

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 FINANCE  
ON  
SENATE BILL NO. 2770, S.D. 1, H.D. 1

**March 31, 2022**  
**2:30 p.m.**  
**Room 308 and Videoconference**

**RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS**

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

Senate Bill No. 2770, S.D. 1, H.D. 1, appropriates an unspecified amount of general funds in FY 23 to the Department of Public Safety to collaborate with the Office of Hawaiian Affairs on the creation of a Native Hawaiian rehabilitation program for Native Hawaiian 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.

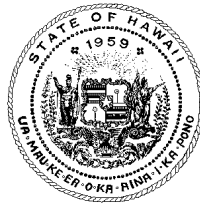
Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- 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.

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 SENATE BILL 2770, SENATE DRAFT 1, HOUSE DRAFT 1  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS.

by  
Max N. Otani, Director  
Department of Public Safety

House Committee on Finance  
Representative Sylvia Luke, Chair  
Representative Kyle T. Yamashita, Vice Chair

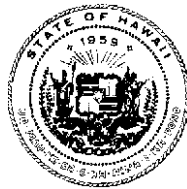
March 31, 2022; 2:30 p.m.  
Via Videoconference

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

The Department of Public Safety (PSD) supports the intent of Senate Bill (SB) 2770, Senate Draft (SD) 1, House Draft (HD) 1, which seeks to appropriate 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 SB 2770, SD 1, HD 1.



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**

March 31, 2022

TO: The Honorable Representative Sylvia Luke, Chair  
House Committee on Finance

The Honorable Representative Kyle T. Yamashita, Vice-Chair, House  
Finance Committee

FROM: Mark Patterson, Chair, Hawaii Correctional System Oversight  
Commission

SUBJECT: **SB 2770 Related to Native Hawaiian Rehabilitation Programs**

POSITION: STRONG SUPPORT

Chair Luke, Vice Chair Yamashita and Members of the Committee

The Hawaii Corrections System Oversight Commission was created by Act 179, SLH 2019, to provide independent oversight over our correctional system. The Commission's statutory responsibilities include monitoring and reviewing the comprehensive offender reentry program of the Department of Public Safety and ensuring that the comprehensive offender reentry system under chapter 353H is working properly to provide programs and services that result in the timely release of inmates on parole. [See Hawaii Revised Statutes 353L-3(b).]

National movements regarding indigenous programming within a correctional setting advocate that for successful reintegration to occur the following must be addressed.

- their participation in and access to spiritual and cultural activities
- culturally responsive programs, preferably delivered by Indigenous people
- the support they receive from family and community

In the Office of Hawaiian Affairs report on the Disparate Treatment of Native Hawaiians in the Criminal Justice System 2011 recommendations were offered that spoke on:

- Honoring the Sacred Forgiveness, and Successful Entry Back
- Kuleana (Responsibility within the context of the collective)
- Pili, Close Relations, and Feeding with learning

In the commissions responsibility of oversight of the Department of Public Safety in regards to population control and a Comprehensive re-entry program we strongly support SB2770 to encourage collaboration between the department of Public Safety and the Office of Hawaiian Affairs in the creation of an Native Hawaiian indigenous model of healing to manage culturally relevant programming for its entire incarcerated population.

  
OFFICE OF HAWAIIAN AFFAIRS  
‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai  
Legislative Testimony

**SB2770, SD1, HD1**  
RELATING TO NATIVE HAWAIIAN REHABILITATION PROGRAMS  
Ke Kōmike Hale o ka ‘Oihana ‘Imi Kālā  
House Committee on Finance

Malaki 31, 2022

2:30 p.m.

Hālāwai Keleka‘a‘ike / Lumi 308

The Office of Hawaiian Affairs submits the following in **SUPPORT** of SB2770, SD1, 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.

Although Native Hawaiians make up 20% of Hawai‘i’s population,<sup>1</sup> the Legislature’s HCR85 Taskforce on Prison Reform found that 37% of Hawaii combined jail and prison population were Native Hawaiian.<sup>2</sup> Contributing factors for Native Hawaiian’s overrepresentation are numerous and systemic within society, and comprehensive criminal justice reform is necessary to truly address this inequity.<sup>3</sup> However, for current pa‘ahao restorative practices may aid in their healing and thus reduce recidivism rates, which is second highest for Native Hawaiians (55%) compared to other ethnic groups.<sup>4</sup>

Culturally-based programs have been offered in our prisons before, such as working in the lo‘i and hula, which pa‘ahao have found valuable. OHA is unaware of the current statuses of these programs or their necessary costs, but funding may help restore, expand or create other culturally-based programs in our prisons. We look forward to supporting PSD as they decide how to use funds provided by this measure.

The Office of Hawaiian Affairs urges the Committee to **PASS** SB2770, SD1, HD1. Mahalo piha for the opportunity to testify.

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<sup>1</sup> 2019 American Community Survey 1-Year Estimates, Selected Population Profile, Table ID: S0201. Native Hawaiian alone or in any combination.

<sup>2</sup> House Concurrent Resolution 85 Task Force on Prison Reform. Final Report to the Hawaii Legislature (2019). Native Hawaiian alone or part. [https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform\\_Final-Report\\_12.28.18.pdf](https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf)

<sup>3</sup> The Office of Hawaiian Affairs. The Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010). [https://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](https://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf)

<sup>4</sup> Hawai‘i Interagency Council on Intermediate Sanctions, Department of the Attorney General. 2019 Recidivism Update. <https://icis.hawaii.gov/wp-content/uploads/2021/05/2019-Hawaii-Recidivism-Update.pdf>.

Center for Hawaiian Sovereignty Studies  
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Unity, Equality, Aloha for all



To: HOUSE COMMITTEE ON FINANCE

For hearing Thursday, March 31, 2022

Re: SB2770, SD1, HD2

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 emphasizes 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.



**Papa Ola Lokahi**  
Nana I Ka Pono Na Ma

**Papa Ola Lōkahi**

894 Queen Street  
Honolulu, Hawaii 96813

Phone: 808.597.6550 ~ Facsimile: 808.597.6551

**House Committee on Finance**

Representative Sylvia Luke, Chair

Representative Kyle Yamashita, Vice-Chair

**Thursday, March 31, 2022, 2:30 PM, CR 308 & Videoconference**

**RE: SB 2770 SD 1 HD 1 – Relating to Native Hawaiian Rehabilitation Programs**  
**Position: OFFERS COMMENTS**

Dear Chair Luke, Vice-Chair Yamashita, and Members of the Committee on Finance,

Papa Ola Lōkahi offers **comments** on SB 2770 SD 1 HD 1, which creates a Native Hawaiian rehabilitation program for prison inmates centering Native Hawaiian values and cultural practices. This measure has the potential to rehabilitate better, reduce recidivism, and improve the health and wellbeing of Native Hawaiians, who are overrepresented in the carceral system.

Papa Ola Lōkahi supports efforts to provide access to culturally-based programs for Native Hawaiians, as cultural connection is a crucial factor contributing to overall health and wellbeing. For imprisoned Native Hawaiians, culturally-based programs that reconnect them with their culture, ‘ohana, and communities may have better outcomes than existing models for rehabilitation and reintegration. Success with the use of culturally-based programs for Native Hawaiians, Pacific Islanders, and other marginalized groups has been seen in other places, such as the [San Quentin State Prison in California](#), with participating members crediting their hula program with helping them to build relationships, changes in their behavior both in and out of prison, and increased physical activity.

Culturally-based programs, like hula, attend to the holistic way Native Hawaiians view health, which [research](#) has found improves functional capacity among participants, a deepened appreciation and connection to Hawaiian culture, and offers new spiritual connections to their surrounding social environment. Such programming implemented and sustained in alignment with Native Hawaiian culture has the potential to create long-term changes for our communities. For culturally-based programs to be effective, sustainable, and pono, meaningful consultation with Native Hawaiians, Pacific Islanders, and community advocates, such as [‘Ekolu Mea Nui](#) and the [American Civil Liberties Union Hawai‘i](#), is necessary from conception to implementation, during program evaluation, and reform.

While Papa Ola Lōkahi generally supports the intent of this bill, the current bill language does not ensure stakeholder input is collected or integrated, and it does not outline how accountability, oversight, and evaluation of the program are to be addressed. Including these elements will strengthen the bill so that the proposed program is Native Hawaiian both by design and implementation.

Mahalo piha for the opportunity to provide **comments** on **SB 2770 SD 1 HD 1**.

*Papa Ola Lōkahi, the Native Hawaiian Health Board, authorized by the federal Native Hawaiian Health Care Improvement Act, is charged with raising the health status of Native Hawaiians to the highest possible level, which we achieve through strategic partnerships, programs, and public policy.*

**Papa Ola Lōkahi**

is the Native Hawaiian Health Board established in 1988 to improve the health and well-being of Native Hawaiians.

**Board of Directors**

*Member Organizations*

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*Hui No Ke Ola Pono*

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*University of Hawai‘i*

*Hawai‘i State Department of Health*

*Nā Pu‘uwai*

*Office of Hawaiian Affairs*

**Executive Director**

*Sheri-Ann Daniels, EdD*

# 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 FINANCE

Representative Sylvia Luke, Chair

Representative Kyle Yamashita, Vice Chair

Thursday, March 31, 2022

2:30 PM

## **STRONG SUPPORT FOR SB 2770 - NATIVE HAWAIIAN REHABILITATION PGMS.**

Aloha Chair Luke, Vice Chair Yamashita 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 3,993 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor as of March 21, 2022<sup>1</sup>. We are always mindful that 1,110 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 appreciates the opportunity to share our 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, their communities, and to their ancestors. These programs, initiated by our people serving sentences abroad in Minnesota, have been amazing and transformative.

The over-representation of Kanaka Maoli in Hawai`i’s western criminal legal system is an embarrassment and an indictment of how we care for our people, especially the native people whose country the U.S. has occupied for more than 127 years.

Research from the University of Nebraska - Lincoln in 2017<sup>2</sup> provides important background:

*A positive cultural identity can provide an individual with a sense of belonging, purpose, social support & self-worth. This process may occur through an attachment to a cultural group whereby*

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<sup>1</sup> Department of Public Safety Weekly Population Report.

<https://dps.hawaii.gov/wp-content/uploads/2022/03/Pop-Reports-Weekly-2022-03-21.pdf>

<sup>2</sup>The impact of indigenous cultural identity and cultural engagement on violent offending, University of Nebraska – Lincoln, Faculty Publications, Department of Psychology, Stephanie M. Shepherd, Rosa Hazel Delgado, Juanita Sherwood, and Yin Paradie, 2017. <https://bmcpublichealth.biomedcentral.com/articles/10.1186/s12889-017-4603-2>

*belief systems, values, obligations and practices are shared and reinforced by in-group members. The potential health benefits of sustaining a strong cultural identity and/or participating in cultural activities have been documented in prior research with Indigenous and other non-white samples in Western settings. For example, possessing a strong cultural identity has been found to promote resilience, enhance self-esteem, engender pro-social coping styles and has served as a protective mechanism against mental health symptoms. Moreover, cultural identity may buffer discrimination-induced distress.*

*Sustaining a strong cultural identity is a key component of Social and Emotional Wellbeing, an Indigenous Australian framework of health. Here, an identity can be cultivated and maintained through participating in cultural events and developing a connection to family, community and traditional lands [16]. The strengthening of culture serves to build resilience and positive coping mechanisms facilitating life balance and protecting against adverse life experiences including 'the impact of history in trauma and loss'. This includes the fostering of effective responses to stigma, discrimination and the ongoing impacts of colonisation. Identifying and engaging in Indigenous cultures has been linked with enhanced self-assessed health, improved educational and employment outcomes, and greater life satisfaction.*

When our people were banished to prisons on the continent, they worked hard to keep their connections to home alive. We know many of the men who created the Hawaiian Religious and Spirituality 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, their communities, and their ancestors. The program has been successful because the focus is on culture and values.

There is some great testimony from Canada and Australia about culturally-specific programs to assist people. Here are a few links:

**THE IMPORTANCE OF CULTURAL PROGRAMMING FOR INCARCERATED INDIGENOUS CANADIANS**

<https://bibliothequer.com/social/the-importance-of-cultural-programs-for-indigenous-individuals-in-incarceration-in-canada/>

**INDIGENOUS SPECIFIC PROGRAMS - AUSTRALIA**

<https://csa.intersearch.com.au/brushfarmjspui/bitstream/10627/457/1/Indigenous-Specific-Programs.pdf>

**THE IMPACT OF INDIGENOUS CULTURAL IDENTITY AND CULTURAL ENGAGEMENT ON VIOLENT OFFENDING - AUSTRALIA**

<https://digitalcommons.unl.edu/cgi/viewcontent.cgi?article=1803&context=psychfacpub>

Native Hawaiian programs taught by competent practitioners would go a long way to addressing the overcriminalization and overrepresentation of Kanaka Maoli in Hawai'i's criminal legal system. We urge the committee to support this important strategy.

**SB-2770-HD-1**

Submitted on: 3/30/2022 1:21:48 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Linda Rich	Women?s Prison project	Support	Remotely Via Zoom

Comments:

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

HEARING DATE: Thursday March 31, 2022

TIME: 2:00 PM,

PLACE: Via Videoconference

CONFERENCE ROOM 308

STATE CAPITOL

Given that Native Hawaiian’s are disproportionately represented in the criminal justice system, and that Hawaiian values based and culturally aligned programs have been field tested and proven effective, Women’s Prison Project supports SB2770.SD1.HD1., which would establish and fund Native Hawaiian culturally based programming, developed by knowledgeable Hawaiian cultural practitioners, in Hawaii’s corrections system.

Rehabilitation programs grounded in and aligned with the customs, traditions, values and culture of Native Hawaiians are more effective and engage Native Hawaiian participants at a higher rate than do programs which are not. It has also been shown that these programs benefit non-Hawaiian persons, as well. Hawaiian values and practices foster respect, discipline, community. responsibility, and a sense of accomplishment.

We have a responsibility to all incarcerated Native Hawaiian men and women to implement a new paradigm to change the status quo by ensuring that culturally responsive rehabilitation programs are developed and implemented within Hawaii's prison system.

Linda Rich for Women's Prison Project



## Hawai'i

Committee: Committee on Finance  
Hearing Date/Time: Thursday, March 21, 2022 at 2:30pm  
Place: Conference Room 308 & Via Videoconference  
Re: Testimony of the ACLU of Hawai'i in support of **SB2770 SD1, HD1** Relating to Native Hawaiian Rehabilitation Programs with an Amendment

Dear Chair Luke, Vice Chair Yamashita and Committee Members:

The American Civil Liberties Union of Hawai'i ("ACLU of Hawai'i") supports **SB 2770 SD1, HD1** that would require the Department of Public Safety, in collaboration with the Office of Hawaiian Affairs, to create a Native Hawaiian rehabilitation program for incarcerated people that emphasizes Native Hawaiian values and cultural practices.

The ACLU of Hawai'i is committed to transforming Hawaii's criminal legal system and building a new vision of safety and justice. We advocate for the State to shift spending priorities away from mass criminalization and incarceration that disparately impacts Native Hawaiians, Pacific Islanders and Blacks, and low-income people, towards investments in education, housing, health care, human services and restorative justice in our communities.

Over the years, the Legislature has created multiple task forces and supported initiatives for the purpose of examining and improving the state's criminal legal system and reducing the carceral population. These include:

- Justice Reinvestment Initiative (2011)
- Native Hawaiian Justice Task Force (2012)
- H.C.R. 85 Task Force (2018)
- Criminal Pretrial Task Force (2018)
- The Hawaii Correctional Oversight Commission (2020)
- Criminal Justice Research Institute

Additionally, **numerous reports and literature have highlighted the racial bias and disparities that exists within Hawai'i's criminal legal system – and disparately targets Native Hawaiians.**

- *Crime and Justice Related to Hawaiians and Part-Hawaiians in the State of Hawai'i*, Dr. Gene Kassebaum, A Report Prepared for Alu Like, Inc., Study supported by a grant from the Department of Health and Human Services, Office of Human Development, Administration for Native Americans (April 1981)
- *Racial Tensions and Public Concern about Crime Control in Hawaii*, Dr. Gene Kassebaum, Department of Sociology, University of Hawaii at Manoa (1981)

- *The Colonial Carceral and Prison Politics in Hawai'i*, Dr. RaeDeen Keahiolalo Dissertation (2008)
- *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*, Office of Hawaiian Affairs, Justice Policy Institute, Georgetown Law, University of Hawaii at Manoa and Georgetown Law, 2010.
- *Understanding Women's Pathways into Crime and What Works to Improve Outcomes Among Women in the Criminal Justice System*, Criminal Justice Research Institute, Dr. Erin Harbinson and Aerielle Reynolds, MS. (2021-2022). **In 2019, Native Hawaiian women were 19% of the female general population in Hawai'i. However, they comprise 44% of the female incarcerated population in Hawai'i.**

While these Commissions and initiatives have issued a plethora of recommendations to reduce the jail and prison population, and eliminate racial disparities within our criminal legal system, these recommendations have been ignored, underfunded and rarely implemented.

**Instead of spending millions of taxpayer dollars on building new or expanding jails and prisons, let's invest in data driven strategies, and culturally based holistic programs and support services, to reduce our incarcerated population – especially the number of Native Hawaiians in our carceral system.**

This measure is a step towards implementing recommendations outlined in several Task Reports to transition away from a system of punishment to a system of restorative justice and healing, taking into account the nuanced history of Hawai'i and the disparate impact of the penal system on Native Hawaiians for over a century.

Please pass **SB 2770, SD1, HD1** and include an **amendment for OHA to have the discretion to utilize the appropriation and contract with cultural-based programs and practitioners**, including those programs and practitioners that have demonstrated experience working with people who are incarcerated and as they transition home. Mahalo for the opportunity to testify.

Sincerely,

*Carrie Ann Shirota*

Carrie Ann Shirota

Policy Director

ACLU of Hawai'i

[cshirota@acluhawaii.org](mailto:cshirota@acluhawaii.org)

*The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.*

American Civil Liberties Union of Hawai'i  
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[www.acluhawaii.org](http://www.acluhawaii.org)



**SB-2770-HD-1**

Submitted on: 3/28/2022 6:23:08 PM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Benton Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Luke, Vice Chair Yamashita, and members of the Committee on Finance,

I am in strong support of SB2770 SD1 HD1 and support the inclusion of the Office of Hawaiian Affairs.

Native Hawaiians are disproportionately represented in the criminal justice system. In 2019, the incarcerated population of Native Hawaiian women was 40%, and Native Hawaiian women in the general population was 21%.

Please pass SB2770 SD1 HD1. Mahalo.

Sincerely,

Benton Kealii Pang

**SB-2770-HD-1**

Submitted on: 3/30/2022 10:01:08 AM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Barbara Polk	Individual	Support	Written Testimony Only

Comments:

Please suport SB2770 to provide aproprate rehabilitation programs for native Hawaiians.

**SB-2770-HD-1**

Submitted on: 3/30/2022 10:38:18 AM

Testimony for FIN on 3/31/2022 2:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Wendy Gibson-Viviani	Individual	Support	Written Testimony Only

Comments:

TO: COMMITTEE ON FINANCE

FROM: Wendy Gibson-Viviani RN/BSN

RE: SB2770 (In Support)

Hearing: March 31, 2022 at 2:30 p.m.

Dear Chair Rep. Sylvia Luke, Vice-Chair Rep. Kyle T. Yamashita, and Members of the Committee,

I am Wendy Gibson-Viviani, a healthcare professional (RN) who has lived and worked in Hawaii for 29 years. I support SB2770 because (according to testimony submitted from the DHS):

- Studies have shown a positive association between having a strong cultural identity and feelings of self-worth, belonging or social connections, and purpose.
- We need to recognize the value of including cultural practices.
- We need to acknowledge the impacts and consequences of historical and intergenerational trauma—especially the consequences related to incarceration.
- Addressing historical and intergenerational trauma through informed cultural practices and frameworks should be a foundational part of rehabilitation programs during and after incarceration.

Thank you for your attention to this important matter. Please support SB2770.

Wendy Gibson-Viviani RN/BSN

Kailua



COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair

Rep. Kyle T. Yamashita, Vice Chair

Hearing: March 31, 2022

2:30 pm via Videoconference

**IN STRONG SUPPORT OF SB2770**

Aloha mai kākou Representatives,

My name is Alisha Kaluhiokalani. I am a student at the University of Hawaii at Mānoa currently enrolled in the Bachelor of Social Work Program. I am testifying in favor of SB2770. I encourage the Senate Committee on Finance to adopt this bill.

I believe one of the major social issues in the community and even in the country is the trauma that people have experienced, have not been able to address, and the behavior or results that follow. The State of Hawai‘i is scarred with historical trauma and colonization. Native Hawaiians have grown up witnessing the injustices done to their people to where their culture of farming, fishing, living off the land, spiritual practices, hula, and even speaking their mother tongue was deemed uncivilized. Being stripped of their land & natural resources, and abruptly thrown into modernization with no escape has brought about confusion and intergenerational trauma causing many to act, live, and deal with it through indulging in substance abuse, violence, and crime, even from a young age. Colonization has destroyed the identity of Native Hawaiians.

Some of the major effects of this oppression have brought about homelessness, poverty, health issues, substance abuse, and mass imprisonment. Currently, Native Hawaiians make up less than 25% of the general population, but more than 40% are part of the prison population and 44% of them are Native Hawaiian women. I share this with you because I have been among that population and have dealt with this type of trauma.

As a Native Hawaiian, recovering addict, and being a part of the prison system, it has been a journey of finding out who I am, what my strengths and weaknesses are, and how to make the right choices in life. While incarcerated, I was given the opportunity to take college courses and was even able to work in the education and recreation unit as a Hawaiian culture instructor sharing with the women and some of the mental health patients my knowledge on the culture including history, language, chant, hula, and values. Teaching and helping others became my passion. It also allowed me to practice my culture, reconnect, and heal.

I went to numerous treatment facilities in and out of prison for the past 18 years. It took me to go back to prison to find myself and get grounded. I completed substance abuse treatment, life skills training, self-development classes, college courses, worked a job I enjoyed doing, exercised, but what made me feel whole was practicing my culture.

A couple years after my release, I decided to go back to college and continue the academic path I started on inside of prison. I attended Windward Community College, pursuing an AA in Hawaiian Studies/Liberal Arts and graduated with honors, maintaining a 4.0 GPA. I also became a student employee there as a Peer Tutor for ‘Ōlelo Hawai‘i 101/102, a former Pu‘uhonua Program Assistant helping the women at the Women's Community Correctional Center with academic advising and am currently pursuing a bachelor's in Social Work at UH Mānoa.

The loss of land, language, and culture has resulted in significant intergenerational, historical, and political trauma for Native Hawaiians. Individuals suffer poor economic, physiological, cultural, and educational consequences, which frequently shows itself in criminal behavior. Any endeavor to lessen the number of Native Hawaiians who come into touch with the criminal justice system must involve a multifaceted strategy to dealing with this trauma.

There are 2 ways to look at treatment when it comes to rehabilitating a Native Hawaiian. Yes, we do live in a Western world and that approach may be beneficial, but when it comes to Kānaka Maoli, their worldview is different, the Western approach alone isn't enough. I personally understand this concept. To feel complete, you must heal the mind and mend the heart. Think about it this way, Western medicine, or treatment deals with head knowledge by changing the way you think, focusing on cognitive development. Whereas Hawaiian medicine or practices deals with the heart or in a deeper sense, is felt within the na'au (gut). Our na'au is often known as our sixth sense in which Kānaka Maoli are born with, it is the center of our instincts and feelings. Have you ever heard of the saying, "trust your gut?" Yes, same concept. It is that feeling that will guide a Native Hawaiian to do what is pono (right). To strengthen your na'au would be to heal from the hurt that has been done. This is why implementing Native Hawaiian practices into rehabilitation programs or facilities is vital for reformation and healing.

The combination of Western and Hawaiian approaches to rehabilitation I feel is prevalent especially since we live in a modern world. However, we must take heed that it is of utmost importance that we do not deny a Kānaka Maoli the right to practice their culture. Which is why I reiterate: No ka piha pono, pono 'oe e ho'ōla i ka no'ono'o a ho'oponopono i ka na'au -To feel complete, you must heal the mind and mend the heart-

In closing, due to the experiences, challenges, and triumphs I have gone through, it taught me how important it is to give back and is the guiding force of why I chose this path. I know as a social worker, it is my responsibility and aim to positively encourage, empower, and enhance the well-being of my clients. I intend to share my experience, strength, hope, and aloha with everyone in hopes to be a beacon of hope and inspiration to 'onipa'a (be steadfast) and never give up. My story is what ignites my passion and willingness to kōkua (help) my lāhui (people). Therefore, I highly encourage Senate Bill 2770 to be passed because it will create a stronger foundation in the Hawai'i correctional facility programs. Senate Bill 2770 will effectively expand the current systems for my fellow lāhui, Kānaka Maoli to live and conduct their lives accordingly in society.

Comments:

Having been following this bill since it was first introduced, there are a few discrepancies of concern and need to be addressed. The date has been changed to come into effect from July 2022 to July 2030. Then revised much much later, which is farfetched and totally unrealistic, to now July 3000. This is absurd! The rehabilitation programs are needed now. Look at the stats as I mentioned earlier, 44% of Native Hawaiian women are currently being incarcerated. Punitive measures is not allowing one to heal their mind and heart and fully assist them in the rehabilitation, integration, and transition process. Please reconsider moving the date to serve ASAP! Mahlo!

Alisha Kaluhiokalani  
Student at the University of Hawai'i at Mānoa  
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