WHEREAS, from 1977 to 2015, the State's incarcerated population increased 1,357 percent, from three hundred ninety-eight prisoners in 1977 to roughly five thousand eight hundred in December 2015; and

WHEREAS, during the same period, the State's incarceration rate increased eight hundred forty-two percent, from forty-three per one hundred thousand persons to four hundred five per one hundred thousand persons; and

WHEREAS, numerous studies confirm that criminal justice policies are the main drivers of mass criminalization and incarceration, and that reductions in the correctional population may be achieved through changes in criminal justice policies; and

WHEREAS, as a result of this stark increase in the incarcerated population, the State's correctional facilities are overcrowded beyond capacity; and

WHEREAS, as of July 2015, Hawai'i has approximately one thousand three hundred incarcerated persons incarcerated at private, for-profit prisons on the American continent; and

WHEREAS, the State's incarcerated population also included one thousand five hundred persons on parole supervision as of 2016 and twenty-one thousand persons on probation supervision as of 2015; and

WHEREAS, Hawai'i spends an average of $50,000 annually to incarcerate a person; and
WHEREAS, the average recidivism rate, defined as any new arrest or the revocation of probation or parole within three years from the start of supervision, was over fifty percent in 2015; and

WHEREAS, Hawai'i continues to push for correctional facility construction instead of establishing comprehensive criminal justice reform to solve overcrowding in correctional facilities; and

WHEREAS, Hawai'i has allocated $5,000,000 for plans to build a new correctional facility to replace O'ahu Community Correctional Center; and

WHEREAS, any newly proposed correctional facility is likely to disproportionately incarcerate Kanaka Maoli, or Native Hawaiians; therefore, this body finds that construction of any new correctional facility should consider and incorporate comprehensive criminal justice reform; and

WHEREAS, incarceration affects not only an individual, but tears families apart, leaves children without parents, and dismantles whole communities; and

WHEREAS, works such as A Genealogy of Punishment in Hawai'i: The Public Hanging of Chief Kamanawa II; traces the historical root of criminalization and punishment of Native Hawaiians in Hawai'i through the public hanging of Chief Kamanawa II, the grandfather of King Kalākaua and Queen Lili'uokalani, to modern day times; and

WHEREAS, studies such as the "Study of Native Hawaiian in the Criminal Justice System" (Alu Like, 1977), "Crime and Justice Related to Hawaiians and Part Hawaiians in the State of Hawaii" (Alu Like, 1981), and "Criminal Justice and Hawaiians in the 1990's: Ethnic Differences in Imprisonment Rates in the State of Hawai'i" (Alu Like, 1994), have independently concluded that Native Hawaiians are over-represented in the criminal justice system; and
WHEREAS, House Concurrent Resolution No. 27, H.D. 1, Regular Session of 2009 (HCR 27), requested the Office of Hawaiian Affairs to contract for a study to examine the disparate treatment of Native Hawaiians in the State's criminal justice system; and

WHEREAS, pursuant to HCR 27, on September 28, 2010, the Office of Hawaiian Affairs released a report entitled "The Disparate Treatment of Native Hawaiians in the Criminal Justice System" (Disparate Treatment report); and

WHEREAS, the Disparate Treatment report shows that the disproportionate impact of the criminal justice system on Native Hawaiians is represented by the fact that while Native Hawaiians make up twenty-four percent of the general population of Hawai‘i, Native Hawaiians make up twenty-seven percent of all arrests, thirty-three percent of people in pretrial detention, twenty-nine percent of people sentenced to probation, thirty-six percent of people were admitted to prison in 2009, thirty-nine percent of the incarcerated population, thirty-nine percent of releases on parole, and forty-one percent of parole revocations; and

WHEREAS, in her doctoral dissertation entitled The Colonial Carceral and Prison Politics in Hawai‘i, Dr. RaeDeen Keahiolalo-Karasuda asserts that the firsthand accounts of prisoners, families, advocates, and prison industrial complex professionals suggest that Native Hawaiians actually represent more than sixty percent of imprisoned people in the State; and

WHEREAS, the Disparate Treatment report recommended the formation of administrative or governmental resolutions to address the problem, which led to the passage of Act 170, Session Laws of Hawaii 2011, and the statutory creation of the Native Hawaiian Justice Task Force; and

WHEREAS, the Native Hawaiian Justice Task Force released a report in 2012 that included forty-eight findings and thirty-eight recommendations to address the disproportionate representation of Native Hawaiians in the criminal justice system; and
WHEREAS, the Native Hawaiian Justice Task Force recommendations have not been fully implemented to date, and Native Hawaiians continue to be overrepresented in the criminal justice system; and

WHEREAS, under Act 117, Session Laws of Hawaii 2012 (Act 117), the Department of Public Safety, in cooperation with Ohana Ho'opakele and other restorative justice groups, was directed to plan for the creation of a pu'uhonua, or a wellness center, on lands owned or controlled by the State; and

WHEREAS, the Pu'uhonua Summit held in November 2012 in furtherance of Act 117 resulted in the following recommendations:

(1) Divert non-violent offenders from the current system and fund the creation of pu'uhonua on every island;

(2) Establish a pu'uhonua on every island;

(3) Preference for Native Hawaiians or those who have Hawaiian or part-Hawaiian dependents;

(4) Pilot projects that should be considered:
   (A) Kulani Correctional Facility;
   (B) Ho'omau Ke Ola;
   (C) Women's Community Correctional Center; and
   (D) Other programs identified by their island's communities; and

(5) Develop a plan for the return of Native Hawaiian pa'ahao to the Hawaiians. Adequately fund the pu'uhonua. The State should designate land, not ceded land, and water for the pu'uhonua; and
WHEREAS, many states have independently pursued criminal justice reform policies resulting in significant reductions in their correctional population and crime rates; and

WHEREAS, from 2006 to 2012, California, under federal oversight, reduced its incarcerated population from 173,942 to 134,211, a decrease of 39,731 persons, while simultaneously decreasing its violent crime rate by twenty-one percent and property crime rate by thirteen percent; and

WHEREAS, from 1999 to 2012, New York reduced its prison population from 72,896 to 54,268, a decrease of 18,628 persons, while simultaneously decreasing its violent crime rate by thirty-one percent and property crime rate by twenty-nine percent; and

WHEREAS, from 1999 to 2012, New Jersey reduced its prison population from 31,493 to 23,225, a decrease of 8,268 persons, while simultaneously decreasing its violent crime rate by thirty percent and property crime rate by thirty-one percent; and

WHEREAS, the Council of State Governments Justice Center (Justice Center) is a national nonprofit organization that serves policymakers at the local, state, and federal levels from all branches of government in order to increase public safety and strengthen communities; and

WHEREAS, the Justice Center developed the Justice Reinvestment project to address increases in state spending on correctional facilities while recidivism rates continue to remain high; and

WHEREAS, the Justice Center helps state policymakers in jurisdictions where elected leaders demonstrate bipartisan, inter-branch interest in participating in the Justice Reinvestment project, a willingness to provide access to data, and a financial commitment to support the costs associated with technical assistance; and

WHEREAS, Justice Reinvestment project staff members, with the help of expert consultants, work closely with state policymakers to advance fiscally-sound, data-driven criminal
justice policies to break the cycle of recidivism, avert prison
expenditures, and make communities safer; and

WHEREAS, twenty-seven states have worked with the Justice
Center to develop state-specific, data-driven policies that save
taxpayer dollars and direct some of those savings to strategies
that can decrease crime and strengthen neighborhoods; and

WHEREAS, many states working with the Justice Center have
averted anticipated prison growth and reinvested the savings to
expand the capacity of substance abuse, mental health treatment,
and diversion programs; and

WHEREAS, in June 2011, former Governor Neil Abercrombie,
Chief Justice Mark E. Recktenwald, and legislative leaders
requested technical assistance from the Justice Center to employ
a data-driven justice reinvestment approach to improve public
safety, reduce corrections spending, and reinvest savings in
strategies that can decrease crime and reduce recidivism in
Hawai‘i; and

WHEREAS, from June 2011 to January 2012, the Justice Center
staff conducted extensive data analyses of the State's criminal
justice system to identify criminal justice population and cost-
drivers in the State; and

WHEREAS, the Justice Center proposed policy options to the
Hawai‘i State Legislature that were projected to help reduce the
State's inmate population by more than nine hundred inmates by
the end of fiscal year 2016 and by one thousand ten inmates by
fiscal year 2018; and

WHEREAS, the Justice Center estimated that the
recommendations, if fully adopted, would lead to savings of more
than $150,000,000 by the end of fiscal year 2018 and allow the
State to reinvest $42,000,000 into strategies that promote
rehabilitation and reduce recidivism; and

WHEREAS, Hawai‘i has yet to fully implement recommendations
from the Native Hawaiian Justice Task Force, Pu‘uhonua Summit,
and Justice Center; and
WHEREAS, Native Hawaiians continue to be overrepresented at every stage of the criminal justice system in Hawai‘i; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-ninth Legislature of the State of Hawaii, Regular Session of 2018, that this body urges the full implementation of the recommendations of the Native Hawaiian Task Force, and Pu‘uhonua Summit, and Council of State Governments Justice Center as a comprehensive criminal justice reform to reduce the incarcerated population, including the Native Hawaiian population, by twenty-five percent by 2023, with technical assistance from the Justice Center or national and local criminal justice reform experts; and

BE IT FURTHER RESOLVED that the reduction of spending on corrections spending be directed to strengthening Native Hawaiian communities; and

BE IT FURTHER RESOLVED that the Department of Public Safety is requested to take into consideration the comprehensive criminal justice reform when building the new correctional facility to replace the O‘ahu Community Correctional Center; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Governor, Director of Public Safety, Deputy-Director for Corrections, Chief Justice of the Hawaii Supreme Court, Attorney General, Mayors of each county, and Chief of Police of each county.

OFFERED BY: