAWAIIAN HOME LANDS TO ESTABLISH A TASK FORCE TO CONSIDER WHETHER
THE TWO DEPARTMENTS SHOULD ENTER INTO A MEMORANDUM OF UNDERSTANDING TO
HAVE THE DEPARTMENT OF HAWAIIAN HOME LANDS ADMINISTER AND OPERATE A
COMMUNITY-BASED PROGRAM FOR OFFENDERS ON HAWAII ISLAND**

March 31, 2011

Aloha Chair Hanohano, Chair Aquino, and Members of the Committees:

The Department of Hawaiian Home Lands (DHHL) understands and appreciates the purpose and intent of this resolution. While we are open to discussing the opportunity to develop a corrections facility on our lands, the development and implementation of a community-based corrections program is beyond the purview of our mission.

We also offer a friendly suggestion that your committee members consider incorporating the language and intent of HCR 115 in to HCR 204 (also heard on this agenda) so that the task force proposed under HCR 204 could also consider the feasibility of a community-based program on Hawaii Island.

Thank you for the opportunity to provide these comments.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-SIXTH LEGISLATURE, 2011**

ON THE FOLLOWING MEASURE:

H.C.R. NO. 115, REQUESTING THE DEPARTMENT OF PUBLIC SAFETY AND THE DEPARTMENT OF HAWAIIAN HOME LANDS TO ESTABLISH A TASK FORCE TO CONSIDER WHETHER THE TWO DEPARTMENTS SHOULD ENTER INTO A MEMORANDUM OF UNDERSTANDING TO HAVE THE DEPARTMENT OF HAWAIIAN HOME LANDS ADMINISTER AND OPERATE A COMMUNITY-BASED PROGRAM FOR OFFENDERS ON HAWAII ISLAND.

BEFORE THE:

COMMITTEES ON PUBLIC SAFETY AND MILITARY AFFAIRS
AND ON HAWAIIAN AFFAIRS

DATE: Thursday, March 31, 2011 **TIME:** 10:00 a.m.

LOCATION: State Capitol, Room 309

TESTIFIER(S): David M. Louie, Attorney General, or
S. Kalani Bush, Deputy Attorney General

Chairs Aquino and Hanohano and Members of the Committees:

The Department of the Attorney General respectfully opposes this resolution in its present form.

There are three (3) concerns this resolution raises.

First, this resolution requests the Department of Hawaiian Home Lands (DHHL) to enter into a memorandum of understanding with the Department of Public Safety ("PSD") to administer and operate a community-based re-entry program for which it does not have any historical or actual expertise or experience in implementing, administering or operating.

Second, this resolution, arguably, requests DHHL to enter into an agreement to administer and operate a community-based re-entry program for all offenders under PSD's purview. DHHL's fiduciary responsibility is limited to native Hawaiians, as defined in Section 201 of the Hawaiian Homes Commission Act, 1920, as amended (HHCA). DHHL's administration and operation of any programs to a general population of offenders is beyond its scope of authority.

Third, assuming that DHHL is able to implement the requested community-based re-entry program, because participation in the program is limited to native Hawaiians, funding to implement the program cannot include anything other than funds from the Native Hawaiian rehabilitation fund, under section 213(i) of the HHCA. The Native Hawaiian rehabilitation fund was enacted pursuant to article XII, section 1, of the Hawaii State Constitution which states, in relevant part, that:

[t]he legislature shall make sufficient sums available for the following purposes . . . (3) rehabilitation projects to include, but not limited to, educational, economic, political, social and cultural processes by which the general welfare and condition of native Hawaiians are thereby improved.

Based, on the foregoing, we suggest instead that the Departments be encouraged to determine if an offender reentry program can be fashioned and supported by either or both of them to serve the needs of the native Hawaiian population.

LATE TESTIMONY

Alice Greenwood
87-576 Kula'auuni Street C-102
Wai'anae, Hi 96792
808-371-8958

House of Representative
Committee on Public Safety & Military Affairs
Committee on Hawaiian Affairs
Thursday, March 31, 2011
10:00 a.m.
Conference Room 309

RE: RESERVATIONS TO HCR 204/HR 176/HCR 115

Aloha to everyone;

My name is Alice Greenwood, along with my adopted son of now 10 years old; we lived at Maili Beach for 9 months, the Civic Emergency Shelter for 22 months and presently in a Transitional for 27 months. As a single mother of 3, I was able to raise my children on the salary I made as an Educational Assistance for over 25 years, until my injuries, as what Labor Board deems "in the line of duty".

The Transitional property in Maili, is located on a 6.23 acre portion of a 89-acre formerly Voice of America that was processed from the Federal government to the Department of Hawaiian Home Lands (DHHL) (with an agreement of 80% Native Hawaiians occupancies), on a 10 year gratis lease to the Department of Public Housing Authority, which now, a non-profit organization runs as a Transitional Housing.

It was understood, signed placed into action the ___ percentage of homeless are of Native Hawaiians, the homeless beach residence will be placed first at the Emergency Civic Center within the first three months, which **never** happened but, the Transitional property will have 80% occupancies which shall be of Native Hawaiians, is **not** happening??

Yes! It is with pride and honor to have our Ohana back home, but don't use the percentage of Native Hawaiians, Hawaii is our homeland.

Mahalo


Alice Greenwood