

# Native Hawaiian & Pacific Islander



**HAWAI'I  
COVID-19**

Response Recovery Resilience

**TEAM**

**Standing in Support**

**with the**

**Call to Action to Stop Spread of COVID-19 in Prisons and Jails**

**August 31, 2020**

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Aloha \* Talofa lava \* Iokwe yuk \* Kaselehlie \* Mogethin \* Nisa bula vinaka \* Kia ora \*  
Len wo \* Ia orana \* Mauri \* Alii \* Talofa ni \* Hafa adai \* Mālō e lelei \* Ran anim \* Halo  
olketa \* Fakaalofa lahi atu \* Greetings,

We, The Native Hawaiian & Pacific Islander Hawai'i COVID-19 Response, Recovery, and Resilience Team (NHPI Hawai'i COVID-19 Team), stand in support of the American Civil Liberties Union (ACLU) Hawai'i's Petition re-affirming the call to action and specific actions requested from their April 9, 2020 open letter and also provide the following comments to re-iterate the change of circumstances that we are experiencing now further necessitating your attention and immediate action for the public health for all of Hawai'i.

The NHPI Hawai'i COVID-19 Team is a collective of more than thirty organizations that directly serve in Hawai'i's Native Hawaiian and Pacific Islander (NHPI)<sup>1</sup> communities, which comprise of at least twenty-five percent of the State of Hawai'i's<sup>2</sup> (hereinafter "State") population. Many of us represented on the NHPI Hawai'i COVID-19 Team have been decade-long public health advocates, public health professionals, and public

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<sup>1</sup> We define "Native Hawaiian" using the terminology from the Native Hawaiian Health Care Improvement Act, which indicates that Native Hawaiians are a "distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago whose society was organized as a Nation prior to the arrival of the first nonindigenous people in 1778" (42 USC § 11701(1)) and Pacific Islanders as the distinct and unique indigenous peoples descended from the original inhabitants of the nations within Oceania. Together, "Native Hawaiian and Pacific Islander" or "NHPI" refers to dozens of distinct peoples, languages, and cultures, all of which we recognize as important voices.

<sup>2</sup> Critical and important reference is due to recognizing, acknowledging, and acting on the State of Hawai'i's, and more broadly the United States of America's, promises made to the NHPI communities. Our historical trauma as being part of the State of Hawai'i and the United State of America, has involved illegal annexation, an attempt at repatriation and to make up for wrongdoings done onto our NHPI communities. In light of this history, this further confirms the need for immediate and appropriate action to protect our NHPI communities and all of Hawai'i.

health researchers. For several months, team stakeholders have identified priorities around COVID-19 related policies, issues and activities within the State and counties. NHPI have seen the greatest combined numbers of positive cases in the State, we must be equitably represented and engaged in generating solutions to ensure the social determinants of health<sup>3</sup> are an ongoing priority for the State and all counties. As President Obama recently said, “in all of us there is a longing to do what's right, that in all of us there is a willingness to love all people, and to extend to them their God-given rights to dignity and respect.”<sup>4</sup> Ultimately, this is simply what we're asking for: basic human rights and equitable treatment for all.

The Policy Committee of the NHPI Hawai'i COVID-19 Team submits this statement in strong support of Ekolu Mea Nui, Papa Ola Lōkahi, Lawyers for Equal Justice, Medical-Legal Partnership, and the Office of Hawaiian Affairs who are working hard to call public attention to take action to stop COVID-19 in prisons and jails. Our team recognizes that many coalitions and organizations in Hawai'i and across the United States have similar concerns and calls to action in order to protect communities. We stand in solidarity with Black, Indigenous and other People of Color experiencing disproportionate impact to COVID-19 and mass incarceration.

In an April 9, 2020 open letter<sup>5</sup> (hereinafter “the open letter”) to Governor David Ige, Attorney General Claire Connors, Honorable County Prosecutors, and Public Safety Director Nolan Espinda, our team offers its support. Centering our Native Hawaiian and Pacific Islander communities in which we serve, yet another common thread in which we share involves voyaging. Just as the 'ōlelo no'eau, “Na ka makani 'ino e ulu a'e ka holo kikī o Hōkūle'a” describes, Hōkūle'a sails swiftly in stormy winds. Similarly, the open letter describes the contentious conditions in which “... we understand the alarming politics of releasing people from our prisons and jails. We know. But now is not the time to lead with fear, when our actions can save the people we all care about. No one deserves to die because they are kept in crowded, unhygienic dorms or cells. Releasing our families and friends from incarceration, including those who are elderly, medically vulnerable, and are serving time because of an inability to afford cash bail - is the right thing to do. It's the medically necessary thing to do.” Most importantly, we call on you to rise to the occasion despite these uncertain times, and dare to act to ensure the safety of us all.

Unlike where we were on April 9, 2020, a time when action was requested to prevent the inevitable COVID-19 spread, we write this letter today when Hawai'i has been averaging over 230 new COVID-19 cases per day<sup>6</sup>, and we have not seen less than 50

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<sup>3</sup> Hawai'i Revised Statutes § 226-20. State of Hawai'i. Available at

[https://www.capitol.hawaii.gov/hrscurrent/Vol04\\_Ch0201-0257/HRS0226/HRS\\_0226-0020.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0226/HRS_0226-0020.htm)

<sup>4</sup> “The March is Not Over” (July 30, 2020). Vox. <https://www.vox.com/2020/7/30/21348062/john-lewis-funeral-barack-obama-eulogy>

<sup>5</sup> An Open Letter on Protecting Our Incarcerated Loved Ones from COVID-19 Pandemic (August 19, 2020). Accessed in <https://live-aclu-hawaii.pantheonsite.io/en/publications/open-letter-protecting-our-incarcerated-loved-ones-covid19-pandemic>

<sup>6</sup> See generally, Hawaii Data Collaborative, Tracking COVID-19 in Hawaii (August 26, 2020). Accessed in <https://www.hawaiidata.org/covid19>

new COVID-19 cases since the middle of July 2020.<sup>7</sup> Additionally, many of our hospitals have reached capacity with growing concern over acquiring needed ventilators for the impending hospitalizations. On top of that, the first COVID-19 positive inmate along with four correction officers was reported on August 7, 2020.<sup>8</sup> We should also take notice of what has been going on across the continental United States as a preview of what will happen here if immediate action is not taken.<sup>9,10</sup>

Specific to our incarcerated population, it is within the powers of Governor Ige, under Hawai'i Revised Statutes § 127A, to take the recommended actions as outlined in the open letter. Therefore, the NHPI Hawai'i COVID-19 Team supports the [Campaign for Smart Justice](#) at the ACLU Hawai'i and other criminal justice advocates to ask that you please consider the following actions immediately, as only a drastic reduction in the population will keep everyone throughout Hawai'i safe:

- Pretrial release: Protect incarcerated people, our communities, and correctional staff by releasing all people who are incarcerated without having been convicted of any crime and are simply there for their inability to afford cash bail.
- Post-conviction release: Release as many people incarcerated post-conviction as possible, including but not limited to: all people over 55; individuals who have uncontrolled diabetes, respiratory conditions and/or are immunocompromised; people who will be released within one year; and all people who are eligible for parole and community supervision/release or who are currently incarcerated for technical parole or probation violations.
- Ensure the commissary continues to operate and access to personal protective equipment for all staff and incarcerated people.
- Free phone calls and medical co-pays during the pandemic.
- Mental health support for incarcerated people and staff.

The NHPI Hawai'i COVID-19 Team agrees with criminal justice reform experts. Inequitable policies and practices drive these dramatic disparities. To further support the need for action to stop COVID-19 spread and protect not only our incarcerated, but all of Hawai'i, we comment on justice during the pandemic, public health in prisons, and crisis in Hawai'i's prisons. Our comments further illustrate the need for your prompt action now to address the current COVID-19 spread in prisons and jails, and also moving forward into COVID-19 recovery.

### **Call to Action: Justice During this COVID-19 Pandemic**

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<sup>7</sup> See generally, News Releases from Department of Health (August 26, 2020). Accessed in <https://health.hawaii.gov/news/covid-19-updates/>

<sup>8</sup> "First Hawaii Inmate Tests Positive for COVID-19 Along with 4 Corrections Officers" (August 7, 2020). Civil Beat. <https://www.civilbeat.org/2020/08/first-hawaii-inmate-tests-positive-for-covid-19-along-with-3-corrections-officers/>

<sup>9</sup> "A State-by-State Look at Coronavirus in Prisons" (August 21, 2020). The Marshall Project. <https://www.themarshallproject.org/2020/05/01/a-state-by-state-look-at-coronavirus-in-prisons>

<sup>10</sup> "COVID-19 Model Finds Nearly 100,000 More Deaths Than Current Estimates Due to Failures to Reduce Jails". ACLU. [https://www.aclu.org/sites/default/files/field\\_document/aclu\\_covid19-jail-report\\_2020-8\\_1.pdf](https://www.aclu.org/sites/default/files/field_document/aclu_covid19-jail-report_2020-8_1.pdf)

Mass incarceration harms communities and the entire nation. High rates of incarceration disrupt social and family networks, reduce potential economic development, and generate distrust toward law enforcement. For the nation as a whole, it consumes large portions of government budgets with local, state, and federal government spending almost \$180 billion each year on corrections, policing, and criminal court systems.<sup>11</sup>

The criminal justice system is one among many social structures being subjected to renewed scrutiny during the COVID-19 pandemic.<sup>12</sup>

### **Call to Action: Public Health Care in Prisons**

Inmates in correctional facilities have significantly higher rates of disease than the general population, and correctional facilities are often an ill-equipped provider for the medically underserved. This population tends to suffer in greater numbers from infectious disease, mental health problems, and substance use and addiction. Their health can also be affected negatively by factors in their environment, such as violence or overcrowding.<sup>13</sup> Thus, the call to action to provide mental health support in the open letter is an attempt to address this known public health concern.

During a pandemic, these figures represent a major public health threat, as best practices recommended by the Centers for Disease Control and Hawai'i Department of Health, including self-quarantine, social distancing, no gatherings, are all but impossible to achieve in such transient, often medically ill-equipped settings. Regardless of the glaring risks, attention to the public health risks in jails and prisons related to COVID-19 remains disturbingly minimal.<sup>14</sup> Additionally, the open letter informed you of support lent in providing needed hygienic and sanitation supplies. Just as the general public is informed to heed warnings and guidance provided by the CDC with social and physical distancing, let's support and provide the necessary tools needed to our incarcerated and prison and jail personnel to do the same.

The COVID-19 pandemic presents an urgent public health incentive for reconsidering the logic of punishment and reducing reliance on arrest and incarceration.<sup>15</sup> As the number of people incarcerated increases, more and more families have to deal with having someone from the household in jail or prison. For children, having an incarcerated parent may have negative health and social consequences. Parental

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<sup>11</sup> Mass Incarceration Threatens Health Equity in America. (December 1, 2018). Robert Wood Johnson Foundation. Available at <https://www.rwjf.org/en/library/research/2019/01/mass-incarceration-threatens-health-equity-in-america.html>

<sup>12</sup> Incarceration And Its Disseminations: COVID-19 Pandemic Lessons From Chicago's Cook County Jail (June 4, 2020). Health Affairs. Accessed from <https://www.healthaffairs.org/doi/10.1377/hlthaff.2020.00652>

<sup>13</sup> Incarceration and Health: A Family Medicine Perspective (Position Paper). The American Academy of Family Physicians. Accessed in <https://www.aafp.org/about/policies/all/incarceration.html>

<sup>14</sup> *Supra*.

<sup>15</sup> COVID-19, incarceration and our public health (March 19, 2020). The Hill. Accessed from <https://thehill.com/opinion/criminal-justice/488394-covid-19-incarceration-and-our-public-health>

incarceration has been associated with increased drug use during late adolescence for males and females in the U.S.

### **Call to Action: Addressing the Crisis in Hawai'i's Prisons**

These foregoing factors alone heighten risks for the spread of COVID-19, but are worsened by living in close, often overcrowded quarters, sharing bathroom facilities, dining areas, and supplies, and being exposed to violence and other stress-inducing circumstances.<sup>16</sup>

In particular, we call for the following actions to address vulnerabilities that COVID-19 has exacerbated in NHPI communities, such as:

1. **Fiscal Transparency.** Fiscal transparency assures that state and local leadership are accountable to the public. Clear, understandable, and accurate information ensures that resources are distributed equitably throughout Hawai'i and reach NHPI communities.
2. **Disaggregated Data.** Disaggregation of race/ethnicity data is particularly emphasized for NHPs, an umbrella term that encompasses dozens of discrete communities in the Pacific which include: Native Hawaiians, Samoans, Tongans, Chamorro, Marshallese, and Chuukese, just to name a few. We recommend data collection on specific Pacific Islander categories to best know how to direct resources and services. These requirements are essential steps to enable an accurate and appropriate response for NHPI communities throughout the pandemic and the social and economic recovery ahead.
3. **Community-Based, Culturally Centered Research.** In addition to data disaggregation, subsequent community-based research and evaluation are needed. We propose community-based, culturally centered research to understand, and respond to, the primary and secondary impacts of COVID-19 on NHPI communities. This should include housing, homelessness, eviction and sheltered information.
4. **Communications.** Ongoing community-specific communications should be prioritized. Culturally and linguistically tailored communications that can be utilized effectively and appropriately within the NHPI communities. Our members are ready to support local and state leaders with technical assistance and consultation to ensure communication materials are free of bias, offensive and discriminatory language, or racist content, imagery, and dissemination tactics.

While it is important to respond and take appropriate action in light of the dire circumstances that we are currently experiencing, the NHPI Hawai'i COVID-19 Team also recognizes the need to plan for recovery and resiliency. To do this, we suggest incorporating cultural program resourcing to prevent the prison pipeline of our Native Hawaiian and Pacific Islander community members. For further information, please

reference the Office of Hawaiian Affairs 2010 Report on the disparate treatment of Native Hawaiians.<sup>17</sup>

This pandemic has highlighted the decades of health and social disparities experienced by NHPI communities across the board. It has impacted the NHPI communities in devastating ways from our keiki to our kūpuna relative to physical, psychological, emotional, spiritual, and socio-economic aspects of our lives. We live in multi-generational homes richly blessed by the love of ‘ohana but face high co-morbidities and health vulnerabilities.

We will continue building out specific policy recommendations, identifying concerns of Native Hawaiian and Pacific Islander communities, and calling for meaningful participation at every level. Our team is ready and willing to help Governor David Ige, Attorney General Claire Connors, Honorable County Prosecutors, and Public Safety Director Nolan Espinda implement the action steps listed in this statement. We hope the rest of the counties, state, and the nation respond to the pillars of equity and social justice set here and commit to similar objectives.

Aloha me ka ‘oia‘i‘o,



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<sup>17</sup> “The Disparate Treatment of Native Hawaiians in the Criminal Justice System” Office of Hawaiian Affairs (2010). [https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/2014/12/ir_final_web_rev.pdf)