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DEPARTMENT OF PUBLIC SAFETY
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TESTIMONY ON HOUSE BILL 218
RELATING TO
THE CORRECTIONS POPULATION MANAGEMENT COMMISSION
by
Ted Sakai, Interim Director
Department of Public Safety

House Committee on Ocean, Marine Resources, and Hawaiian Affairs
Representative Faye P. Hanohano, Chair
Representative Ty J.K. Cullen, Vice Chair

Wednesday, January 30, 2013; 10:00 a.m.
State Capitol, Room 325

Chair Hanohano, Vice Chair Cullen and Members of the Committee:

The Department of Public Safety (PSD) supports House Bill 218, relating to the Corrections Population Management Commission (CPMC), which adds two new commission members to represent the Native Hawaiian community. This measure is a recommendation of the Native Hawaii Justice Task Force (Task Force).

In 2010, the Office of Hawaiian Affairs (OHA) produced a report entitled *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* which concluded that Native Hawaiians are overrepresented at every stage of the criminal justice system. The same conclusion had been reached in earlier studies on Native Hawaiians and the criminal justice system (Kassebaum, 1981 and 1994).

In response to the report's findings, Act 170, Session Laws of Hawaii 2011, established the Task Force to recommend policies and strategies to "reduce or prevent individuals' unnecessary involvement with the criminal justice system." The Task Force has reported its findings and recommendations to the 2013 Hawaii State Legislature.

During the course of its work, the Task Force held Pae 'Aina Summits across the State in order to engage the Native Hawaiian Community and the community at large in

discussions of the 2010 OHA report findings. Those in attendance often addressed the historic social and economic context that contributes to the overrepresentation of Native Hawaiians in the criminal justice system. Poverty, educational achievement, employment opportunities, substance abuse, and mental illness experienced by Native Hawaiian's were seen as contributing factors. Many testified that the focus of incarceration should be on rehabilitation and preparing offenders for their successful return to the community, using Native Hawaiian culture and values as the vehicle to provide programs and services.

The purpose of this measure is to ensure the active voice of the Native Hawaiian community is heard when addressing criminal justice policies and programs. The Task Force recommends this is best achieved by expanding the membership of the CPMC through the addition of the OHA administrator and a member of the public knowledgeable about the criminal justice system and who possesses expertise in traditional Native Hawaiian practices.

The CPMC is charged with making recommendations to the Legislature and appropriate authorities concerning a broad array of criminal justice issues, including sentencing policy, pre-trial release, intermediate punishments and alternatives to incarceration, and probation, corrections, and parole programs.

The Department concurs with the recommendation of the Task Force and requests your favorable consideration of this bill.

Thank you for the opportunity to present this testimony.



HB218
RELATING TO THE CORRECTIONS POPULATION MANAGEMENT
COMMISSION

House Committee on Ocean, Marine Resources, & Hawaiian Affairs

January 30, 2013

10:00 a.m.

Room 325

The Office of Hawaiian Affairs (OHA) strongly **SUPPORTS** HB218, which is a bill in OHA's 2013 Legislative Package. This bill continues the work of the Native Hawaiian Justice Task Force (Act 170, 2011) by adding two members to the Corrections Population Management Commission (CPMC), which we hope will lead to the development of appropriate and effective cultural programs.

In 2010, OHA produced a comprehensive report detailing the disparate treatment of Native Hawaiians in the criminal justice system. Since then, OHA has administered the Native Hawaiian Justice Task Force (NHJTF), which was tasked by the Legislature to address this multi-faceted issue. A copy of the NHJTF 2012 legislative report and related materials are available at:
www.oha.org/nativehawaiianjusticetaskforce

This bill is necessary to further the findings and recommendations of the NHJTF report. Foremost, this bill would allow the continuation of the vital interagency relationships between OHA and other state agencies that started with the NHJTF. The CPMC is an interagency body whose primary function is to address overcrowding and reentry issues in Hawai'i's criminal justice system. Secondly, as a member of CPMC, a Native Hawaiian cultural expert could assist and inform agencies to develop appropriate and effective cultural programs that are responsive to the unique needs of pa'ahao (prisoners).

Therefore, OHA urges the committee to **PASS** HB218. Mahalo for the opportunity to testify on this important measure.

COMMUNITY ALLIANCE ON PRISONS

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COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

Rep. Faye Hanohano, Chair

Rep. Ty Cullen, Vice Chair

Wednesday, January 30, 2013

10:00 p.m.

Room 325

STRONG SUPPORT FOR HB 218 - CPMC + OHA & HAWAIIAN PRACTITIONER

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

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies for more than a decade. This testimony is respectfully offered on behalf of the 5,800 Hawai'i individuals living behind bars, always mindful that approximately 1,500 Hawai'i individuals are serving their sentences abroad, thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

HB 218 adds the OHA administrator and a member of the public, who is knowledgeable about issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices, to the corrections population management commission.

Community Alliance on Prisons is in strong support of this measure which expands the CPMC to 13 members.

The Corrections Population Management Commission (CPMC) was established through Act 343, Session Laws of Hawaii 1993. It expanded from eight to eleven members representing all three branches of state government, the county prosecuting attorney, and two community representatives.

The objective for the CPMC is "establish maximum inmate population limits for each correctional facility and to formulate policies and procedures to prevent the inmate population from exceeding the capacity of each correctional facility" (Section 353F-4, Hawaii Revised Statutes). The CPMC is administratively attached to the Department of Public Safety.

It is no secret that Hawaiians are disproportionately represented in Hawai'i's criminal justice system which is due to the disparate treatment they receive in Hawai'i's justice system. It, therefore, makes sense to have Hawaiian input on this important commission.

Mahalo for this opportunity to testify.



Association of Hawaiian Civic Clubs

P. O. Box 1135
Honolulu, Hawai`i 96807

Testimony of President Soulee Stroud

HOUSE COMMITTEE ON OCEAN, MARINE RESOURCES & HAWAIIAN AFFAIRS

HB 218 RE: TO THE CORRECTIONS POPULATION MANAGEMENT COMMISSION

Wednesday; 10:00 am; 1/30/13; Room 325

Aloha Madame Chair Hanohano, Vice chair Cullen and members of the Committee on Ocean, Marine Resources and Hawaiian Affairs. I am Soulee Stroud, President of the Association of Hawaiian Civic Clubs here to support House Bill 218 that will increase the Corrections Population Management Commission by two more persons – the administrator of the Office of Hawaiian Affairs and a member of the public.

The Association of Hawaiian Civic Clubs (AHCC) is currently comprised of sixty nine component clubs in Hawaii and fifteen states on the continent. The first civic club was organized in 1918 by Prince Kuhio and a group of prominent Hawaiian men when Kuhio was a Delegate to the US Congress. Kuhio recognized the need for Native Hawaiians to become more involved in the passage of the Hawaiian Homes Act then before the Congress, and to further become engaged in the intricacies of federal and local government.

The AHCC Board of Directors met on January 19, 2013 and the package of measures introduced into the legislature by the Office of Hawaiian Affairs was discussed. The AHCC Board supports House Bill 218 as an attempt to ameliorate the problems involving the high percentage of Hawaiians and Native Hawaiians that are incarcerated. To that end, the AHCC also testified in support of a plan to reopen the Kulani Correctional Facility on Hawaii Island at a public hearing on January 22, 2013.

Thank you for the opportunity to testify.

Contact: jalna.keala2@hawaiiantel.net

omhtestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 29, 2013 1:25 PM
To: omhtestimony
Cc: carpenterd@hawaiiantel.net
Subject: Submitted testimony for HB218 on Jan 30, 2013 10:00AM

HB218

Submitted on: 1/29/2013

Testimony for OMH on Jan 30, 2013 10:00AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dante K. Carpenter	Individual	Support	No

Comments: Committe on Ocean, Marine Resources, & Hawaiian Affairs: Chair Rep. Faye Hanohano, V-C Ty Cullen & Members: My name is Dante K. Carpenter, a former legislator and Chair of the Senate Judiciary Committee. I am in full support of the intent and purpose of this bill which would add two positions to the present Corrections Population Management Commission. The recent findings of the Native Hawaiian Justice Task Force has shown a definite need to continue to address its concerns with a broader cross-sectional representation of our statewide community. I strongly support the passage of HB218. I may be contacted at (808) 596-2980. Mahalo a nui loa.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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January 29, 2013

Teresa L. Nakama
73-998 Ahulani Street
Kailua-Kona, HI 96740

Committee On Ocean, marine Resources, & Hawaiian Affairs
Rep. Faye P. Hanohano, Chair
Rep. Ty J.K. Cullen, Vice Chair
Rep. Denny Coffman Rep. Chris Lee
Rep. Cindy Evans Rep. Nicole E. Lowen
Rep. Derek S.K. Kawakami Rep. Richard Lee Fale

NOTICE OF HEARING

Wednesday, Jan. 30, 2013
10:00 am
Conference Room 325
State Capitol
415 South Beretania Street
Honolulu, HI

Report Title: HB 218

OHA Package; Corrections Population Management Commission

Description: Adds the OHA administrator and a member of the public, who is knowledgeable about issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices, to the corrections population management commission.

Dear Representative Faye Hanohano:

I am writing to ask you to support House Bill 218. This bill will soon come to a vote in your committee.

The purpose of this house bill 218, is to add the OHA administrator and a member of the public, who is knowledgeable about issues relating to the criminal justice system and has substantial experience or expertise in traditional Native Hawaiian practices, to the corrections population management commission.

This is an important bill that will benefit the community at large by adding the additional commission members to duly influence the rehabilitation process through the clear views of the Generational Knowledge of the Native Hawaiian Cultural life style.

Thank you for your support.

Sincerely,

Teresa L. Nakama