



Native Hawaiian LEGAL CORPORATION

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Testimony to the SENATE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Relating to Senate Bill 2688

Relating to Compassionate Release.

February 4, 2026

3:00 p.m.

State Capitol, Conference Room 016

Aloha e Chair Fukunaga and Vice Chair Lee, and members of the Committee:

The Native Hawaiian Legal Corporation (NHLC) respectfully submits this testimony **in strong support of SB2688**, relating to compassionate release.

Founded in 1974, NHLC is a public interest law firm whose mission is to protect and advance Native Hawaiian identity and culture through legal and other forms of advocacy. NHLC is the only public interest legal organization dedicated exclusively to Native Hawaiian rights. For over fifty years, NHLC has served the lāhui and, through this work, has developed extensive expertise regarding the legal needs of Native Hawaiians and the systemic justice gaps that continue to burden our community.

For these reasons, NHLC is a member of Kalana Ola, a coalition that includes the Hawai'i Correctional System Oversight Commission, the Hawai'i Office of the Public Defender, the University of Hawai'i at Mānoa William S. Richardson School of Law Pro Bono Program, Waikiki Health, and Families Against Mandatory Minimums (FAMM). Together, coalition members are committed to:

1. Pairing individuals who are appropriate candidates for compassionate release with advocates who can represent them; and
2. Collaborating to support systemic improvements to Hawai'i's medical and compassionate release processes.

Compassionate release would provide a meaningful pathway for people – including Native Hawaiians – to return to community-based care and to experience dignity, ‘ohana, and support in their final days.

The overrepresentation of Native Hawaiians in Hawai‘i’s jails and prisons is among the most serious justice issues facing our people. According to the 2020 Census, Native Hawaiians comprise approximately 21.8% of Hawai‘i’s population.¹ However, in 2010, Native Hawaiians accounted for 39% of the incarcerated population statewide.² Even more concerning, data from January 2025 shows that approximately 46% of individuals incarcerated at Saguaro Correctional Center, Halawa Correctional Facility, the O‘ahu Community Correctional Center, and the Hawai‘i Community Correctional Center identified as Native Hawaiian. Thus, while Native Hawaiians represent roughly one-fifth of the state’s population, they constitute nearly half of those in state custody.

Establishing a clear, timely, and functional process for compassionate release would significantly increase the ability of critically ill Native Hawaiian pa‘ahao – including those who are terminally ill, living with chronic or debilitating medical conditions, or experiencing severe cognitive impairments that leave them unaware of their punishment – to reunite with their ‘ohana. SB 2688’s requirement that the Department of Corrections and Rehabilitation and the Hawai‘i Paroling Authority act upon compassionate release applications within a mandatory timeframe is essential to ensuring the process is meaningful rather than illusory. Without timely action, compassionate release loses its purpose, condemning vulnerable individuals to languish in custody, sometimes until their death, without adequate care for serious and often complex medical conditions.

Compassionate release also reflects Hawai‘i’s deeply rooted values of aloha, mālama, and kuleana, especially for people who are nearing the end of their lives or experiencing profound illness. The value of aloha is not merely aspirational; it is codified in Hawai‘i Revised Statutes § 5-7.5, which provides:

“Aloha” means mutual regard and affection and extends warmth in caring with no obligation in return. “Aloha” is the essence of relationships

¹ Office of Hawaiian Affairs, *New Census Data Confirms More Native Hawaiians Reside on the Continent than in Hawai‘i* (2022), <https://www.oha.org/news/news-usa-data-more-native-hawaiians-reside-continent/>

² Office of Hawaiian Affairs, *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* (2010), https://www.oha.org/wp-content/uploads/2014/11/es_final_web_0.pdf

in which each person is important to every other person for collective existence.

SB 2688 affirms the Aloha Spirit by recognizing our collective responsibility to care for one another, particularly for those who are most vulnerable. Central to Native Hawaiian value systems are mālama – the obligation to provide care and protection – and kuleana, the shared responsibility individuals and institutions owe to one another and to the larger community. Equally essential is the maintenance of pilina within ‘ohana, which sustains emotional, spiritual, and physical well-being and reinforces a person’s identity, dignity, and sense of belonging.

For Native Hawaiians, these values are not abstract ideals but lived practices that directly support maui ola – holistic health and well-being that encompasses the body, mind, spirit, and relationships. The ability to receive care from ‘ohana, to engage in cultural and spiritual practices, and to maintain meaningful relationships is foundational to healing and dignity, particularly at the end of life. These essential elements of care and connection cannot be replicated within a correctional facility, especially for individuals who are terminally ill, medically fragile, or cognitively impaired.

By creating a clear, timely, and accessible process for compassionate release, SB 2688 acknowledges that continued incarceration of individuals who can no longer benefit from confinement – and who pose little or no public safety risk – undermines these core Native Hawaiian values. Instead, the bill restores kuleana by allowing families and communities to care for their loved ones, and by affirming that justice in Hawai‘i must be grounded not only in punishment, but in aloha, mālama, and human dignity.

Based on the foregoing, NHLC urges the Legislature to join an overwhelming majority of states that already have a compassionate release statute and pass SB 2688. Doing so will ensure that compassionate release is accessible, timely, and grounded in dignity, justice, and the values of Hawai‘i.

Mahalo for the opportunity to provide written testimony in support of this measure.

Na‘u nō me ka ha‘aha‘a,



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