



STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS

P.O. BOX 1879
HONOLULU, HAWAII 96805

TESTIMONY OF ALAPAKI NAHALE-A, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE HOUSE COMMITTEE ON HAWAIIAN AFFAIRS
ON **SB 284 SD 2, RELATING TO CORRECTIONS**

March 16, 2011

Aloha Chair Hanohano, Vice-Chair Lee and Members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports the purpose and intent of SB 284 SD 2 which establishes a pilot program aimed at reducing recidivism while preserving and restoring significant Native Hawaiian cultural sites.

This pilot program has incredible potential to support the successful transition of inmates from prison to their communities while establishing (or re-establishing) a connection to Hawaiian culture. Several of our beneficiaries and their families would likely benefit from this type of support system. While we realize the benefit of this pilot program, we defer to the Department of Public Safety and the Office of Hawaiian Affairs to determine the feasibility of this proposal.

Thank you for the opportunity to testify.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the House Committees on
PUBLIC SAFETY & MILITARY AFFAIRS
and
HAWAIIAN AFFAIRS**

**Wednesday, March 16, 2011
11:00 AM
State Capitol, Conference Room 329**

**In consideration of
SENATE BILL 284, SENATE DRAFT 2
RELATING TO CORRECTIONS**

Senate Bill 284, Senate Draft 2 establishes a program within the Department of Public Safety (PSD) to allow non-violent inmates to restore historic sites selected by the Office of Hawaiian Affairs (OHA).

The Department of Land and Natural Resources (Department) notes that the proposed legislation is not necessary in order for OHA and PSD to collaborate on the development of such a program. For example, the Department, through the Division of Forestry and Wildlife, has worked with PSD in the past to provide opportunities for select inmates to work on trail clearing projects in support of the Na Ala Hele Trail System as well as on Hawaii Island watershed restoration projects with Kulani inmates through a memorandum agreement between the agencies. Therefore, the opportunity already exists for OHA and PSD to collaborate on the proposed program with the Department, and the passage of this bill is not required.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

NEIL ABERCROMBIE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

JODIE F. MAESAKA-HIRATA
DIRECTOR

MARTHA TORNEY
Deputy Director
Administration

JOE W. BOOKER JR.
Deputy Director
Corrections

KEITH KAMITA
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON SENATE BILL 284 SD2
RELATING TO CORRECTIONS**

by

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

**House Committee on Hawaiian Affairs
Representative Faye P. Hanohano, Chair
Representative Chris Lee, Vice Chair**

**House Committee on Public Safety and Military Affairs
Representative Henry J.C. Aquino, Chair
Representative Ty Cullen, Vice Chair**

**Wednesday, March 16, 2011, 11:00 AM
State Capitol, Conference Room 329**

**Chairs Hanohano and Aquino, Vice Chairs Lee and Cullen, and Members
of the Committees:**

The Department of Public Safety (PSD) does not support Senate Bill 284 SD2, which establishes a program within PSD that assigns non-violent inmates on a work detail that restores historical sites selected by the Office of Hawaiian Affairs (OHA).

This activity already takes place due to the cooperation between OHA and PSD, and does not need to be codified in statute. There are also other concerns that PSD has with this measure as it is written. Senate Bill 284 SD2 calls for PSD to define non-violent inmates, which should be defined in statute and not defined by the department. A similar situation occurred in federal system where a statute was enacted where the Director of

the Federal Bureau of Prisons could reduce a non-violent inmate's sentence by up to one year for the completion of a drug program. The statute did not define non-violent, therefore the Director promulgated a definition of non-violent inmate for purposes of that statute. Six years of litigation around the entire country ensued over the definition of non-violent, with a final determination required by the United States Supreme Court. The probability of litigation arising from a PSD definition as opposed to a statutorily defined term is much greater.

In addition, this measure calls for the inmates to build barracks for the inmates to live in while they are doing the restoration. OHA does not own the land in many of the historical sites, therefore an issue arises as to where the barracks could be legally constructed, as well as the problems associated with new construction such as code compliance. Where the barracks could not be constructed on the site, transportation also becomes an issue and an expense. The staffing for this project would be a significant expense because there would have to be correctional staff at the barracks around the clock as well as experienced foreman to guide and instruct the workers in the restoration. In addition, the funds from this measure go to OHA, who is restricted in spending funds on Hawaiian projects. The majority of the staff work and involvement are from PSD, which creates a more problematic bookkeeping problem between PSD and OHA.

In conclusion, the intent of this measure is admirable, and is already in practice with cooperation between OHA and PSD. However, the application of the intent would require vast expenditures that are totally unnecessary, especially in this time of

limited fiscal resources. Therefore, PSD applauds the intent, but strongly opposes this measure as written. With this in mind, we ask that the Legislature allow the two Departments the opportunity to continue with their working agreement that will be a benefit to both agencies.

We thank you for this opportunity to testify on Senate Bill 284 SD2.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

March 15, 2011

TO: The Honorable Henry Aquino, Chair
House Committee on Public Safety & Military Affairs
The Honorable Faye Hanohano, Chair
House Committee on Hawaiian Affairs

FROM: Gladys C. Baisa
Council Member

**SUBJECT: HEARING OF MARCH 16, 2011; TESTIMONY IN SUPPORT OF SB 284, SD 2,
RELATING TO CORRECTIONS**

Thank you for the opportunity to testify in support of this important measure. The purpose of this measure is to establish and appropriate funds for a program within DPS that assigns non-violent inmates to a work detail that restores historical sites selected by OHA.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

Community Alliance on Prisons (CAP) supports the intent of this well-meaning bill, as we have first-hand knowledge of the importance of connecting incarcerated individuals with the 'aina. CAP respectfully offered suggestions which I support that include discussion amongst stakeholders to discuss restoration of sites; considering a community service program; and consideration of program staffed by volunteers.

I also support this measure for the following reasons:

1. This pilot program, Hawaiian Cultural Restoration Program, will provide skills development training that incorporates the methods of rebuilding historical sites and the cultural significance of the site.
2. Kulani Correctional Facility in collaboration with the Hawaii Community College developed a greenhouse program that could be used as a model program to implement this pilot program.
3. Establishing transition programs at correctional facilities that promotes cultural learning and combined with strategies can help inmates connect with the values of Hawaiian culture and help break the vicious cycle of crime and cope with social challenges.

For the foregoing reasons, I support this measure.

GCB:amm

TO: Representative Faye Hanohano, Chair
House Committee on Hawaiian Affairs
and
Representative Henry Aquino, Chair,
House Committee on Public Safety & Military Affairs

FROM: Sara L. Collins, Ph.D., Legislative Chair
Society for Hawaiian Archaeology
sara.l.collins.sha@gmail.com

HEARING: March 16, 2011, 11:0 AM, Conference Room 329
SUBJECT: Comments on SB 284, SD 2 (Relating to Corrections)

I am Dr. Sara Collins, Chair of the Legislative Committee of the Society for Hawaiian Archaeology (SHA). We have over 150 members that include professional archaeologists and advocates of historic preservation in general. On behalf of SHA, I am providing comments on SB 284, SD 2.

SB 284, SD2, proposes to establish a program within the Department of Public Safety that assigns select, non-violent inmates on a work detail that restores historical sites selected by the Office of Hawaiian Affairs (OHA). The intent is to provide a transition program for eligible inmates that will foster connections to their Native Hawaiian ancestry and provide positive cultural values. The bill calls for OHA to select appropriate historic sites and areas for the purposes of the rehabilitation program.

We appreciate the worthwhile purpose of the proposed work detail and hope that it will benefit all participants. We would only recommend that the State Historic Preservation Division participate in the review and selection process for potential sites. In addition, we would recommend that any work plan be reviewed and approved by SHPD as well as OHA prior to implementation. The subject bill could thus be amended as follows:

(c) The office of Hawaiian affairs shall determine and identify the sites to be restored by the Hawaiian cultural restoration program. The State historic preservation division shall review and approve all proposed work to be conducted on, in, and around historic sites that are selected prior to beginning such work.

Thank you for the opportunity to provide comments on HB 313. Should you have any questions, you may reach me at the above email address.

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Suite 203, Honolulu, Hawai`i 96817

Phone/E-mail: (808) 533-3454/ kat.caphi@gmail.com



COMMITTEE ON PUBLIC SAFETY & MILITARY AFFAIRS

Rep. Henry Aquino, Chair

Rep. Ty Cullen, Vice Chair

COMMITTEE ON HAWAIIAN AFFAIRS

Rep. Faye Hanohano, Chair

Rep. Chris Lee, Vice Chair

Wednesday March 16, 2011

Room 329

11:00 a.m.

SB 284 SD2 - Support Intent with suggestions

<http://www.capitol.hawaii.gov/emailtestimony>

Aloha Chairs Aquino and Hanohano 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 justice issues in Hawai`i for more than a decade. We respectfully offer our testimony always being mindful that Hawai`i has some 6,000 people behind bars with almost 1,800 individuals serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, their ancestral lands.

SB 284 SD2 establishes funds for a program within the department of public safety that assigns non-violent inmates to work detail that restores historical sites selected by OHA, effective July 1, 2050.

Community Alliance on Prisons supports the intent of this well-meaning bill, as we have first-hand knowledge of the importance of connecting incarcerated individuals with the `aina. This bill establishes a pilot program to restore historic sites.

CAP respectfully offers some suggestions:

1. Since many of these historic/cultural treasures are taken care of by community groups, we urge a discussion amongst stakeholders before anything is decided regarding the restoration of any sites. Perhaps OHA would be willing to convene such a group.
2. The Department of Public Safety is already over-burdened and having a program that requires supervision by ACOs increases costs unnecessarily.
3. Alternatively, we suggest that a community service program be considered instead. The Judiciary is the agency that handles community service sentences. No supervision is needed for community service since the individual is already in the community.
4. Consideration should be given to working with the Judiciary to determine if a program staffed by volunteers with knowledge of cultural sites in Hawai`i would be feasible. Intergovernmental collaboration is a good thing, especially in challenging times.

Mahalo for this opportunity to share our thoughts.

PBMtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 12, 2011 11:03 AM
To: PBMtestimony
Cc: HawaiiVotingProject@gmail.com
Subject: Testimony for SB284 on 3/16/2011 11:00:00 AM

Testimony for PBM/HAW 3/16/2011 11:00:00 AM SB284

Conference room: 329
Testifier position: support
Testifier will be present: Yes
Submitted by: Dorothy I. Cornell
Organization: Individual
Address:
Phone:
E-mail: HawaiiVotingProject@gmail.com
Submitted on: 3/12/2011

Comments:
I support the CAP (Kat Brady) suggestions.

National Association of Reformed Criminals
Andy Botts & Franklin Jackson
1765 Ala Moana Blvd. #1388
Honolulu, Hawaii, 96815
March 16, 2011

COMMITTEE ON WAYS AND MEANS

Sen. David Y. Ige, Chair

Sen. Michelle Kidani, Vice Chair

Thursday March 16, 2011

11:00 AM

Room 329

SB 284 SD2

Support

We support this bill, even though the Dept of Public Safety can and have been expanding the prison's community service program for these types of projects since 1983. Our only objection is to the language that restricts certain participants. This bill is designed for "select, non-violent inmates," which conflicts with the DPS security classification process that takes all factors into consideration - such as instant offense, escape history, violence, institutional conduct, etc. - before their security level is reduced to allow them to work in the community under the supervision of an ACO. Our stance is that the wording is revised to say "Select, low-custody inmates," which is the current policy, instead of non-violent inmates only, so we don't restrict someone who would benefit from this type of program.

Mahalo,

Andy Botts