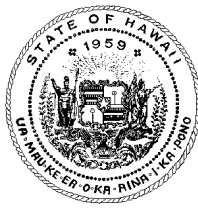


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
919 Ala Moana Boulevard, 4th Floor
Honolulu, Hawaii 96814

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 CONCURRENT RESOLUTION 25, SENATE DRAFT 1
REQUESTING THE DEPARTMENT OF PUBLIC TO ALLOW FAITH PODS
BASED ON KAPU ALOHA TO BE ESTABLISHED WITHIN EACH
CORRECTIONAL CENTER.

by
Max N. Otani, Director

House Committee on Judiciary & Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Representative Scot Z. Matayoshi, Vice Chair

Wednesday, April 14, 2021; 2:00 p.m.
State Capitol, Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The Department of Public Safety (PSD) supports Senate Concurrent Resolution (SCR) 25, Senate Draft (SD) 1, which requests PSD to allow faith pods based on Kapu Aloha to be established within each correctional center. The Department agrees with the value of this suggestion and has already begun the review process to determine if PSD may be allowed to establish faith pods in our facilities, and if so, what the process would entail, including consideration of the space requirements, funding needs, appropriate staffing levels, etc.

Thank you for the opportunity to provide testimony on this measure.

SCR-25-SD-1

Submitted on: 4/13/2021 8:26:51 AM

Testimony for JHA on 4/14/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jim Albertini	Malu 'Aina	Support	No

Comments:

Aloha Legislators,

Our organization, Malu Aina, is in strong support of SCR 25.

Given the disproportionate number of Native Hawaiians in prison, we ask your support to establish Faith Pods based on Kapu Aloha in Hawaii Correctional institutions. We believe Faith Pods are a positive step that is in everyone's best interest: pa'ahao, their families, our community, and the Dept. of Public Safety. And Faith Pods can be established at little or no cost. Faith Pods based on Kapu Aloha will provide a Safe Place away from gangs for Hawaiian cultural practice. It's an important first step toward the establishment of Pu'uhonua as places of healing as an alternative to prison.

Mahalo for your support.

Jim Albertini for Malu Aina

SCR-25-SD-1

Submitted on: 4/13/2021 11:02:08 AM

Testimony for JHA on 4/14/2021 2:00:00 PM

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

Comments:

Dear Representative Mark Nakashima and Representative Scott Matayoshi, Chair and Vice-Chair of the House Judiciary and Hawaiian Affairs committee:

Aloha from Hilo, Hawai`i!

On behalf of Ohana Ho`opakele, we want to urge you to pass SCR25, a resolution "Requesting the Department of Public Safety to allow Faith Pods based on Kapu Aloha to be established within each Correctional Center."

Ohana Ho`opakele had a cordial Zoom meeting with Mr. Edmund Fred Hyun on November 14, 2020 when he was the then Acting Director of the Department of Public Safety. In a follow-up email we broached the subject of establishing Faith Pods in Hawaii. He responded positively emphasizing that this is not only a good idea but would not cost much. Since then, we have corresponded by email with Mr. Max Otani. He also supported looking into the possibility of starting Faith Pods in Hawaii and mentioned that Ms. Shari Kimoto has been assigned to look into this. We asked whether a resolution, like one introduced last legislative session by Representative Roy Takumi and Senator Maile Shimabukuro should be introduced again. He said it would be good to have all parties on board.

We ask your committee to pass this resolution. Faith Pods have been initiated in North America where our Hawaiian pa`ahao have experienced as safe spaces to learn about their Hawaiian identify. Representative Ohno co-introduced the same resolution in the House together with Representative Takumi. We are grateful to Senator Maile Shimabukuro for re-introducing this resolution in the Senate together with Senators Chang, Gabbard and San Buenaventura.

Mr. Max Otani has submitted written testimony each time supporting this resolution.

Mr. Kaleihau Kamauu first started the Makahiki program in November 2003 while in Diamondback Correctional Facility in Watonga, OK. He is now the Vice-President of Ohana Ho`opakele which meets weekly on Saturdays to promote Pu`uhonua as an alternative to prison.

We would appreciate your passing this resolution!

Mahalo for the opportunity to testify!

SCR-25-SD-1

Submitted on: 4/12/2021 1:36:12 PM

Testimony for JHA on 4/14/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl B.	Individual	Support	No

Comments:

Support

Strongly support.

SCR-25-SD-1

Submitted on: 4/13/2021 10:56:07 AM

Testimony for JHA on 4/14/2021 2:00:00 PM

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

Comments:

Support

TESTIMONY ON SCR25 RESOLUTION ON FAITH PODS BASED ON KAPU ALOHA=
BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

April 14, 2021
Time: 2:00PM
Virtual

Aloha Chair Nakashima, Vice-Chairs Matayashi and members of the House Committee on Judiciary & Hawaiian Affairs, **my name is Lilinoe Kauahikaua, I am a Masters of Social Work Candidate at the University of Hawai'i at Mānoa, as well as an Intern with 'Ekolu Mea Nui, and I am here today to support the SCR 25 Resolution on Faith Pods Based on Kapu Aloha.**

There are disproportionate numbers of Native Hawaiians incarcerated. A statistic that has unfortunately been sustained over decades. OHA found that compared to other racial or ethnic groups, Hawaiians are more likely to be: a) given a prison sentence; b) given longer prison sentences; c) be sentenced to longer probation terms; and d) commit an act of recidivism. Furthermore, Hawaiians have the highest rate of those incarcerated in out-of-state facilities. In 2010, Native Hawaiians made up only 10% of the population. Yet they made up 39% of those incarcerated in the State. Since 1977, the amount of people incarcerated in Hawai'i has increased by more than 700%. This disproportionate rate of incarceration among Native Hawaiians has had devastating impacts on Native families, leading to increased poverty, at risk youth, and family separation.

Many of the existing programs within facilities favor more western oriented, clinical therapies targeting short term solutions to behavioral problems that do not necessarily resonate with Indigenous peoples and the cultural perceptions of self among Indigenous communities. For our Native populations, many of these behaviors have manifested through intergenerational generational trauma through the impacts of colonization. The disconnection, oppression and criminalization of the Native identity have seriously impacted the health and wellbeing of the Native Hawaiian community.

Our pa'ahao are often struggling to reassert a positive ethnic identity after centuries of colonization. Such belief systems and community connections can be the very things that sustain people through periods of pain and struggle. Native Hawaiian health is intimately bound up with Native Hawaiian identity.

Therefore it is incredibly important that we support the promotion and connection of a strong and positive cultural identity for Native Hawaiians, especially those experiencing incarceration. Positive cultural connections can lead to long-term paradigm shifts and an increase in self-worth which lead to lower recidivism rates. Please support SCR25

Lilinoe Kauahikaua

MSW Candidate, Intern 'Ekolu Mea Nui, Lkauahik@hawaii.edu

SCR-25-SD-1

Submitted on: 4/13/2021 9:17:35 PM

Testimony for JHA on 4/14/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana Keawe	Individual	Support	No

Comments:

I support scr25

SCR-25-SD-1

Submitted on: 4/13/2021 11:52:38 PM

Testimony for JHA on 4/14/2021 2:00:00 PM

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

Comments:

Aloha Chair Nakashima, Vice Chair Matayoshi and Committee Members:

I am writing in support of SCR 25 SD1. This measure requests that the Department of Public Safety be allowed to create a "Faith Pod" based on Kapu Aloha to be established within each correctional center.

As a guiding principle, this Legislative body should strongly consider and incorporate evidence based criminal justice strategies into public policies. Best practices dictate that we concentrate our efforts on sentencing reform, diversion, cash bail elimination and decarceration. Yet, 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.

Creating faith pods based on the guiding principle of "Kapu Aloha" would contribute to individual's personal growth within a historical and contemporary cultural context, and provide additional "tools" to enhance successful reentry when returning home.

As the former Director of Maui Economic Opportunity's Reintegration Program on Maui, I have witnessed firsthand the efficacy and transformational power of providing cultural education, services and training opportunities. We offered cultural classes such as hula, and connected with cultural practitioners throughout Maui as part of our Family Reunification Program where we were able to malama cultural sites, engage in koa forest restoration, restore fish ponds and plant kalo. Through our Reading Circle, men and women at Maui Community Correctional Center read Hawaii's Story for Hawaii's Queen. Inspired by the Queen's story, our participants wrote monologues that turned into a play performed at the historic 'Iao Theatre, and at the Kaanapali Ritz Hotel. Participants were empowered and inspired to learn more about cultural practices (both Native Hawaiians and other participants who consider Hawai'i home), and gained a greater sense of self-worth and purpose. They saw these collective activities as opportunities to do good and give back to their 'ohana and communities. In effect, this is Restorative Justice in action!

In addition, the Native Hawaiian Justice Task Force Report and the HCR 85 Task Force on Prison Reform recommended culturally based programming opportunities to

address the stark racial disparities that currently exist within Hawaii's criminal legal system. Offering cultural training and education within "faith pods" is consistent with the Task Force recommendations, and has the strong potential to reduce recidivism, when coupled with other rehabilitation opportunities and reentry support services.

It's encouraging to hear that Director Max Otani from the Department of Public Safety supports this measure. I believe that Director Otani is committed to collaborating with the community and recognizes that this is an opportunity to bring this program into existence in alignment with the Task Force recommendations and the support of our community.

Finally, I wish to address prior submitted testimony by Mr. Alan Urasaki raising concerns about a potential First Amendment violation. I believe that concern can be addressed in three ways:

- 1) Reconsidering the name of "faith pod" and instead renaming it "cultural programming" or "cultural education;" or "cultural pod or academy;"
- 2) Ensure that the program/pod is open to persons of all faiths provided they are willing to adhere to fulfill the program requirements; and
- 3) Participation is voluntary rather than mandatory.

Reframing the program/pod as cultural education or training is more analogous to Hawaiian Immersion schools or charter schools that include the Hawaiian language and/or culture.

Mahalo for the opportunity to submit testimony in support of this measure. Please pass SCR25 SD1.

Carrie Ann Shirota, Esq.

Honolulu, Hawaii