



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

NATIVE HAWAIIAN JUSTICE TASK FORCE

DATE: November 4, 2012

TIME: 9:00 a.m. – 5:00 p.m.

PLACE: OHA Boardroom
Office of Hawaiian Affairs
711 Kapiolani Blvd., Suite 500
Honolulu, Hawaii 96813

MINUTES

I. Call to order

Attending:

- Michael F. Broderick, Chair (President, CEO YMCA of Honolulu) (Public member)
- Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu
- Jack Tonaki, Public Defender
- Honorable Richard K. Perkins, 1st Circuit Court Judge
- Martha Torney, Deputy Director of Administration, Public Safety
- Paul Perrone, Chief of Research & Statistics, Department of the Attorney General
- RaeDeen Karasuda, Ph.D., Criminologist member selected by the Governor. Her work here is not representative or associated with her position at Kamehameha Schools Bishop Estate
- Cheryl Marlow, Adult Client Services Branch Administrator
- Dr. Kamana`opono Crabbe, Ka Pouhana, OHA

Sonny Ganaden, Contracted Writer
Jeff Kent, OHA, Public Policy Advocate III

Public:
Kat Brady
Bob Merce

II. Approval of Minutes

The minutes from 10/09/12, 10/22/12 and 10/23/12 were approved.
Tricia Nakamatsu indicated that in the minutes from 10/09/12 Writers Finding B6 regarding bias should be changed from abstain to a no vote.

III. Findings

[Note on voting:

- *If the TF did not find consensus on a finding the issue was put to a vote.*
- *Any position taken by Paul Perrone as designee for the Attorney General is provisional based on approval from the Attorney General.]*

A. Draft Findings

F2:

Restorative justice practices, such as sentencing circles, mediation, and community justice, are an option for certain defendants. Further discussion of restorative justice practices will take more time and resources, and although valid and appropriate for future application, cannot be accomplished in the short time that the Native Hawaiian Justice Task Force has been given to prepare recommendations.

Comment:

The Task Force discussed the finding and decided to make it more concise.

Voting:

There was one abstention from:

Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu as representative from the department of the prosecuting attorney for the city and county of Honolulu.

Approved amended finding **F2:**

Restorative justice practices, such as sentencing circles, mediation, and community justice, are an option for certain defendants.

F3:

Criminality will decrease if communities are broadly improved.

Comment:

The Task Force changed the finding to be more specific.

Approved amended finding **F3:**

Incarceration and recidivism among the Native Hawaiian population will likely decrease as various contributing factors such as poverty, unemployment, healthcare, housing and education are improved.

F4:

Restorative justice practices, such as sentencing circles, are an option for certain defendants. Any recommendation regarding an increase in court-sanctioned programs must be cognizant of state and county resources.

Comment:

The Task Force decided to eliminate the first sentence of the proposed finding and generally incorporate the remainder as part of the executive summary and overall introduction to the report.

G:

Lack of Services for Native Hawaiians Who Come Into Contact with the Criminal Justice System

Comment:

The TF adopted the heading.

G1:

Comprehensive, culturally-based programs for Hawaiians and non-Hawaiians who have contact with the criminal justice system are under-valued and under-funded.

Comment:

The TF discussed the challenge of communicating effectiveness between Western and Native Hawaiian programs.

Approved amended finding:

Culturally based programs are effective and need to be expanded.

G2:

Diversion programs for youth lack resources. (cite Umemoto, K & Lee, W.)

Comment:

The TF discussed the work done in the juvenile justice arena and decided to remove this finding and let that study speak for itself.

G3:

Services for those with mental health conditions, regardless of race, continue to be undervalued and under-funded. Inadequate treatment of individuals with mental health conditions is pervasive, and is a tenet of the Hawaiian inmate population.

Comment:

The TF discussed and came up with revised language.

Approved amended finding to be renumbered as **G2:**

Mental health services, such as psychopharmacological medication, counseling, and case management for those with mental health conditions are inadequate and are an important component for the rehabilitation for Native Hawaiians.

G4:

There is a lack of an inventory of culturally-based programs and service providers for Hawaiians who come in contact with the criminal justice system.

Comment:

The TF discussed the need for a comprehensive inventory.

Approved amended finding to be numbered as **G3:**

There is no comprehensive directory of culturally-based programs, indigenous models, and service providers for Native Hawaiians that come into contact with the criminal justice system.

New Finding:

Comment:

The TF discussed the role of intake and pre-trial detainees.

Approved amended finding to be numbered as **G4:**

Pre-trial detainees have limited access to community-based programs. This lack of access leads to pre-trial detainees remaining incarcerated.

G5:

There is a further lack of clear guidelines within the service provider community as to what is expected of them. Any prospective program must have, at minimum, clear procedures which include: pre and post program evaluations, data tracking, follow up with the community effected, and follow up with the community at large. It is within the purview of the Attorney General's Office and the Federal Government to determine the appropriate standards for service providers.

Comment:

The TF discussed the proposed finding and declined to adopt it.

G6:

Culturally-based comprehensive services are an alternative to incarceration for appropriate defendants. An inventory of culturally-based comprehensive services is necessary. The certification process for culturally-based comprehensive services must be discussed further. Processes of evaluation, qualification, and success rate should be part of that discussion.

Comment:

The TF discussed the proposed finding and declined to adopt it.

G7:

There are transitional programs that have had problems with zoning regulations. In order to effectuate services, these programs must be supported by state counties with appropriate zoning.

Comment:

The TF discussed and added “residential” before “transitional” to be more specific.

Approved amended finding to be numbered **G5:**

There are residential transition programs that have had problems with zoning regulations. In order to effectuate services, these programs must be supported by state and counties with appropriate zoning.

G8:

There are successful programs being effectuated at various levels on neighbor islands. This task force has attempted to connect these practices with its future work. Future programs aimed at native Hawaiians should emphasize the successes of these programs, and look to expanding work on neighbor islands.

Comment: The TF discussed and wanted to add illustrative examples.

Approved amended finding to be numbered **G6:**

Neighbor island programs such as: MEO BEST, Wailuku Neighborhood Place on Mau‘i; POHAKU on Kauai; Ka Hui o Mo‘o Momi on Moloka‘i; and others are effective models, and should be expanded upon.

Writer’s Proposed Finding G1:

The Office of Hawaiian Affairs, in conjunction with the Department of Public Safety, has begun discussing appropriate models to utilize the work of service providers, streamline the Federal Government and the State of Hawaii’s compliance requirements for service providers, and integrate the work of a variety of service providers.

Comment:

The TF discussed and switched OHA and PSD to track Act 117 of 2012.

Approved amended finding to be renumbered as **G7:**

The Department of Public Safety, in conjunction with the Office of Hawaiian Affairs, is working on expanding appropriate models to utilize the work of culturally based service providers, such as the pu’uhonua model.

H:

Continuing State Efforts to Ameliorate the Over Representation of Native Hawaiians in the Criminal Justice System

Comment:

The TF approved the heading.

H1:

Equity in the criminal justice system will require a sustained, continued cooperation amongst state agencies and private organizations, past the work of the Native Hawaiian Justice Task Force. The Interagency Council on Intermediate Sanctions (ICIS) provides a compatible model to format such work when the Native Hawaiian Justice Task Force statutorily dissolves in August, 2013.

Comment:

The TF discussed the need for continued efforts along the lines of what the TF has been working on. At issue was the term “equity” and what it could imply. The TF decided to revisit their unconscious bias finding, **B6**, and amend it as along with **H1**. For **B6** the TF added the term “disparate treatment” to the first sentence:

Approved amended finding **B8:**

Implicit unconscious bias and disparate treatment on the part of workers at all stages of the criminal justice system may represent a portion of the disparate representation of Native Hawaiians in the criminal justice system.

Approved amended finding **H1:**

Effecting change in the criminal justice system will require sustained, continued cooperation among state agencies and private organizations, past the work of the Native Hawaiian Justice Task Force.

H2 and H3

Comment:

The TF decided these findings were more appropriate as recommendations and deferred discussion until later in the meeting.

B. New Findings

The task force opened up their discussion to cover any findings that were missed in previous discussions.

New Finding 1:

The TF discussed creating a finding based on their discussions on data and research.

Approved new finding to be numbered as **A4:**

While the disproportionate representation of Native Hawaiians in the criminal justice system has been clearly established, further study, including additional control variables, would provide a richer understanding of why Native Hawaiians are disproportionately represented.

New Finding 2:

The TF discussed creating a finding based on the demand for greater religious and cultural sensitivity in private facilities.

Approved amended finding to be numbered **D10:**

The state, and particularly PSD, is able to modify and/or renegotiate its contract with non-state facilities regarding Native Hawaiian religious and cultural practices. Concern was expressed regarding classification of offenders and placement in special holding.

New Finding 3:

The TF discussed creating a finding based on historical and political trauma, the multiple impacts it has had, and the need for a multi-pronged approach.

Approved amended finding to be numbered **B3:**

Native Hawaiians have suffered from severe intergenerational historical and political trauma from the loss of land, language and culture. This trauma has negative psychological, economic, health, cultural, and education impacts, and often manifests itself in criminal activity. Any effort to reduce the number of Native Hawaiians who come in contact with the criminal justice system must include a multi-pronged approach to addressing this historical and political trauma.

New Finding 3:

The TF discussed the role of the criminal justice system in subjugating Native Hawaiians.

Approved amended finding to be numbered **B4**:

There's a strong belief in the Native Hawaiian community that, historically, the criminal justice system has been used as a political tool to subjugate Native Hawaiians.

New Finding 4:

The TF discussed the need for a finding that covered the role of Public Safety and mental health services.

Approved amended finding to be numbered as determined by the writer:

While progress has been made, PSD must continue to bring mental health services in all state correctional facilities to constitutionally required levels.

New Finding 5:

The TF discussed how there was a clear demand from the community for greater service from the Office of the Public Defender.

Approved amended finding to be numbered **B10**.

Many members of the public testified that the Office of the Public Defender is inadequately funded.

IV. Draft Recommendations

The first recommendation in each section was a “no action” recommendation. Task Force declined taking any “no action” recommendations.

[Therefore the first recommendation in each section has been deleted and sections start on the second draft recommendation.]

The Task Force reviewed section B before section A because part A was not ready at the meeting until later on. The minutes present the recommendations in alphabetical order for ease of reading.]

A: Data Regarding Native Hawaiians in the Criminal Justice System

Comment:

The TF adopted the heading.

A1:

Comment:

The TF discussed adopting a recommendation on integration of data collection between various agencies that are part of the criminal justice system. The TF approved splitting their A3 finding into a recommendation.

Approved amended finding A3:

Data collection will better inform future policy decisions regarding the disproportionate number of Native Hawaiians in the criminal justice system.

Approved recommendation A1:

The State of Hawai'i needs to identify what data is to be collected at different points within the criminal justice system, improve data integration, and improve data infrastructure amongst state agencies.

A2:

Comment:

The TF discussed adopting a recommendation that would look at the need for further research on Native Hawaiians in the criminal justice system.

Approved recommendation A2:

In order to provide a richer understanding of why Native Hawaiians are disproportionately represented in the criminal justice system, the legislature should provide sufficient resources to the Department of the Attorney General for a study that includes additional control variables.

B. The Disparate Representation of Native Hawaiians in the Criminal Justice System

Comment:

The TF adopted the heading.

B2:

Justice Reinvestment Initiative. Reintroduce the proposed legislation from the Justice Reinvestment Initiative. As Native Hawaiians are over-represented in the criminal justice system, the Native Hawaiian community will be disproportionately affected by any action to reduce inmates or fix problems within the criminal justice system.

Comment:

The TF adopted the recommendation, to be numbered as **B1**.

Voting went as follows:

8 voted in favor.

1 against

- Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu as representative from the department of the prosecuting attorney for the city and county of Honolulu.

Approved amended recommendation B1:

Reintroduce the proposed legislation from the Justice Reinvestment Initiative. As Native Hawaiians are over-represented in the criminal justice system, the Native Hawaiian community will be disproportionately affected by any action to reduce inmates or fix problems within the criminal justice system.

[cite the actual laws that didn't pass, start with Act 139, and Act 140 of 2012. Sonny to rewrite and cite what didn't pass from JRI]

B3:

Application of "Pu'uhonua project." From November 2, 3, 2012 summit.

Comment:

The TF declined the recommendation.

B4:

Community-based program inventory and compliance. The Office of the Attorney General shall create and maintain an inventory of service providers. The Office of the Attorney General shall produce a streamlined compliance process for service providers that interact with at-risk youth, inmates, former inmates, and the mentally ill. Office of the Attorney General shall direct funds to the administration of this office for service providers. Requirements for service providers to be accessible through this new office.

Comment:

The TF discussed the recommendation and suggested changes.

Approved amended recommendation to be numbered **B2:**

The State of Hawai 'i, including the executive and judicial branches. shall create and maintain an inventory of service providers, including, but not limited to, culturally based service providers that interact with inmates and former inmates. Such services may include services that address mental health, substance abuse, workforce development, and housing.

B5:

Bias training. Training regarding implicit, unconscious bias is to be mandatory and ongoing for all employees who have contact with individuals in the criminal justice system.

Comment:

The TF discussed bias training. Want to add a reference to efforts being made at the Judiciary.

Voting went as follows:

8 voted in favor.

1 oppose

- Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu as representative from the department of the prosecuting attorney for the city and county of Honolulu.

Approved amended recommendation to be numbered **B3:**

Training regarding implicit, unconscious bias is to be mandatory and ongoing for all employees who have contact with individuals in the criminal justice system. The Judiciary has recently held such a training for judges.

B5(2): *[There were two different recommendations marked as B5]*
Funding of Indigent legal services. As federal funding for indigent legal services has fallen, the State of Hawai'i, through the Judiciary, to adequately fund and maintain services for indigent clients.

Comment:

The TF discussed the need for greater monetary support for legal services.

Approved amended recommendation to be numbered **B4:**
As funding for indigent legal services has fallen, the State of Hawai'i legislature, through the grants-in-aid program, should adequately fund and maintain services for indigent clients.

B6:

Department of Public Safety to bring mental health services in all state facilities to adequate levels.

Comment:

The TF discussed the role of Public Safety in providing mental health services.

Approved amended recommendation to be numbered **B5:**
While progress has been made, the Department of Public Safety must continue to bring mental health services in all state correctional facilities to constitutionally required levels.

B7:

Adequate Funding of the Office of the Public Defender. The State of Hawai'i, through the Department of Accounting and General Services, to adequately fund and maintain the offices of the Public Defender in all counties.

Comment:

The TF discussed proper sources of funding for amended language.

Approved amended recommendation to be numbered **B6:**
In order for the Office of the Public Defender to deliver optimal services, the legislature must approve and fund more deputies, related support staff, and facilities.

B8:

Expansion and funding of culturally-based programming. The State of Hawai'i, through the Office of the Attorney General, to articulate authorization qualifications for culturally-based programs for inmates and former inmates. Authorized programs to be eligible for funding through _____.

Comment:

The TF discussed and reworded the recommendation.

Approved amended recommendation to be renumbered **B7:**

The Office of Hawaiian Affairs and Native Hawaiians community stakeholders should collaborate with state agencies for the further development of culturally based standards and evaluations that may be applied to Native Hawaiians who come into contact with the criminal justice system. The legislature should assist in funding this effort.

B9:

Tax credit for hiring ex-offenders. Businesses who hire ex-offenders to be given a tax credit by the State of Hawai'i. To be modeled after the State of California's tax credit incentive.

Comment:

The TF discussed the need for more research on existing incentive models.

Approved amended recommendation to be numbered **B8:**

To enhance employment and thereby reduce recidivism, businesses that hire ex-offenders should be given a tax credit.

[Writer to research the status of credit in other states]

B10:

Phasing out the Hawaii Paroling Authority. The Hawaii Paroling Authority phased out in a fashion similar to the Federal Paroling Authority phase out plan (2006), to be replaced by a system of standardized sentencing.

Comment:

The TF declined to adopt this recommendation.

B11:

Remote hearings before the Hawaii Paroling Authority. All hearings before the Hawaii Paroling Authority shall be conducted with the inmate / Defendant physically present.

Comment:

The TF discussed the practicality of conducting all hearings in person and came up with revised language.

Approved amended recommendation to be numbered **B9:**

All efforts should be made to conduct hearings before the Hawai'i Paroling Authority with the inmate/defendant physically present.

B12:

Limited Discretion of the Hawaii Paroling Authority. The Hawaii Paroling Authority's discretion regarding an inmate's length of stay to be limited to ____.

Comment:

The TF discussed and came up with revised language. Voting went as follows:

8 voted in favor.

1 against

- Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu as representative from the department of the prosecuting attorney for the city and county of Honolulu.

Approved amended recommendation to be numbered **B10:**

The legislature should develop guidelines for the Hawai'i Paroling Authority concerning the setting of the minimum term and factors to be considered for parole, such as lack of access to programs.

B13:

Earned time / good credit a factor. Inmates to be given credit for appropriate behavior while incarcerated, which would lead to an amended release date before the Hawaii Paroling Authority.

Comment:

The TF discussed and came up with revised language. Voting went as follows:
8 voted in favor.

1 against

- Tricia Nakamatsu, Deputy Prosecuting Attorney City & County of Honolulu as representative from the department of the prosecuting attorney for the city and county of Honolulu.

Approved amended recommendation to be numbered **B11:**

Legislation should be passed that establishes “earned time / good time” credit for inmates’ behavior, including program participation, while incarcerated.

C. Early Intervention Programs for Native Hawaiians

Comment:

The Task Force discussed adding language about prevention to the heading.

Approved adopted heading:

Prevention and Early Intervention Programs for Native Hawaiians

C2:

Refer to the study *Disproportionate Minority Contact in the Hawai'i Juvenile Justice System*, prepared for the Juvenile Justice State Advisory Council and the State of Hawai'i, Office of Youth Services (May, 2012) provides guidance regarding effective prospective policy directives regarding juveniles.

Comment:

The Task Force declined to adopt this recommendation.

C3:

State to fund culturally-based education for juvenile offenders similar to the work of Ishmael Stagner's ___ program through Alu Like, Inc.

Comment:

The Task Force declined to adopt this recommendation.

C4:

Resources directed towards children of parents in prison. A program of direct resources to children who have been screened as “at risk” of future contact with the criminal justice system. A mandatory educational program for guardians of minors similar to the “Kid’s First” program currently in place in through the Judiciary, Family Court Division.

Comment:

The Task Force discussed and revised the language to more accurately reflect their views.

Approved amended recommendation to be numbered **C1:**

To reduce intergenerational incarceration, resources must be directed towards children of incarcerated parents. The legislature should consider a mandatory educational program for guardians of minors similar to the “Kid’s First” program currently in place throughout the Judiciary.

New C Finding:

Comment:

The TF discussed adding a finding that was related to finding F3.

Approved amended recommendation to be numbered **C2:**

Through funding and resources, the legislature should support the Office of Hawaiian Affairs’ efforts to increase community resilience and decrease poverty as part of addressing the systemic cycle of incarceration of Native Hawaiians.

D. Impact of the State's Contracting with Private Prisons on Native Hawaiians.

Comment:

The TF decided to use the term “non-state facilities” when referring to the use of private prisons on the mainland U.S.

Approved amended heading:

Impact of the State's Contracting with Non-State Facilities on Native Hawaiians

Sub-heading: Regarding contracting and oversight of private, for-profit facilities:

Comment:

The TF decided to not use sub-headings.

D2:

Increase oversight pursuant to best practices, utilizing the work of Professor Michele Deitch.

Comment:

The TF did not adopt the finding.

Approved amended recommendation to be numbered **D1**:
The State should increase oversight of non-state facilities pursuant to best practices.

D3:

Moratorium on any further contracts with private, for-profit prisons, beginning fiscal year ____.

Comment:

The TF discussed the problems associated with setting a hard deadline for any sort of moratorium and came up with revised language.

Approved amended recommendation to be renumbered:

Once the inmates are returned from private out of state facilities, the State should consider passing legislation prohibiting future use of non-state correctional facilities.

Sub-heading: Regarding the transfer of inmates to private, for-profit facilities:

Comment:

The TF decided to not use sub-headings.

D2:

Moratorium on the transfer of inmates. A moratorium to be placed on the Department of Public Safety regarding the transfer of inmates to private, out-of-state facilities until the criteria for sending those inmates is established through new rules within the Department of Public Safety.

Comment:

The Task Force discussed transfers and came up with revised language.

Approved amended recommendation to be numbered **D3**:

PSD should develop criteria for transferring of inmates between facilities that promote access and completion of programs before the minimum sentence date.

D3:

Non-discriminatory practices in transfer of prisoners. Screening processes to be created and overseen by the Department of Public Safety.

Comment:

The Task Force discussed the role of classification of prisoners being different in Hawai'i and non-state facilities.

Approved amended recommendation to be numbered **D4**:

PSD should ensure that inmates are placed in facilities that are consistent with their classification as determined by the Hawaii classification system.

D4:

Hearing requirement for out-of-state transfer. Prior to inmate being transferred to an out-of-state facility, that inmate is to receive a hearing before the Circuit Court, or alternatively the Hawaii Paroling Authority. The state has the burden of proving that the transfer of the inmate is in the best interest of the state and the inmate. Factors the state must meet in order to meet its burden: connections to community, employment prospects, race, age, nearness of parole date, significant ties to the state of Hawai'i through family or culture, medical and mental health status. Lack of space in a state facility is not to be considered a factor.

Comment:

The Task Force declined to adopt this recommendation as written and chose new language.

Approved amended recommendation to be numbered **D5:**

PSD should ensure that an inmate's scored classification is not overridden for the purposes of placing him or her in specific programs or facilities.

Sub-heading: Regarding inmates in for-profit facilities:

Comment:

The TF decided to not use sub-headings.

D2:

Inventory and classification of prisoners. The Department of Public Safety to produce an inventory of prisoners who are eligible for programs that are alternatives to incarceration, to consider as factors: connections to community, employment prospects, race, age, nearness of parole date, significant ties to the state of Hawai'i through family or culture, medical and mental health status.

Comment:

The Task Force declined to adopt this recommendation as written and chose new language.

Approved amended recommendation to be numbered **D6:**

PSD should determine the number of prisoners placed in private facilities who have been reclassified after out-of-state transfer, the basis for the reclassification, including infractions, and the amount of time added to his or her sentence as a result of such reclassification.

D3:

Phased return of prisoners. The state to produce a plan to return prisoners in a phased, coordinated manner. The return of prisoners to be accomplished in a planned and responsible manner, with public safety being the primary concern.

Comment:

The Task Force discussed the issue of a transition plan and statements made by the Governor. Public testimony from Bob Merce was also considered.

Approved amended recommendation to be numbered **D7:**

Consistent with community testimony and the Governor's repeated statements, prisoners held out of state should be returned. The State should make the return of inmates a top priority, and inmates should be returned as soon as practicable, consistent with public safety.

D4:

Transition plans. Prisoners returning from private, for-profit facilities to be assisted in developing transitional plans regarding employment, housing, and reintegration into the community at least ___ prior to his or her scheduled release date.

Comment:

The Task Force discussed transition planning and came up with new language.

Approved amended recommendation to be numbered **D8:**

The Department of Public Safety should ensure prisoners eligible by classification for pre-release programs, such as work furlough, are returned to Hawai'i with sufficient time to complete programs prior to their tentative parole date.

D5:

Audit of private prisons. An audit of the reclassification system in place in private prisons. To determine the number of prisoners who have been reclassified after out-of-state transfer, for what infractions, and the number of years added to his or her sentence as a result of such reclassification.

Comment:

The Task Force declined to adopt this recommendation as written and chose new language.

Approved amended recommendation to be numbered **D9:**

The Department of Public Safety should ensure that all allegations of abuse of inmates are independently investigated and that appropriate corrective action is taken.

New recommendation related to religion and culture.

Comment:

The Task Force discussed adopting a recommendation responsive to the need for the ability to follow Native Hawaiian religious and cultural beliefs while incarcerated in non-state facilities.

Approved amended recommendation to be numbered **D10**:

The Department of Public Safety should ensure that inmates are allowed to follow their religious and Native Hawaiian cultural practices and retain sacred cultural items that do not pose a danger to the security of the institution.

E. Issues in State-Operated Correctional Facilities and their Impact on Native Hawaiians

Comment:

The TF adopted the heading.

E2:

Identification. ___ months prior to release, all prisoners in state facilities to receive a state identification card.

Comment:

The Task Force discussed and rewrote the recommendation.

Approved amended recommendation to be numbered **E1**:

PSD should ensure that prior to work furlough and/or release, all inmates obtain official state identification, and if needed, a social security card.

E3:

Consistent staff behavior. The staff at all state-operated correctional facilities to receive annual, mandatory training regarding trauma-informed care and consistency regarding directives for inmates. To apply to private prisons concurrently.

Comment:

The Task Force discussed and rewrote the recommendation.

Approved amended recommendation to be numbered **E2**:

The staff at all state operated correctional facilities shall receive annual mandatory training regarding trauma informed care.

E4:

Visitations. Prisoners shall be allowed consistent, regular visitation with immediate and extended family members. Limitations placed on the Department of Public Safety for regulating the visitation of family members with inmates.

Comment:

The Task Force discussed and reworded the recommendation.

Approved amended recommendation to be numbered **E3:**

Prisoners should be allowed consistent and regular visitation with immediate and extended family members. PSD should make every effort to ensure that adequate staffing is available for consistent and regular visitation.

New recommendations on PSD staff interactions with inmates.

Comment:

The Task Force discussed how the actions of PSD staff have been reported to be inconsistent and disrespectful to inmates to the point where it is counterproductive to rehabilitation. The TF came up with two additional recommendations.

E4:

All staff should treat inmates with respect.

E5:

All staff should enforce PSD's operating rules and policies consistently.

F. Restorative Justice Practices and Their Application to Native Hawaiians

Comment:

The TF adopted the heading.

F2:

Restorative justice pilot program. A two-year Restorative Justice pilot program to be administered by the Judiciary. This pilot program will develop and implement a Sentencing Circle program, which shall produce a non-binding report to the sentencing Circuit Court. Included in sentencing circles will be: a magistrate who is a licensed member of the State Bar, the Defendant, the Defendant's counsel or representative, a Prosecutor, the Victim or a Victim Advocate, a community representative. Funds to be directed to the Judiciary for application of the pilot project in all counties. The Judiciary may direct the administration and production of materials to a non-profit organization.

Comment:

The Task Force discussed and reworded the recommendation.

Approved amended recommendation to be numbered **F1:**

The State should recognize and support community and grassroots efforts that promote indigenous cultural practice models demonstrated to be successful in Hawai'i or elsewhere.

G: Lack of Services for Native Hawaiians Who Come Into Contact with the Criminal Justice System

Comment:

The Task Force adopted the heading and discussed recommendations responsive to their findings:

Approved amended recommendation to be numbered **G1:**

The state should ensure adequate funding and staffing to treat offenders with mental health conditions, including supporting psychopharmacological medication, counseling, and case management.

Comment:

The Task Force discussed a recommendation responsive to their finding on the need for an inventory of programs.

Approved amended recommendation to be numbered **G2:**

The State should ensure adequate funding and staffing to create a comprehensive directory of culturally based programs, indigenous models, and service providers for Native Hawaiians who come into contact with the criminal justice system.

Comment:

The Task Force discussed a recommendation responsive to their finding E2.

Approved amended recommendation to be numbered **G3**:

The State of Hawai'i must have sufficient and appropriate community-based alternatives to incarceration for substance abuse, mental health treatment, and housing at all points within the criminal justice system.

Comment:

The Task Force discussed a recommendation responsive to their finding effective program models on the neighbor islands.

Approved amended recommendation to be numbered **G4**:

Neighbor island models such as such as: MEO BEST, Wailuku Neighborhood Place on Mau'i; POHAKU on Kauai; Ka Hui o Mo'o Momi on Moloka'i; and others are effective models that should be supported, expanded upon, replicated and/or reinstated.

H: Continuing State Efforts to Ameliorate the Disproportionate Representation of Native Hawaiians in the Criminal Justice System

Comment: The TF discussed efforts that could be implemented and came up with two recommendations:

H1:

There should be permanent funding and full time staffing in the appropriate agency or independent body to oversee and implement recommendations of the Native Hawaiian Justice Task Force, and to continue to review this evolving issue.

H2:

Future efforts to implement recommendations and review this evolving issue should include a wider breadth of community and agency representation than the current Native Hawaiian Justice Task Force.

V. Draft Policy Suggestions

The TF discussed potential legislation that could be created based on their recommendations.

The TF asked Jeff Kent from OHA to look into drafting legislation based on recommendations H1 and H2. The legislation would create a permanent committee to implement the TF findings and continue its work. The legislation would be modeled after PSD's Corrections Population Management Commission.

VI. Public Testimony

Bob Merce:

- Bringing state inmates back from out-of-state facilities is vital.
- More urgency is needed to bring the inmates back. Current plans are reminiscent of desegregation and the phrase “with all deliberate speed.”

VII. Next Steps and Next Meeting

The TF decided they won't revisit findings or recommendations unless there was something recorded incorrectly or a factual inconsistency.

Sonny Ganaden will work on completing the rough draft of the legislative report by 11/30/12. This will give the TF just under two weeks to review the report.

The Task Force agreed to hold a meeting on December 12, 2012 from 2-4pm.

The location will be at:
Office of Hawaiian Affairs
711 Kapiolani Blvd. Ste 500
Honolulu, HI 96813