

October 19, 2023

For HCSOC (Oversight Commission) meeting –Public Comment

Jess Heaney, Ohana Ho'opakele- Public comment

Mahalo for hosting us last week for “Breaking Cycles” Symposium in Honolulu. It was great to be in the room together, learning and listening. I am going to share some comments here because there was not time on the microphone at the Symposium panels.

I want to reiterate some of the promises which Tommy J shared from the podium at the Breaking Cycles Symposium. He supports:

- “Wrap-around Re-entry”- sounds like Pu’uhonua to me, as well as valuable work by other long-established groups. Let’s imagine ‘wrap-around re-entry’ not just in a jail setting!
- “provide culturally-based programming with OHA, cultural practitioners, and community partners.”- will the Oversight Commission be holding him to this? Can you provide Oversight to keep him to his word--- This sounds like Faith Pods based upon kapu aloha AND Pu’uhonua are exactly in the priorities.
- “Collectively break cycles of incarceration”- then do everything we can to get people out and stay out. PSD and us must prioritize policies and the infrastructure to break these cycles- from the “Diversion” session. From the “Whole system workshop,” let me reiterate: end mandatory sentencing, Pu’uhonua and Hawaiian cultural practice access at every step of the way as an offramp, bail reform.

Given all that we are told the Department of Public Safety supports, but we have seen challenges with people getting inside for programming or even religious groups (Hawaiian-based), will the Oversight Commission hold the Director to these priorities?

1) What will come from the “Legislative priorities” session? Will there be a synthesized reportback from HCSOC or another body-- and then some more process for deciding priorities? And whose priorities are they going to be?

- As Troy from LARRP said, “Who is going to carry and drive the work forward? What will this body look like. Create sustainable goals.” How will the people in the room be part of carrying and driving it forward?
- I hope the quick “vote” from who happened to be present at each table is not the full participatory process for “action items”.
- Do the participants get to see the notes and content, before XXX [who?] sets the “outcomes and recommendations” in a Spring legislative debrief?
- Can the HCSOC and school of design share the content so we as movement organizations can use all the labor that went into that Workshop to support our work going forward? Or was it soliciting our mana’o for the hosts, not participants?
- Whose priorities? HCSOC? Legislature overall? PSD and all stakeholders? I asked because the Diversion section/ table I was at set three priorities:
 - 1. Establish Pu’uhonua Wellness Center/ Implement Act 117 for a diversion and re-entry facility rooted in Hawaiian cultural practices, a well-thought out “Alternative to Jail” and valuable resource.

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- 2. End Cash Bail
- 3. Fund and Continue the Oversight Commission body
- *Other table had: End Mandatory minimums, train judges on the system and sentencing options, and one other.*
- If we look at #2, if “Ending Cash Bail” became a collective or shared priority between all parties in the room, including the Department of Public Safety to recommend, advocate, champion, etc, this issue, then the jail populations could decrease by up to 78%, if not a “modest yet aspirational” 35-50%. Then the OCCC replacement project— which the Director of Public Safety is pushing ahead this very year—would look dramatically different in size and resources. He has told us that he is planning for the max 1100 beds. The historical evidence for jails show: “If you build it, you will fill it.”
 - In the first session, he said that “we should not have a system that penalizes poverty, mental health issues, etc.” Then why are we building a jail that is so large that it can keep caging the people that everyone claimed, “shouldn’t be there”?
 - **Why would we plan jail design for the future match our terrible current trajectory of a system as a whole—one that is recognized as in-crisis and harmful in its size and impact? that seems like wasteful planning.**
- If we followed the sage advice of our presenters from Los Angeles, “Care First, Jail Last,” then MANY solutions would come before the jail, including re-entry and diversion infrastructure such as Pu’uhonua Wellness Centers on every island. **Please clarify whose Legislative priorities these will be and how the Public Safety Department will be guided by them.**
- Similarly, the “Jail Design” section of the “Whole System”/Legislative priorities, will have huge impacts for us all. This is MILLIONS of dollars that Public Safety is planning to waste on jailing FIRST. Are you going to gather more input than who could sit at the table with Public Safety last week?
 - We all just got the worksheet that day in the room—there is no way this can be the one-stop shop for this important distillation.
 - Will organizations and communities who could not travel to Honolulu, or who were at a different table in the room—will we get participatory opportunity to offer content for “Jail Design” and other sections?
 - This could be done by turning the worksheet into an online form, offering forums on each island, or a number of other participatory methods.

2) On similar jail expansion projects, regarding material priorities: let’s learn from our presenters on navigating contradictions and opportunities with jail crises.

The two “Diversion –Alternatives to Jail” and “Reentry Panel” sessions with the presenters from Los Angeles were informative and inspiring. Shoshona and Troy gave great presentations. Thank you for bringing them out. It was awesome to see reform efforts I was familiar with, spoken about with such awesome data to show years later. In my time with my previous organization from 2010-2022, we were part of LARRP and the “Alternatives to a Jail working group” over 150 recommendations, as Shoshona mentioned), as well as a core organization in the effort to “Reform the LA County Jail system,” we had

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initiated throughout the 2000s. These were the core demands through 2017...#NOMOREJAILS Ongoing Demands:

- No jail construction in LA County
- Reduce the number of people locked up in jails
- Redirect funding to community solutions

As the coalition developed into JusticeLA 2017-2019, the rallying cry became, “Jail first, care last.” I was going to ask LARRP to speak about that era of threats of jail expansion, but we ran out of time. Troy said at the closing, “You need a system of care, not new jails.” Did you talk to them about LARRP’s orientation to the \$3.5 billion jail expansion plan, which was ultimately defeated in 2019? If not, I strongly suggest that we followup with them, to think through the PRACTICAL solutions to contradictions and opportunities. We must make responsible decisions about priorities for our shared resources and people’s lives. That awesome set of outcomes they presented on—that’s what can happen when we prioritize people’s needs are and fund “Care First, Jail Last.” It works. It’s sustainable. It is necessary.

The Governor said in his opening remarks— “We have a runway. If we start now, we can make incredible changes.”

3)

- **Why does Public Safety say it wants to incorporate Hawaiian culture, but then go to Norway for “alternatives”?** Can we spend equal time re-considering the Department’s history with Pacific Islander community groups on Pu’uhonua planning (Act 117; 2012-2016)? Why are you going so far away, but not actually listening to the knowledge systems that are local and hundreds years deep here?
- Why dont we look to Pacific Islander and Hawaiian knowledge for core mission, values and function? Not just “cultural programs” as window dressings or add-ons in the “Rehabilitation” silo? Its concerning to utilize the Norway and US-Eurocentric models at the core, and then use ‘culture’ as something to add on, not starting place, given where we are and who is locked up and how.

How will the Oversight Commission be involving us in the incredible changes which we began discussing last week? And how will the Oversight Commission be holding the Director of Public Safety to actually implementing and funding the things that actually break systems and cycles of imprisonment and dispossession?

OHANA HO’OPAKELE// TALKING POINTS AND GENERAL COMMENTS FOR AGENDA ITEMS:

Breaking Cycles Symposium –

- **Why was “Jail Design” presented as a given, not a discussion?** If we followed the advice of our presenters from Los Angeles, “Care First, Jail Last,” then MANY solutions would come before the

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jail, including re-entry and diversion infrastructure such as Pu'uhonua Wellness Centers on every island as. Why would we plan a 1,100-bed jail design for the future match a terrible current system trajectory—one that we are committed to changing, that is fully now recognized as in-crisis and harmful in its size and impact? That seems like wasteful planning.

- **Why does Public Safety say it wants to incorporate Hawaiian culture, but then go to Norway for “alternatives”?** Can we spend equal time re-considering the Department’s history with Pacific Islander community groups on Pu’uhonua planning? Why are you going so far away, but not actually listening to the knowledge systems that are local and hundreds years deep here?
- **“Legislative Priorities:”**
 - We would like to keep a seat at the table in shaping the priorities.
 - **What will come from the “Legislative priorities” session? Will there be a synthesized reportback from HCSOC or another body-- and then some more process for deciding priorities?**
 - Pu’uhonua, end mandatory sentencing, end cash bail, these and many others were put on the table. What will move forward?
 - **Whose priorities are they going to be? Will PSD be beholden to them?** Are they for HCSOC? All of us?
 - **Can the HCSOC and school of design share the notes this fall, so we as movement organizations can use all the labor and knowledge generated?**
 - **Will you involve participants in followup with the notes and content “outcomes and recommendations” are released NEXT YEAR (or when?) for a Spring legislative debrief? Do we get to shape the priorities any more than the “sticker vote”?**
 - Are you going to gather more input than from the few who could sit at each table last week? **Will organizations and communities who could not travel to Honolulu, or who were at a different table in the room—will we get participatory opportunity to offer content for “Jail Design” and other sections?** This could be done by turning the worksheet into an online form, offering forums on each island, or a number of other participatory methods.