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STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**

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TESTIMONY ON HOUSE BILL 2848 HD3 SD1  
RELATING TO PUBLIC SAFETY

by

Jodie F. Maesaka-Hirata, Director  
Department of Public Safety

Senate Committee on Ways and Means  
Senator David Y. Ige, Chair  
Senator Michelle N. Kidani, Vice Chair

Wednesday, March 28, 2012 at 9:35 AM  
State Capitol, Conference Room 211

**WRITTEN**  
**TESTIMONY**  
**ONLY**

Chair Ige, Vice Chair Kidani, and Members of the Committee:

The Department of Public Safety (PSD) appreciates the intent of House Bill 2848 HD3 SD1 and we believe that this program may be appropriate as part of the implementation of Justice Reinvestment Initiatives (JRI). The goal of JRI is to address inefficiencies within the criminal justice system, and to manage and allocate criminal justice populations by spending more cost-effectively, thereby generating cost-savings that can be reinvested through the development of alternative responses to crime without jeopardizing public safety to the community at large and to ensure consistency of the law in the future.

The future of the Kulani Correctional Facility has yet to be determined. PSD is in the process of developing its strategic plan, which will include the orderly development of statewide correctional facilities. It is through this process that PSD will develop and address the programmatic needs for Hawaii's offenders, which may include Pu'u honua or a wellness center based on Hawaiian cultural practices; however, PSD is mindful that inmates cannot be forced to participate in such a program, even if they are native Hawaiian, and cannot prevent inmates from participating in such a program even though they are not native Hawaiian.

The Hawaii Community Correctional Center on the island of Hawaii is involved in working with community needs through community service projects, inmate work release, and has an already established furlough program that parallels the goals and objectives of this measure. This includes community services projects with the Department of Land and Natural Resources (DLNR).

PSD suggests that the Department of Health (DOH) and Office of Hawaiian Affairs (OHA) should take the lead role of this task force related to the Pu'uhonua or wellness center, as it will address the person as a whole, inclusive of health and well-being of individuals as it relates to alcohol, drugs, and other substance use. Although PSD supports the Pu'uhonua practice, we believe that a true Pu'uhonua should be open to the community where forgiveness and healing can take place. PSD looks forward to working with the DLNR, DOH, OHA, 'Ohana Ho'opakele and other restorative justice groups as well as the public land development corporation to assess the best location and methodology to implement Pu'uhonua or a wellness center based on Hawaiian cultural practices to restore the well-being of person, family, and the community.

Thank you for the opportunity to present this testimony.



**HB2848 HD3 SD1**  
**RELATING TO PUBLIC SAFETY**  
Senate Committee on Ways and Means

March 28, 2012

9:35 a.m.

Room 211

The Office of Hawaiian Affairs (OHA) **SUPPORTS WITH AMENDMENTS** HB2848 HD3 SD1, which urges the planning of a pu‘uhonua or wellness center.

OHA’s 2010 report, “The Disparate Treatment of Native Hawaiians in the Criminal Justice System,” and the recently completed study by the Justice Reinvestment Initiative indicate that there is a clear need for smart justice solutions that include rehabilitation.

Consistent with the focus of HB2848 HD3 SD1 to create a pu‘uhonua based on Hawaiian cultural practices, OHA recommends deleting all references to the Public Land Development Corporation (PLDC). Hawai‘i Revised Statutes Chapter 171C appears to provide the PLDC with potentially the most vast land use and zoning exemptions enjoyed by any agency for its development projects, requiring only that it coordinate “with the county planning departments and the county land use plans, policies, and ordinances.” These exemptions could allow the PLDC to bypass planning and management processes—including opportunities for community input—created to protect Native Hawaiian traditional and customary practices, fragile ecosystems, natural resources, and private property. The development of a pu‘uhonua should be done in a way that does not compromise the health of Hawai‘i’s natural and cultural resources, which is an integral part of a thriving Native Hawaiian community.

OHA urges the committees to AMEND AND PASS HB2848 HD3 SD1. Mahalo for the opportunity to testify on this important measure.

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON WAYS AND MEANS

Sen. David Ige, Chair

Sen. Michelle Kidani, Vice Chair

Wednesday, March 28, 2012

9:35 a.m.

Room 211

## **STRONG SUPPORT for HB 2848 HD3,SD1 - PU`UHONUA**

E-mail Testimony to: [WAMTestimony@Capitol.hawaii.gov](mailto:WAMTestimony@Capitol.hawaii.gov)

Aloha Chair Ige, Vice Chair Kidani and Members of the Committee!

My name is Kat Brady and I am the Coordinator Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered, always being mindful that 6,000 Hawai'i individuals are living behind bars, including 1,800 men who are serving their sentences abroad, thousands of miles from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 2848 HD3, SD1 establishes a Legislative Wellness Center Task Force to move forward with the concept of pu`uhonua, or wellness center, and to recommend a location for the wellness center on lands owned or controlled by the State with preference given to the site formerly used as the Kulani Correctional Facility in east Hawai'i.

Community Alliance on Prisons is in strong support of this measure. We are pleased to see this bill moving forward and thank the committees for this hearing. Our host culture holds many answers to healing our communities and it is about time we listen to their wisdom!

Establishing a broad-based task force composed of the Office of Hawaiian affairs; the Department of Hawaiian home lands; the Department of Public Safety; the Department of Land and Natural Resources; the Department of Health; the Department of Human Services; four representatives from 'Ohana Ho'opakele and other restorative justice groups; and four representatives from wellness center advocate groups is exactly what is needed.

'Ohana Ho'opakele, led by Kupuna Sam Kaleleiki as well as other kūpuna and other concerned community members has been working on developing Pu`uhonua/wellness centers for more than a decade. We applaud their perseverance and their commitment to heal the people and the land. Uncle Joe Tassel has also been a huge proponent for healing our people.

The majority of our incarcerated population is Native Hawaiian and establishing a Pu`uhonua/wellness center acknowledges that using traditional practices is a way that will resonate with and restore an individual.

Let us make clear, however, that the pu`uhonua is not just for Native Hawaiians. All individuals can benefit from learning Native Hawaiian practices and values. In fact, our communities would be better if we all lived and practiced those values daily.

Healing an individual is more effective than punishment and many misinterpret healing as not holding the individual accountable. This is not true. Ho`oponopono (to make right) is based on accepting responsibility and helping to rebuild and restore relationships. Using practices that connect individuals to the `aina, their `ohana, and the larger community is vital to what this session of the legislature strives for...strengthening families and reducing recidivism.

This bill is being watched by the world as the cites below indicate (and this is not all of them!).

**MEDIA HITS ON PU`UHONUA BILLS - HB 2848; SB 3016**

<http://abcnews.go.com/US/wireStory/hawaiian-culture-based-wellness-center-proposed-15617990#.Tz7ZRlcS2V1>

[http://argus-press.com/news/national/article\\_96b45584-af5f-5b90-be4e-44a4b91ed694.html](http://argus-press.com/news/national/article_96b45584-af5f-5b90-be4e-44a4b91ed694.html)

<http://www.huffingtonpost.com/huff-wires/20120215/hi-xgr-hawaiian-wellness/>

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**ALABAMA:**

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**ALASKA:**

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<http://www.tucsonnewsnow.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

**ARKANSAS:**

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**CALIFORNIA:**

[http://www.dailybulletin.com/ci\\_19967380](http://www.dailybulletin.com/ci_19967380)

<http://www.sacbee.com/2012/02/14/4264902/hawaiian-culture-based-wellness.html>

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<http://www.sanluisobispo.com/2012/02/14/1948731/hawaiian-culture-based-wellness.html>

<http://www.fresnobee.com/2012/02/14/2722640/hawaiian-culture-based-wellness.html>

**CONNECTICUT:**

<http://www.wfsb.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

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<http://www.cfnews13.com/article/news/ap/february/382592/Hawaiian-culturebased-wellness-center-proposed>

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<http://www.wopular.com/hawaiian-culture-based-wellness-center-proposed-0>

**GEORGIA:**

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[http://article.wn.com/view/2012/02/15/Hawaiian\\_culturebased\\_wellness\\_center\\_proposed\\_w/](http://article.wn.com/view/2012/02/15/Hawaiian_culturebased_wellness_center_proposed_w/)

**HAWAII:**

<http://prgnewshawaii.wordpress.com/2012/02/15/hawaii-island-news-15-february-2012-through-16-february-2012/>  
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<http://www.bigislandvideonews.com/2012/02/15/video-puuhonua-at-kulani-or-world-class-recreation-center/>  
<http://bigislandnews.wordpress.com/2012/02/15/hawaii-island-news-15-february-2012-through-16-february-2012/>  
<http://www.hawaiinewsnow.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>  
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<http://www.wandtv.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

**INDIANA:**

<http://www.fox28.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>  
<http://www.wthr.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>  
<http://www.kwqc.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

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**MASSACHUSETTS**

<http://www.wgem.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>  
[http://articles.boston.com/2012-02-15/news/31063873\\_1\\_wellness-center-culture-crime-prevention](http://articles.boston.com/2012-02-15/news/31063873_1_wellness-center-culture-crime-prevention)

**MICHIGAN:**

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**MINNESOTA:**

<http://kstp.com/news/stories/S2497086.shtml?cat=1>

**MISSISSIPPI:**

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**MISSOURI**

<http://www.columbiamissourian.com/wire/article/457523/>  
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**NEW HAMPSHIRE:**

[http://hosted.ap.org/dynamic/stories/H/HI\\_XGR\\_HAWAIIAN\\_WELLNESS?SITE=NHCON&SECTION=HOME&TEMPLATE=DEFAULT](http://hosted.ap.org/dynamic/stories/H/HI_XGR_HAWAIIAN_WELLNESS?SITE=NHCON&SECTION=HOME&TEMPLATE=DEFAULT)

**NEW MEXICO**

<http://www.kob.com/article/stories/S2497087.shtml?cat=600>

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**NORTH CAROLINA:**

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**OHIO:**

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**RHODE ISLAND:**

<http://www.abc6.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

**SOUTH CAROLINA:**

<http://www.wect.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

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<http://www.myrtlebeachonline.com/2012/02/15/2661436/hawaiian-culture-based-wellness.html>

**TENNESSEE:**

<http://www.wrcbtv.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

**TEXAS**

<http://kaaltv.com/article/stories/S2497092.shtml?cat=10159>

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**VERMONT:**

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**VIRGINIA:**

[http://www.gettyburgtimes.com/news/national/article\\_b0bfa359-0df7-5124-b6e4-51f4558a24ea.html](http://www.gettyburgtimes.com/news/national/article_b0bfa359-0df7-5124-b6e4-51f4558a24ea.html)

<http://www.wset.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

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**WASHINGTON, D.C.**

[http://www.washingtonpost.com/national/lawmakers-are-looking-into-a-hawaiian-culture-based-wellness-center-to-rehabilitate-prisoners/2012/02/15/gIQANaqqER\\_story.html](http://www.washingtonpost.com/national/lawmakers-are-looking-into-a-hawaiian-culture-based-wellness-center-to-rehabilitate-prisoners/2012/02/15/gIQANaqqER_story.html)

**WASHINGTON STATE:**

<http://www.theolympian.com/2012/02/14/1990707/hawaiian-culture-based-wellness.html>

<http://www.onenewspage.com/n/Front+Page/74r3t9eb0/Hawaiian-culture-based-wellness-center-proposed.htm>

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**WISCONSIN:**

<http://www.wbay.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

<http://www.wxow.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

**WYOMING:**

<http://www.kotatv.com/story/16937796/hawaiian-culture-based-wellness-center-proposed>

We urge the committee to pass this important bill. We need to find alternative means to reintegrate our people who have lost their way. Establishing pu`uhonua is a wonderful way to rebuild our `ohana and communities.

Mahalo for this opportunity to share our thoughts on this important measure.

*Today's Inmate is Tomorrow's Neighbor!*



## **COMMITTEE ON WAYS AND MEANS**

Senator David Y. Ige, Chair

Senator Michelle N. Kidani, Vice Chair

Wednesday, March 28, 2012

9:35 a.m.

State Capitol, Conference Room 211

**SUPPORT HB 2848, HD3, SD1**

### **RELATING TO PUBLIC SAFETY**

Requires department of public safety to plan for a model wellness center that employs native Hawaiian cultural practices on state land and to submit a report to the legislature prior to the 2013 legislative session. Creates a work release pilot program on the Big Island to allow certain incarcerated individuals to work on community projects that benefit the local community and the State. Repeals pilot program on 6/30/15. (SD1)

Aloha Senator Ige, Senator Kidani and members of the Committee on Ways and Means! My name is Samuel Kaleleiki, Jr., President of Ohana Hoopakele, an organization dedicated to rescuing our *pa`ahao* or incarcerated brothers and sisters in prison. Our vision is to build a *Pu`uhonua* or a Wellness Center that heals rather than punishes. We have been sending spiritual advisors to lead our *pa`ahao* in the Makahiki ceremonies in the past at Diamondback prison in Watonga, Oklahoma and from February 7-12, 2012 at Saguaro prison in Eloy, Arizona and at FCI Safford in Safford, Arizona.

We first want to commend all those responsible for re-introducing this bill to this session of the State legislature and the key role of Mr. Renwick Valentine Ili'ilipuna "Uncle Joe" Tassill. Our members of Ohana Ho`opakele began by opposing the building of new prisons on Hawai`i Island because it was incarcerating mainly Kanaka Maoli. However, we realized that we couldn't just be opposed to something but had to find solutions. After research on what would heal our Kanaka Maoli, we realized that the solution lay in what the Kanaka Maoli did a long time ago. The model for healing was the *Pu`uhonua* or wellness center where *ho`oponopono* and *aloha aina* were the principal values. Our research led to some funding from the Office of Hawaiian Affairs which has resulted in a Feasibility Study of a *Pu`uhonua* written by consultant Ms. Chelle Shand Pahinui. We also completed with the help of funding from the Office of Hawaiian Affairs, a complete needs assessment complete with a survey conducted among our *pa`ahao*, ex-*pa`ahao*, families of *pa`ahao*, cultural practitioners and the general public. It is time to test this model. It cannot be done without the support of the Department of Public Safety of the State of Hawaii.

The premises at Kulani Correctional Facility are almost perfect for a *Pu`uhonua* or a wellness center. There is adequate land there for a model *Pu`uhonua* even while continuing a correctional facility. The infrastructure is more than adequate. The staff has been involved in healing for many years. Notable among this was the program initiated by Warden Peter McDonald modeled after the Life Stand program of Neal Wagatsuma at the Kauai Correctional Center. ACOs like Mr. Ikaika Dombriguez were trained by Kupuna Sam Lono in the cultural and spiritual practices of the ancient Kanaka Maoli traditions. There are other lands under the control of the Department of Public Safety that would also make ideal locations for a *Pu`uhonua*. One site in East Hawai`i is Field 33 which is just above the zoo in Hilo on Stainback Highway. The work release program included in this bill can have *Pa`ahao* from Hale Nani begin clearing this site immediately for a *Pu`uhonua*. Our organization has been developing the curriculum for the *Pu`uhonua* by sending

spiritual leaders to lead our *pa`ahao* in the opening and closing Makahiki ceremonies every year since 2004 at Diamondback Correctional Facility in Watonga, OK and continuing to the present when the men were transferred to Saguaro Correctional Facility in Eloy, AZ. In the second week of February we sent Mr. Kini Kaleilani Burke to lead a Makahiki Closing Ceremony at Saguaro Correctional Facility at Eloy, AZ and for the first time at FCI Safford at Safford, AZ.

If you would take the time to visit our website at [www.ohanahoopakele.org](http://www.ohanahoopakele.org), you will see a Kahea (Call) to Support Pu`uhonua as an Alternative to Prison. The Kahea reads, "We support the mission of `Ohana Ho`opakele (To Rescue the Family) in establishing Pu`uhonua (Decentralized Wellness Centers – residential and non-residential) on all islands as an alternative to building more prisons. Pu`uhonua are places open to all, not just Kanaka Maoli, where the traditional ho`oponopono process of making right will be used to help heal individuals, families, and communities. We believe Pu`uhonua centers are for the good of all Hawai`i's people and can provide real hope in saving money, reducing recidivism, crime prevention, and long-term positive change." There are now 644 people who have signed on to this Kahea. They include Kanaka Maoli leaders, cultural practitioners, university professors, social workers, religious leaders, lawyers, one county councilman, sixty-three (63) *pa`ahao* presently in Saguaro Correctional Facility and the staff of the Justice and Witness Ministries of the United Church of Christ.

With the assistance of Kumu Richard and Lynette Paglinawan Ohana Ho`opakele has continued to conduct ho`oponopono training sessions and have met with leadership at Hale Nani Correctional Facility in East Hawai`i to begin the process of conducting ho`oponopono sessions with *pa`ahao* and family members on a voluntary basis even before their release from incarceration. This is a specific step in working together with the Department of Public Safety to work toward wellness employing Kanaka Maoli cultural practices. A group committed to the practice of *ho`oponopono* meets monthly at the Hilo Queen Liliuokalani Children's Center with the Paglinawans.

Our Governor has promised to bring back the 1,700 or so *pa`ahao* from Arizona. This is an opportune time to plan for a model Pu`uhonua that employs Kanaka Maoli cultural practices. The news of a possible Pu`uhonua in Hawaii has been carried widely by the press in the U.S.A. We believe this is happening because people are looking for alternatives to incarceration in prison. This is a great opportunity for Hawaii to take the lead in finding a better culturally sensitive solution to healing our *pa`ahao* than building more prisons in Hawaii or to sending our *pa`ahao* to be incarcerated in private prisons that are based on making a profit.

We commend you representatives for passing SB 3016 which is essentially the same bill as that before you. Thank you for this opportunity to testify on behalf of our members of Ohana Ho`opakele and on behalf of our *pa`ahao* who have been and are presently incarcerated both here in Hawaii and in Arizona. We are pleased that the Director of the Department of Public Safety testified on her willingness to work together with our organization. You can contact me by my cell at 808-937-7193. I would be more than glad to fly over to Honolulu to meet the members of your committees to answer questions. Mahalo!

**From:** [Jim Albertini](#)  
**To:** [WAM Testimony](#)  
**Subject:** Testimony for HB2848 on 3/28/2012 9:35:00 AM  
**Date:** Tuesday, March 27, 2012 8:00:09 AM

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Testimony for WAM 3/28/2012 9:35:00 AM HB2848

Conference room: 211  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Jim Albertini  
Organization: Malu Aina  
E-mail: [ja@malu-aina.org](mailto:ja@malu-aina.org)  
Submitted on: 3/27/2012

Aloha kakou,  
Our organization stands in strong support of this bill and the KAHEA of Ohana Ho'opakele on

[www.ohanahoopakele.org](http://www.ohanahoopakele.org), which calls for Pu'uhonua on all islands as alternatives to prison.

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Jim Albertini Malu 'Aina Center For Non-violent Education & Action P.O. Box AB Ola'a (Kurtistown) Hawai'i 96760 Phone 808-966-7622 Email [ja@malu-aina.org](mailto:ja@malu-aina.org)  
[www.malu-aina.org](http://www.malu-aina.org)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [WAM Testimony](#)  
**Cc:** [Puuhonua2@gmail.com](mailto:Puuhonua2@gmail.com)  
**Subject:** Testimony for HB2848 on 3/28/2012 9:35:00 AM  
**Date:** Sunday, March 25, 2012 4:57:27 PM

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Testimony for WAM 3/28/2012 9:35:00 AM HB2848

Conference room: 211  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: June Y. Toguchi-Tassill  
Organization: Individual  
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Submitted on: 3/25/2012

Comments:

Aloha Chairperson Ige and members of the Ways and Means Committee. I am in very strong support of HB2848

Mahalo June Y. Toguchi-Tassill

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**Subject:** Testimony for HB2848 on 3/28/2012 9:35:00 AM  
**Date:** Sunday, March 25, 2012 3:47:39 PM

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Testimony for WAM 3/28/2012 9:35:00 AM HB2848

Conference room: 211  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Renwick (Uncle Joe) Tassill  
Organization: Individual  
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Submitted on: 3/25/2012

**Comments:**

Aloha Chairperson Ige and members of the Ways and Means Committee. As the person who was responsible of getting HB2848 introduced with the companion measure SB3016 this session, I am in very strong support of both Bills.

I have a strong passion for the useage of Hawaiian cultural practices to help others with difficulties they are experiencing. I along with three other members of the Kona community, started an alternative Middle and High School, in 1972. The school really got started with an idea of addressing the high rate of drop outs that was centered around the excessive use of marijuana, drinking and teenage pregnancy all related to a change in the school year in Kona. Being that Kona was a family coffee farming community, the school year was fixed to the coffee harvesting season so the students could help with harvesting the crop. Now that the students vacation was in June to September, there was no crop to harvest and a great number of them were hanging out and started to take on drinking and substance abuse. There was a need to address and as a result Hale O Hooponopono got started. It was centered around the practice of hooponopono or making things right.

With the collective efforts of four community residents, the student counselor at Konawaena High School, we confronted a student that was expelled from school to see what he wanted to do and how we could help him. After the initial session we look intodifferent options and being that the farming community was on Bishop Estate lands which is related to Kamehameha Schools and the fact that this young man was of Hawaiian ancestry maybe we should try to see if we could get this entity to assist, as a result, I contacted the Board of Trusteesthe chairair Richard Lyman to see if we could have a meeting. He invited the four of us to meet with him which we did. The meeting was very successful and before we knew it the President and the Extention Education director was sitting at the big Koa table at the trustees office. After I explained to the both of them, namely Jack Darvell, president and Fred Cachola Extention Education director of the Schools were asked by the chairman if the schools could enter this type of agreement, and Fred Cachola replied yes, only if we're with community involvement and I said how we forgot to tell them the the school was centered around community and that the name of the school The Kona Community Education Center and we were set. We were told to go home to Kona, chose a site and they would come and the rest is history. I have experienced this with teenagers in the 1970s and I can see very little or no difference with addressing this today, of course the players have changed but I relate to the task as being the same. The Puuhonua setting is the same, we will be addressing Hooponopono, making things right.

With the passage of this bill a number of issues will be addressed,

- (1) Able to help an individual with the opportunity of helping heal all others be it family and close friends he or she has offended.
- (2) Provide a subject of study that interest the individual that will teach and prepare the person with and for future employment upon reentry.
- (3) Upon the completion of study provide the individual with a certificate of achivement, that will help the individual again with future employment or even the possibilities of enterprenuership.

These were some of the things we provided the teenagers in the 1970s and 80s. We did it then and I'm sure with the collective efforts of Public Safety, Ohana Hoopakele, other State departments and agencies, Hawaiian organizations as well as the entire community we can address the task at hand.

For these reasons and many others that I have mentioned in previous testimony I have presented to other committees, I am in strong support for the passage of HB2848. The passage of this measure will be a win win for the entire State.

Mahalo Uncle Joe