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No. _____

TESTIMONY ON HOUSE BILL 2190
RELATING TO THE PUUHONUA COMMISSION

By
Nolan P. Espinda, Director

House Committee on Public Safety
Representative Gregg Takayama, Chair
Representative Kyle T. Yamashita, Vice Chair

Thursday, February 4, 2016; 10:00 a.m.
State Capitol, Conference Room 309

Chair Takayama, Vice Chair Yamashita, and Members of the Committee:

The Department of Public Safety (PSD) would like to provide comments to House Bill (SB) 2190.

PSD supports the principles of Puuhonua and has adopted many of its concepts into the range of reentry programs throughout the Hawaii's correctional system. In addition, the Department has supported Native Hawaiian cultural observances at the facilities, such as, Makahiki, which, as part of a culturally-based spiritual practice, instills cultural awareness, pride, and a renewed, positive sense of identity among the practitioners. Together, it is hoped that these programs will help offenders to more successfully transition back to the community.

The Report to the 2013 Legislature, made in response to Act 117, SLH 2012, "Wellness Center That Reestablishes Native Hawaiian Cultural Practices", asserted that PSD would "continue to work with participants in the 2012 Puuhonua Summit, including Ohana Hoopakele and other restorative justice groups, to prepare a plan for the creation of a puuhonua." The report further noted that this major undertaking would require PSD to also collaborate with the Hawaii Paroling Authority, Judiciary, Honolulu Police Department, Department of the Prosecuting Attorney, Office of the Public Defender, etc.

The work done thus far would suggest a more modest approach to assuring progress in this important area. PSD would like to suggest that this measure be amended to add two members, appropriate to the qualifications described in the bill, to the existing Reentry Commission.

Thank you for the opportunity to testify on this measure.

TESTIMONY BY WESLEY K. MACHIDA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON PUBLIC SAFETY
ON
HOUSE BILL NO. 2190

February 4, 2016

RELATING TO THE PUUHONUA COMMISSION

House Bill (H.B.) No. 2190 establishes a nine-member Puuhonua Commission within the Department of Public Safety to assist post-incarcerated persons, probationers, and parolees in the transition period. The bill also establishes in each county, a three-member Puuhonua Commission Advisory Committee to inform the Puuhonua Commission of the needs of probationers, parolees, and post-incarcerated persons within their respective counties. The Commission and committee members are to serve without compensation, but reasonable and necessary expenses may be reimbursed to the members.

Additionally, H.B. No. 2190 establishes in the State treasury the Puuhonua Commission Special Fund to receive appropriations enacted by the Legislature and revenues from grants or donations made to the Commission. The funds will be used to support the Puuhonua Commission and the Puuhonua Commission Advisory Committees.

While the Department of Budget and Finance does not take any position on the policy of the Puuhonua Commission, as a matter of general policy, the department does not support the creation of special funds which do not meet the requirements of Section 37-52.3, Hawaii Revised Statutes. Special or revolving funds should: 1) serve a need as demonstrated by the purpose, scope of work and

an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provides an appropriate means of financing for the program or activity; and 4) demonstrates the capacity to be financially self-sustaining. In regards to this bill, it does not appear that the proposed special fund meets the criteria.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 01, 2016 9:56 PM
To: pbstestimony
Cc: blawaiianlvr@icloud.com
Subject: Submitted testimony for HB2190 on Feb 4, 2016 10:00AM

HB2190

Submitted on: 2/1/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
De MONT R. D. CONNER	Ho'omana Pono, LLC.	Support	Yes

Comments: We are in FULL SUPPORT of this bill, as it is about time that traditional healing/corrective methods of the host culture is utilized to assist in the corrective process within our correctional system. While, I believe that this bill does not go far enough to help improve our rehabilitative efforts in our corrections system, since there is no provision within this bill to allow the Pu`uhonua process into the corrections system from pre-trial through an offenders entire sentence. It still is a GREAT FIRST STEP, that allows the proponents to prove this Pu`uhonua process to be an effective aid to our correctional ssystem. WE SEEK THE PASSAGE OF THIS BILL. Mahalo. FULL DISCLOSURE: Please note, that I am on the Pu`uhonua team that assisted in the creation of this bill.

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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HB2091 Relating to Puuhonua Commission: Establish Puuhonua Commission to help with developing a community plan for offender reentry.

HOUSE COMMITTEE ON PUBLIC SAFETY:

Representative Gregg Takayama, Chair; Representative Kyle Yamashita, Vice Chair

 Thursday, Feb. 4, 2016; 10:00 a.m.

 Conference Room 309

HAWAII SUBSTANCE ABUSE COALITION Supports HB2091:

GOOD MORNING CHAIR TAKAYAMA, VICE CHAIR YAMASHITA AND DISTINGUISHED COMMITTEE MEMBERS. My name is Alan Johnson. I am the current chair of the Hawaii Substance Abuse Coalition (HSAC), a statewide hui of more than twenty non-profit treatment and prevention agencies.

According to the U.S. Department of Health and Human Services (HHS), the development of culturally responsive skills is vital to the effectiveness of recovery, which would include offender reentry.

- Cultural competence is more than just offender-centered, it is valuable to staff members who provide services. Being culturally responsive refers to developing the ability to honor and respect the beliefs, languages, interpersonal styles, and behaviors of individuals and families receiving services.
- Cultural competence is a dynamic, ongoing developmental process that requires a long-term commitment.
- The development of cultural competence can have far-reaching effects not only for offenders, but also for providers and communities.
- Through the development of a set of behaviors, attitudes, and policies, it can enable a system, agency, or group of professionals to work more effectively.
- Evidence-based models target organizational levels of development to include offenders and staff; policies and procedures; and third: organizational and administrative. The core elements are cultural awareness, general cultural knowledge, cultural knowledge of recovery, and cultural skill development.
- Culturally responsive skills can improve offender engagement in services, relationships between offenders and providers, as well as program retention and outcomes.
- Cultural competence improves an organization's sustainability by reinforcing the value of diversity, flexibility, and responsiveness in addressing the current and changing needs of offenders, communities, and the recovery environment.

- Culturally responsive organizational strategies and clinical services can help mitigate organizational risk and provide cost-effective results.
- A culturally responsive policy would encourage training and supervision to enable staff to better respond to offenders' psychological, linguistic, and physical needs. Such a development would encourage better staff to offender responses in all ways.

It's important to understand that cultural competence is not about learning a set of facts; it's an ongoing process of continuously evolving by learning diversity, awareness and understanding. It's about cultivating the willingness and ability to acquire knowledge. This involves learning about and respecting offender worldviews, beliefs, values, and attitudes toward mental health, help-seeking behavior, substance use, and behavioral health.

We appreciate the opportunity to testify and are available for questions.

pbstestimony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 6:33 AM
To: pbstestimony
Cc: theede@hawaii.rr.com
Subject: *Submitted testimony for HB2190 on Feb 4, 2016 10:00AM*

HB2190

Submitted on: 2/2/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Teri Heede	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 02, 2016 4:32 PM
To: pbstestimony
Cc: gladys.baisa@mauicounty.us
Subject: Submitted testimony for HB2190 on Feb 4, 2016 10:00AM

HB2190

Submitted on: 2/2/2016

Testimony for PBS on Feb 4, 2016 10:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Gladys Coelho Baisa	Individual	Support	No

Comments: Establishing county advisory committees is an important element as our people need the support of their local communities when they return home.

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HB2190
RELATING TO THE PUUHONUA COMMISSION
House Committee on Public Safety

February 4, 2016

10:00 a.m.

Room 309

The Office of Hawaiian Affairs (OHA) Committee on Beneficiary Advocacy and Empowerment will recommend to the Board of Trustees a position of **COMMENT** on HB2190. OHA believes that this bill's laudable goal of addressing the critical needs of reintegrating pa'ahao may be better accomplished through the consideration of the experiences of existing reintegration programs, as further described below.

In light of the overrepresentation of Native Hawaiians in the criminal justice system,¹ OHA has long supported the exploration of culturally-based models to better rehabilitate and more successfully reintegrate pa'ahao into the community, after their debt to society is paid. The Native Hawaiian Justice Task Force (NHJTF), which OHA administered, has likewise recommended the promotion of alternative indigenous models of healing such as pu'uhonua, as well as reintegration programs and services, to better ease former inmates' transition back into society and reduce the likelihood of recidivism.²

OHA therefore agrees that a stronger network of support is needed to ensure that reintegrating pa'ahao have help accessing housing, healthcare, education, and employment resources. Moreover, OHA also agrees that a culturally-based model may aid pa'ahao in reconciling their connections to their culture, 'ohana, and community, providing a greater sense of stability. However, OHA has several concerns and suggestions regarding the proposed Pu'uhonua Commission and its roles as described in this measure.

First, OHA recognizes that the concept of pu'uhonua as a "healing place" does not necessitate a physical space. However, the development and implementation of a continuum of care that facilitates successful reintegration may be better achieved through

¹ Native Hawaiians comprise nearly 40% of those incarcerated, but only 24% of the general population in Hawai'i. THE OFFICE OF HAWAIIAN AFFAIRS, THE DISPARATE TREATMENT OF NATIVE HAWAIIANS IN THE CRIMINAL JUSTICE SYSTEM 36 (2010), http://www.oha.org/sites/default/files/ir_final_web_rev.pdf.

² In fact, the NHJTF recognized several attempts made by this Legislature and the Department of Public Safety to implement a pu'uhonua model of culturally-based substance abuse treatment and intervention program pursuant to Act 117 (Session Laws, 2011), but noted that none of these efforts had yet been successful. THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 18-19 (2012), http://19of32x2yl33s8o4xza0gf14.wpengine.netdna-cdn.com/wpcontent/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

a more regularly available or permanent resource, rather than through a commission that convenes only once per quarter.

In addition, OHA notes that similar commissions have in the past experienced substantial difficulties in meeting, due to quorum and other issues; it is unclear if such difficulties may also be encountered or compounded by the proposed Pu‘uhonua Commission. For example, the Reentry Commission established by Act 24 (Session Laws, 2010) and amended by Act 76 (Session Laws, 2012) has similar responsibilities and membership requirements as the proposed Pu‘uhonua Commission. The Reentry Commission is currently tasked with monitoring and reviewing the Comprehensive Offender Reentry Program, which coordinates educational and rehabilitative treatment services to prepare pa‘ahao for reentry, and monitors the progress of parolees. Unfortunately, the Reentry Commission has never had enough members to meet and therefore has not been able to fulfill its functions. OHA is concerned that creating an additional commission with similar membership requirements and parallel purposes to the Reentry Commission may duplicate the mandates needing attention, and thereby dilute the capacity of those interested in serving these important needs.

Accordingly, OHA offers the following potential suggestions for this measure:

- Amend HB2191 to reduce the membership requirements for the Pu‘uhonua Commission (and its subsidiary County Committees), to relieve the burden on nominating and appointing authorities and better enable the Commission and Committees to meet quorum requirements; or
- Amend Act 24 (Session Laws, 2010) and Act 76 (Session Laws, 2012) to reassign the responsibilities formulated for the Pu‘uhonua Commission to the Reentry Commission and the Offender Reentry Office (also established by Act 76, Session Laws, 2012), and amend the Reentry Commission’s membership requirements to relieve the burden in achieving quorum.

OHA also urges the Committee to consult with the Department of Public Safety regarding its past experiences and insights, in order to better ensure the success of any commission placed under its purview.

Mahalo nui loa for the opportunity to testify on this measure.