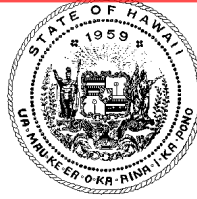


DAVID Y. IGE
GOVERNOR



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No. _____

**TESTIMONY ON HOUSE CONCURRENT RESOLUTION 171 –
RECOGNIZING AND SUPPORTING THE USE OF NATIVE CULTURE-BASED
REHABILITATION IN THE STATES CORRECTIONAL FACILITIES.**

by
Max N. Otani, Director

House Committee on Corrections, Military, and Veterans
Representative Takashi, Ohno, Chair
Representative Sonny Ganaden, Vice Chair

Friday, March 19, 2021; 9:00 a.m.
State Capitol, Via Videoconference

Chair Ohno, Vice Chair Ganaden, and Members of the Committee:

The Department of Public Safety (PSD) supports House Concurrent Resolution (HCR) 171, which seeks to recognize and support the use of native culture-based rehabilitation in the State’s correctional facilities.

PSD notes that although it understands the value and potential to increase assistance to Native Hawaiian offenders through the implementation of culture-based rehabilitation, this effort will require assistance from and possible partnerships with the Office of Hawaiian Affairs (OHA) and/or other indigenous Hawaiian groups that specialize in and have extensive experience with establishing and maintaining culture-based rehabilitative programs. The Department is open to exploring such collaborations.

It should also be noted that not all correctional facilities may be conducive to these types of programs because of several space restrictions, staffing challenges, etc. However, PSD offers that it will work flexibly and cooperatively on this initiative.

Thank you for the opportunity to provide this testimony.

HCR-171

Submitted on: 3/17/2021 9:42:47 PM

Testimony for CMV on 3/19/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ronald Fujiyoshi	Ohana Ho`opakele	Support	No

Comments:

As the treasurer of Ohana Ho`opakele since May 2000 we feel this resolution is definitely in the direction of what we have been advocating for all these years.

Our founding kupuna wanted us to find a positive solution instead of just opposing the building of prisons. After researching we found that the best model for healing our pa`ahao was what the Hawaiians had a long time ago--a pu`uhonua. Prison has become a place that represents punishment; it should be based on a philosophy of healing.

This resolution advocates in the same direction as our kupuna did in the past.

We strongly request that you pass this resolution!

Mahalo for the opportunity to testify!



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HCR 171

RECOGNIZING AND SUPPORTING THE USE OF NATIVE CULTURE-BASED REHABILITATION IN THE STATE'S CORRECTIONAL SYSTEM

HOUSE COMMITTEE ON CORRECTIONS, MILITARY, & VETERANS

March 19, 2021

9:00 a.m.

Conference Room 430

Aloha e Chair Ohno, Vice Chair Ganaden, and members of the Committee:

The Native Hawaiian Legal Corporation (“NHLC”) **STRONGLY SUPPORTS HCR 171**, which seeks to prioritize culture-based rehabilitation activities in Hawai'i's correctional system by, among other things, promoting recognition of, access to, and physical space for Native Hawaiian cultural activities in correctional facilities.

The widespread and collective loss of Native Hawaiian traditional and customary practices, culture, land, language, and traditional ways of knowing has been widely recognized as contributing factors to the disproportionate impact of the criminal justice system on Native Hawaiians. Traditional and customary practices are integral to the preservation of Native Hawaiian cultural identity and their physical well-being. As such, the ability to engage in those practices is critical to the identity, well-being, and, ultimately, rehabilitation of our pa‘ahao (prisoners) who have been ripped away from their families and support systems, and in many cases, forced to serve out their sentence thousands of miles away from their home land.

This fact has been recognized in the Native Hawaiian Justice Task Force Report (2012)¹, which grounded its findings in the concept of growing in one's Native Hawaiian identity:

E ho‘okanaka.

Be a person of worth.

These were the very last words of Kamehameha, the unifier of the Hawaiian islands, upon his deathbed. To his beloved attendants, the King uttered the famous, “E ‘oni wale nō ‘oukou i ku‘u pono (‘a‘ole i pau).” With these words, he instructed his attendants, “Continue to do what I have done.” Then, turning to his grieving young son Liholiho, the dying King spoke these words, “E ho‘okanaka.” These words continue to be spoken today as an encouragement to be brave and courageous as well as to assert one's Hawaiian identity.

¹ The Native Hawaiian Justice Task Force Report is available at
https://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf.

In this context, the Native Hawaiian Justice Task Force Report recommended that “[c]ulturally [b]ased programs are effective[] and should be expanded upon.” *Id.* at 8.

NHLC has seen first-hand the positive impacts of culture-based rehabilitation in its representation of Hawai‘i’s pa‘ahao in multiple lawsuits brought to confirm their fundamental right to engage in traditional and customary practices while serving their sentences. In *Davis v. Abercrombie*, Civ. No. 11-00144 LEK-BMK, for example, NHLC sought to establish such rights for our pa‘ahao serving sentences in Arizona. Culture-based rehabilitation activities impact pa‘ahao not only during their incarceration—teaching and reinforcing traditional Native Hawaiian cultural values (kōkua) and practices (ho‘oponopono) that improve Native Hawaiian well-being—but also when they reenter society transformed with a strong sense of identity and new leadership skills. Indeed, NHLC’s clients have expressed the importance of re-learning their Hawaiian identity as part of their rehabilitation; according to one *Davis* client: “This is my opportunity to come back to the path that I was raised to be on. I know what it is to be Hawaiian. But I disconnected myself from my kūpuna when I went on the wrong path that led me to prison.” Our involvement in these cases and continued relationships with our clients only serve to galvanize our belief that culture-based activities are essential to “E Ho‘okanaka”.

NHLC applauds HCR 171 as a clear recognition of the widely-shared belief that culture-based programs are fundamental to support and rehabilitate our pa‘ahao. If HCR 171’s resolutions are honored and the Hawaiian worldview is incorporated into the treatment of and investment in Hawai‘i’s prisoners, the State will take a substantial step toward achieving criminal justice reform and inch closer to restorative justice for Native Hawaiians.

For all the above-stated reasons, **NHLC SUPPORTS HCR 171**. Mahalo for the opportunity to testify.

Summer L.H. Sylva



Executive Director
Native Hawaiian Legal Corporation

David Kauila Kopper



Director of Litigation
Native Hawaiian Legal Corporation

Ashley K. Obrey



Staff Attorney
Native Hawaiian Legal Corporation

HCR-171

Submitted on: 3/18/2021 9:43:39 AM

Testimony for CMV on 3/19/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mahina Duarte	Kanaeokana	Support	No

Comments:



March 18, 2021

TO: House Committee on Education and House Committee on Finance

FR: Kanaeokana Kula Hawai'i Network

**RE: HCR171- RECOGNIZING AND SUPPORTING THE USE OF NATIVE
CULTURE-BASED REHABILITATION IN THE STATE'S CORRECTIONAL
SYSTEM..**

Aloha NA• Representatives:

Kanaeokana, the Kula Hawai'i Network which includes membership of DOE Hawaiian Language Immersion Program sites, all 17 Hawaiian Focused Charter Schools (HFCS), and over 50 other Hawaiian education organizations, is in support of HCR171 to recognize and support culture-based rehabilitation activities in the State's corrections system.

Kanaeokana believes in the power of healing and rehabilitating using Hawaiian culture based interventions rooted in Aloha 'Ā'Āina. We believe that working on the land, learning with elders, engaging in cultural knowledge systems, and learning Hawaiian language builds a cultural identity that can heal. Kanaeokana's support of preK-12 Hawaiian Education can also be understood as a preventative to incarceration itself- hence the need to support preK-12 Hawaiian Education (see HCR170).

Therefore, we strongly support HCR171 and appreciate your efforts to forge culture-based pathways to rehabilitate incarcerated members of our society.

Me Ka 'Oia'i'o

Mahina Paishon-Duarte, Co-Chair

Elena Farden, Co-Chair

HCR-171

Submitted on: 3/17/2021 7:09:40 PM

Testimony for CMV on 3/19/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo. I come from Papakālea, O‘ahu now residing in Mā‘ili‘ili in my ancestral homelands. I'm writing in support of HCR171. I believe it is important the state recognizes and supports the use of Native Hawaiian Culture-based rehabilitation in the State's correctional system.

Support HCR171.

me ke aloha ‘Āina,

Nanea Lo

HCR-171

Submitted on: 3/18/2021 7:25:22 AM

Testimony for CMV on 3/19/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrie Ann Shirota	Individual	Support	No

Comments:

Aloha Chair, Vice Chair and Committee Members,

I am writing in strong support of HCR 171.

Aloha,

I am writing in strong support of HCR40. As the former Program Director of MEO's BEST Reintegration Program, I witnessed firsthand the transformative power of cultural education and training, along with other support services that enhance a person's successful transition home into our communities.

While best practices dictate that we concentrate our efforts on diversion and decarceration to reduce the incarcerated population, as long as people are incarcerated in Hawai'i and private prisons on the continent, we must simultaneously provide meaningful rehabilitation opportunities for persons to transform their lives. Providing culturally based services and programs will contribute to individual's personal growth within a historical and contemporary cultural context, and provide meaningful opportunities for successful reentry.

Finally, we can no longer ignore that institutional racism exists within our criminal legal and corrections system. It is undisputed that Native Hawaiians are disparately represented at every stage of the criminal legal system, and that the Native Hawaiian Criminal Justice Task Force recommendations have been repeatedly ignored. If we are truly committed to addressing these racial disparities, then we must have the political will to do things differently.

Please pass HCR 171.

Mahalo,

Carrie Ann Shirota, Esq.

HCR-171

Submitted on: 3/18/2021 2:30:52 PM

Testimony for CMV on 3/19/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Raelyn Reyno Yeomans	Individual	Support	No

Comments:

Support