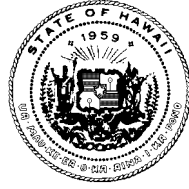


DAVID Y. IGE  
GOVERNOR



CATHY BETTS  
DIRECTOR

JOSEPH CAMPOS II  
DEPUTY DIRECTOR

STATE OF HAWAII  
**DEPARTMENT OF HUMAN SERVICES**

P. O. Box 339  
Honolulu, Hawaii 96809-0339

February 15, 2022

TO: The Honorable Representative Mark M. Nakashima, Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Cathy Betts, Director

SUBJECT: **HB 2311 HD1 - RELATING TO NATIVE HAWAIIAN REHABILITATION  
PROGRAMS.**

Hearing: February 16, 2022, 2:00 p.m.  
Via Videoconference, State Capitol

**DEPARTMENT'S POSITION:** The Department of Human Services (DHS) appreciates the intent of this measure, defers to the Department of Public Safety and the Office of Hawaiian Affairs, and offers comments. The Department respectfully requests that any appropriation not replace or reduce the priorities identified in the executive budget.

**PURPOSE:** The purpose of the bill is to require the Department of Public Safety, in collaboration with the Office of Hawaiian Affairs, to create a Native Hawaiian rehabilitation program for prison inmates that puts an emphasis on preserving Native Hawaiian values and cultural practices. Appropriates funds. Effective 7/1/3000. (HD1)

The HD1 amends the measure by:

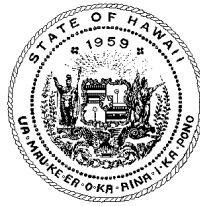
- (1) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

Traditionally, rehabilitation programs, if offered, are often based on western models that may not have any relevance or foundation to prison inmates' identity, cultural beliefs, and

worldview. The national movement on racial and gender equality and equity continues to address the needs of various cultural groups. It recognizes the richness of cultural practices while acknowledging historical and intergenerational trauma as part of the healing process. Addressing historical and intergenerational trauma through informed cultural practices and frameworks will become a foundational part of rehabilitating incarcerated individuals during and after incarceration.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
1177 Alakea Street, 6<sup>th</sup> Floor  
Honolulu, Hawaii 96813

**MAX N. OTANI**  
DIRECTOR

**Maria C. Cook**  
Deputy Director  
Administration

**Tommy Johnson**  
Deputy Director  
Corrections

**Jordan Lowe**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

TESTIMONY ON HOUSE BILL 2311, HOUSE DRAFT 1  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.

by  
Max N. Otani, Director  
Department of Public Safety

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

Wednesday, February 16, 2022; 2:00 p.m.  
State Capitol Conference Room 325, Via Videoconference

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

The Department of Public Safety (PSD) supports the intent of House Bill (HB) 2311, which appropriates funds to PSD to collaborate with the Office of Hawaiian Affairs (OHA), to create a Native Hawaiian rehabilitation program for prison inmates that emphasizes Native Hawaiian values and cultural practices.

PSD is very willing to work with OHA to gain their valuable input, guidance, and expertise on creating such a program that will benefit Native Hawaiian inmates, to include an estimated cost for this initiative. If the program is successful, the Department is hopeful that it can be expanded to be inclusive of all interested inmates.

Thank you for the opportunity to provide testimony supporting the intent of HB 2311, HD 1.



**HB2311 HD1**  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS  
Ke Kōmike Hale o ka Ho‘okolokolo a me ke Kuleana Hawai‘i  
House Committee on Judiciary & Hawaiian Affairs

Pepeluali 16, 2022

2:00 p.m.

Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs submits the following **COMMENTS on HB2311 HD1**, which urges the Department of Public Safety (PSD) to recognize the value of culture-based rehabilitation activities in the State’s correctional system and to increase the use and access to culture-based programming in the correctional system.

OHA agrees with the intent of HB2311 HD1. It has long supported the integration of culturally-based models to better rehabilitate pa‘ahao, reconcile them with their ‘ohana and communities, and reduce recidivism. The Native Hawaiian Justice Task Force has similarly encouraged the exploration of options to address systemic issues in the criminal justice system, such as by supporting indigenous models of healing, and bolstering reintegration programs and services.<sup>1</sup> Our beneficiaries who were pa‘ahao have shared how valuable culturally-based programs, such as working in the lo‘i, hula and even having Hawaiian food on Kamehameha Day, helped in their healing.

Meaningful consultation with indigenous peoples from conception to implementation, evaluation and reform is integral to self-determination. Truly partnering with the Native Hawaiian people will ensure culturally-based programs will be most effective, sustainable and pono.

Mahalo piha for the opportunity to testify on HB2311 HD1.

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<sup>1</sup> THE OFFICE OF HAWAIIAN AFFAIRS, NATIVE HAWAIIAN JUSTICE TASK FORCE REPORT 8 (2012), [http://19of32x2y133s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](http://19of32x2y133s8o4xza0gf14.wpengine.netdna-cdn.com/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf).

DAVID Y. IGE  
GOVERNOR



CRAIG K. HIRAI  
DIRECTOR

GLORIA CHANG  
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM  
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND  
OFFICE OF THE PUBLIC DEFENDER

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
ON  
HOUSE BILL NO. 2311, H.D. 1

**February 16, 2022**  
**2:00 p.m.**  
**Room 325 and Videoconference**

RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2311, H.D. 1, appropriates an unspecified amount of general funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.

Center for Hawaiian Sovereignty Studies  
46-255 Kahuhipa St. Suite 1205  
Kane'ohe, HI 96744  
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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

For hearing Wednesday, February 16, 2022

Re: HB2311, HD1  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.  
Requires the department of public safety, in collaboration with the office of Hawaiian affairs, to create a Native Hawaiian rehabilitation program for prison inmates that puts an emphasis on preserving Native Hawaiian values and cultural practices. Appropriates funds. Effective 7/1/3000. (HD1)

TESTIMONY IN OPPOSITION

The whole purpose of this bill is to mandate "The department of public safety, in collaboration with the office of Hawaiian affairs, shall create a rehabilitation program for Native Hawaiian prison inmates with an emphasis on preserving Native Hawaiian values and cultural practices."

Is that really a good idea?

For several decades ethnic Hawaiian activists have been working hard to strengthen government and private institutions or programs that require members or beneficiaries to prove they have "Native Hawaiian" ancestry, even if the percentage of blood quantum is low. DHHL, OHA, Kamehameha Schools, Council for Native Hawaiian Advancement, Queen Lili'uokalani Childrens Center... the list is endless. Apparently there is something so powerful in even a single drop of the magic blood that many people who have it feel compelled to associate primarily or even exclusively with anyone else who has it. Racial "preference" turns out to be racial segregation and separatism. The beautiful Hawaiian creation legend "Kumulipo" says all humans are children of the gods and siblings to the 'aina; but today's activists twist it as describing only ethnic Hawaiians, relegating everyone else to an inferior status of "other."

See webpage "Hawaiian religious fascism. A twisted version of a beautiful creation legend provides the theological basis for a claim that ethnic Hawaiians are entitled to racial supremacy in the governance and cultural life of the Hawaiian islands."

<https://www.angelfire.com/big11a/HawnReligFascism.html>

See book "Hawaiian Apartheid: Racial Separatism and Ethnic Nationalism in the Aloha State"

<https://www.angelfire.com/planet/bigfiles40/BookPromo.html>

How often have we heard it said that Native Hawaiians have the worst rate among all Hawaii's ethnic groups for drug abuse, spouse abuse, child abuse, arrests, incarceration, and other social dysfunction. Clearly there is something troubling about "Hawaiian values" and "Hawaiian cultural practices" -- the exact terms which this bill touts as the core of "rehabilitation programs" which prisons must be required to



foist upon Native Hawaiian inmates, at taxpayer expense. Either "Hawaiian values" and "Hawaiian cultural practices" are purely aspirational labels and not descriptive of actual behavior in the community, or else they are damaging to the ability of Native Hawaiians to participate successfully in the larger society where they find themselves whether they like it or not.

A prison program designed to inculcate Native Hawaiian inmates with "Hawaiian values" and "Hawaiian cultural practices" closely resembles school curriculum in the Hawaiian-focus charter schools. It is designed to brainwash people with a political viewpoint leading them to become activists for race-based political power and, ultimately, sovereignty. Here are quotes from a foundational document where Ku Kahakalau unashamedly explained the purpose of her "Kanu O Ka 'Aina" Hawaiian-focus tax-funded public charter school:

"Kanu is tailored towards the distinctive cultural wants and needs of Hawai'i's indigenous student population. Utilizing our natives values handed down to us in thousands of proverbs as a philosophical basis ... The long-term goal of Kanu is to create a native designed and controlled system of Hawaiian education that will empower native communities throughout the archipelago to achieve political, cultural and economic self-determination. ... Kanu wants to actively prepare native students to participate in - and perhaps even lead - Hawai'i's indigenous sovereignty movement. Initially I was sort of hesitant to claim that Kanu represents a liberatory pedagogy. However, the more I reflected on the true purpose of my model the more I realized that my model is definitely designed to liberate. Specifically, Kanu wants to encourage Hawaiian students to become politically conscious, and individually and collectively tackle the problem of Hawaiian oppression by the United States and our subjugation to American law and a Western way of life. In that vein, Kanu has the potential of significantly contributing to the Hawaiian sovereignty effort."

Well, that is certainly not what most taxpayers want our government tax-funded schools to be doing with their students, and not what we want our government tax-funded prisons to be doing with their inmates.

**OPPORTUNITY  
YOUTH  
ACTION HUI**

16 February 2022

House Committee on Judiciary & Hawaiian Affairs

Hearing Time: 02:00pm

Location: Virtual

Re: HB 2311, Relating to Native Hawaiian Rehabilitation Programs

Aloha e Chair Nakashima, Vice-Chair Matayoshi, and members of the Committee:

We are writing in **strong support** of HB 2311, relating to Native Hawaiian Rehabilitation Programs. This measure will appropriate funds to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs the creation of a Native Hawaiian rehabilitation program for prison inmates, which puts an emphasis on Native Hawaiian values and cultural practices.

This bill would focus on traditional practices in programs that contribute to the betterment of Native Hawaiians in the prison system. Hawai'i's incarceration crisis has had a particularly severe impact on Native Hawaiians and Pacific Islanders. In 2018, this group made up only 23% of adults in the state, yet also a reported **47%** of people incarcerated under Hawai'i's jurisdiction that year (ACLU). Prison sentences alone are not enough to rehabilitate Native Hawaiian individuals. Connection to cultural and ancestral foundations are essential in healing and creating opportunities for better ways of life for Kānaka Maoli. We believe this measure is a very important step in the efforts to advance Native Hawaiian equity within the justice system.

The Opportunity Youth Action Hui is a collaboration of organizations and individual committed to reducing the harmful effects of a punitive incarceration system for youth; promoting equity in the justice system; and improving and increasing resources to address adolescent and young adult mental health needs.

We seek to improve the continuity of programs and services for youth and young adults transitioning from minor to adult status; eliminate youth houselessness and housing market discrimination against young adults; and promote and fund more holistic and culturally-informed approaches among public/private agencies serving youth.

**Please support HB 2311.**

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative Mark Nakashima, Chair

Representative Scot Matayoshi, Vice Chair

Wednesday, February 16, 2022

2:00 PM

### **HB 2311HD1- STRONG SUPPORT NATIVE HAWAIIAN REHABILITATION PGMS.**

Aloha Chair Nakashima, Vice Chair Matayoshi 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 in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,103 Hawai`i individuals living behind bars or under the "care and custody" of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,113 of Hawai`i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in strong support of cultural programming, especially when delivered by cultural practitioners. We have witnessed the effect of programs that have resonated with Kanaka Maoli and others who gain a deeper understanding of their responsibilities to themselves, their families, and their communities.

These programs, initiated by our people serving sentences abroad in Minnesota, have been amazing. When our people were sent to prisons on the continent, they worked hard to keep their connections to home alive. We know many of the men who created the program; some have been released after serving many years in prison, and they are now contributing members of our communities.

We know that facilitating people to maintain their connections to their culture has been transformative, not only for them and their families, but for their communities as well. In the Saguaro program there is a rule that you leave your colors or gang symbols at the door - and they do. In class they work together learning mele and oli and gaining a deeper understanding of who they are and what their responsibilities are to themselves, their families, and their communities. The program has been successful because the focus is on culture and values.

We urge the committee to support programs that promote Hawaiian culture and values! Mahalo for this opportunity to testify





**LATE**

## TESTIMONY IN SUPPORT OF HB 2311, HD 1

TO: Chair Nakashima, Vice Chair Matayoshi, & Committee Members

FROM: Nikos Leverenz  
Grants & Advancement Manager

DATE: February 17, 2022 (2:00 PM)

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Hawai'i Health & Harm Reduction Center (HHRC) supports HB 2311, HD 1, which requires the department of Public Safety, in collaboration with the Office of Hawaiian Affairs, to create a Native Hawaiian rehabilitation program for prison inmates that puts an emphasis on preserving Native Hawaiian values and cultural practices.

While HHRC welcomes the development and support of programs in the state's carceral facilities emphasizing Native Hawaiian values and cultural practices, more must be done by the Legislature to reduce the number of persons from Native Hawaiian and under-resourced communities from entry into the criminal legal system.

Prevailing prosecutorial practices, along with the continued absence of substantive bail reform, sentencing reform, and probation reform, set the stage for perennially overcrowded carceral facilities. The continued criminalization of personal drug use and possession significantly perpetuates lasting social, medical, and legal stigma. Criminalization subjects persons from under-resourced communities to prolonged periods of criminal legal supervision. [The enforcement of drug laws pertaining to personal use and possession of drugs has disproportionately impacted Native Hawaiians](#). In this regard, the criminal legal system's enforcement of punitive drug laws embodies the structural [racism that this Legislature declared a public health crisis via HCR 112](#) just last year.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals impacted by poverty, housing instability, and other social determinants of health. Many of our program clients and participants have also been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse. Criminalization compounds their suffering and further jeopardizes their health and well-being.

Thank you for the opportunity to testify on this measure.

**LATE**

**HB-2311-HD-1**

Submitted on: 2/16/2022 1:46:10 PM

Testimony for JHA on 2/16/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Linda Rich	Women's Prison Project	Support	No

Comments:

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Rep. Nakashima, Chair, Rep. Matayoshi Vice Chair

Strong Support for HB2311 HD1

I am Linda Rich testifying on behalf of Women's Prison Project in STRONG SUPPORT OF HB2311 HD1.

Native Hawaiians are over represented in Hawaii's prison population and benefit from cultural programming. Cultural programs provide healing and build a strong cultural identity, which is a positive resilliance factor and helps to prevent recidivism. The values, discipline, impact on self esteem, and identification with strong positive role models that are inherent in Hawaiian culturam practices can be of tremendous value in the rehabilitation process.

We urge your committee to move this bill forward. Mahalo.

Linda Rich for Women's Prison Project

**LATE**

**HB-2311-HD-1**

Submitted on: 2/16/2022 11:20:56 AM

Testimony for JHA on 2/16/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Casey McConville	Individual	Support	No

Comments:

My name is Casey McConville and this is my testimony for HB 2311. I am a Hawaiian resident and currently a Bachelor of Social Work Student at Hawaiian Pacific University. I have had the privilege of studying and working under Kumu Tammy Kaho‘olemana Martin, Ph.D., on her research program. I believe that cultural reclamation within our prisons, post-incarceration transition programs, and communities is vital for strengthening our Hawaiian community and reducing recidivism, substance abuse, and domestic violence.

Native Hawaiians are disproportionately represented in the criminal justice system here in Hawaii for both men and women. Research conducted by Dr. Martin, her colleagues, and other indigenous researchers has found that cultural-based programs significantly impact individuals and communities.

Both of Dr. Martin’s studies found that the negative impacts of trauma, substance use, and incarceration were mitigated by opportunities to release their trauma, develop structure, reclaim their cultural identity, and build multiple trustworthy support networks ). Dr. Martin’s research studies are “Moving from to Light: Cultural Pathways to Healing and Posttraumatic Growth of Formerly Incarcerated Native Hawaiian Women” and “Ho‘omana‘olana: Exploring the Pathways to Hope among women in Hawai‘i’s Criminal Justice System.”

Findings have also revealed that the women in these studies presented that cultural reclamation strengthened their cultural identity and pride, contributing to spiritually grounded healing and posttraumatic growth as they recovered from extensive substance use (Martin, Paglinawan, & Okamoto, in press).

Community-based and culturally anchored interventions that integrate Native Hawaiian cultural values and beliefs effectively treat specific health disparities in Native Hawaiian communities (Kaholokula et al., 2018).

Most of the research I have been able to find focuses on post-incarceration and community-based interventions, training, and cultivation. My question is, why wait until individuals are released from prison? Cultural reclamation at the individual, family, and community level can strengthen with a multi-layered approach, including in-prison, post-incarceration transition, and community-based programs. If research shows that cultural-based programs can lower recidivism rates, why are they not utilized? Please pass this bill and allocate funding. Help rebuild and strengthen our communities.

