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**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
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ADMINISTRATIVE AND RESEARCH OFFICE  
BUDGET, PROGRAM PLANNING AND  
MANAGEMENT DIVISION  
FINANCIAL ADMINISTRATION DIVISION  
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

**WRITTEN ONLY**  
TESTIMONY BY CRAIG K. HIRAI  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE HOUSE COMMITTEE ON FINANCE  
ON  
HOUSE BILL NO. 2015, H.D. 1

**February 25, 2022**  
**12:30 p.m.**  
**Room 308 and Videoconference**

RELATING TO THE UNIVERSITY OF HAWAII

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill No. 2015, H.D. 1, appropriates \$455,000 in general funds and establishes seven full-time equivalent positions for FY 23 for Hookaulike, a criminal legal system institute for restoration and healing, at the William S. Richardson School of Law at the University of Hawai'i.

B&F notes that, with respect to the general fund appropriation in this bill, the federal Coronavirus Response and Relief Supplemental Appropriations Act requires that states receiving Elementary and Secondary School Emergency Relief (ESSER) II funds and Governor's Emergency Education Relief II funds must maintain state support for:

- Elementary and secondary education in FY 22 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

Further, the federal American Rescue Plan (ARP) Act requires that states receiving ARP ESSER funds must maintain state support for:

- Elementary and secondary education in FY 22 and FY 23 at least at the proportional level of the state's support for elementary and secondary education relative to the state's overall spending, averaged over FYs 17, 18 and 19; and
- Higher education in FY 22 and FY 23 at least at the proportional level of the state's support for higher education relative to the state's overall spending, averaged over FYs 17, 18 and 19.

The U.S. Department of Education has issued rules governing how these maintenance of effort (MOE) requirements are to be administered. B&F will be working with the money committees of the Legislature to ensure that the State of Hawai'i complies with these ESSER MOE requirements.

Thank you for your consideration of our comments.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Finance  
Friday, February 25, 2022 at 12:30 p.m.

By  
Camille A. Nelson JD, LL.M  
Dean and Professor of Law  
William S. Richardson School of Law  
and  
Michael Bruno, PhD  
Provost  
University of Hawai'i at Mānoa

### HB 2015 HD1 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Luke, Vice Chair Yamashita, and members of the House Committee on Finance:

My name is Camille Nelson, and I am honored to serve as the dean of the William S. Richardson School of Law at the University of Hawai'i Mānoa. Please accept this written testimony as indicative of the University of Hawai'i support for HB 2015 HD1 establishing Ho'okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i, provided that its passage does not replace priorities in our BOR approved budget.

As a scholar whose research and advocacy has analyzed the criminal legal system, the intersections of identity that inform its operation, and the social and health conditions that often impact its effective operation, I offer my testimony in support of Ho'okaulike. This Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i will work to disrupt the socio-economic pathways that have historically pipelined Native Hawaiian, Pacific Islander, and other communities of color into the criminal legal system, resulting in disparate outcomes.

In fact, the overrepresentation of Native Hawaiian, Pacific Islander, and other communities of color across Hawai'i's criminal legal system is well documented. This reality is the byproduct of multiple institutions and systems that continue to perpetuate inequities and suffering, from initial police contact to the intergenerational impact of incarceration and punishment on families and communities. Numerous studies and reports have analyzed these phenomena, including a comprehensive study by the Office of Hawaiian Affairs and two state mandated task force reports. Given the continuation of such ongoing disparities, these reports have recommended new approaches to justice based on rehabilitative rather than punitive modalities. Such innovations hold the promise of healing and restoration and are more aligned with Hawai'i's core values.

As a response to those recommendations, this bill aims to establish a new Institute at the University of Hawai'i. Ho'okaulike: A Criminal Legal Institute for Restoration and Healing is a collaboration between the William S. Richardson School of Law and Hawai'inuiākea School of Hawaiian Knowledge. Ho'okaulike would address the overrepresentation of Native Hawaiian, Pacific Islander, and other communities of color in the State's carceral and correctional system. It would work to eliminate disparities and promote healing and restoration through research, data analysis, and community-informed and engaged dialogue, problem-solving, and advocacy to help solve the social justice issues impacting the Hawaiian criminal legal system. The goal is to create an inclusive and fair criminal legal system devoted to restoration and healing and the elimination of disparities, particularly those facing Native Hawaiians, Pacific Islander communities, and other people of color in the criminal legal system.

The emphasis on restoration and healing recognizes the complexity of challenges often confronting people involved with the criminal legal system, such as the social determinants of health (economic instability, access to quality education, access to quality health care, neighborhood contexts and built environments, and social and community supports and context). These challenges often disparately impact communities of color and have contributed to intergenerational poverty, grief, fear, trauma, and alienation from, and distrust of, the criminal legal system. With Ho'okaulike, we have an opportunity to create a place-based approach to criminal justice grounded in restorative, inclusive, and healing interdisciplinary frameworks, an approach which recognizes and respects the distinct and unique history of this State.

This collaboration would therefore recognize that Hawai'i is prepared to become an epicenter of critical thought and transformative action in criminal justice reform by taking a forward-looking approach to solving these persistent problems. Through an interdisciplinary approach, with a specialized understanding of the criminal legal system, its history, and the ways in which it interacts with multiple social determinants in communities in this state, Ho'okaulike would position Hawai'i to be on the vanguard of justice innovation. Through Ho'okaulike, the State and the University of Hawai'i can be leaders in envisioning, creating, and implementing transformative criminal justice reform that furthers inclusive healing modalities, restoration, and ultimately community uplift.



**HB2015 HD1**  
RELATING TO THE UNIVERSITY OF HAWAII  
Ke Kōmike Hale o ka ‘Oihana ‘Imi Kālā  
House Committee on Finance

Pepeleuli 25, 2022                      12:30 p.m.                      Hālāwai Keleka‘a‘ike

The Office of Hawaiian Affairs (OHA) **SUPPORTS HB2015 HD1**, which establishes Ho‘okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai‘i. This measure offers a vehicle for continual scholarship and advocacy that could address the many systemic issues contributing to the overrepresentation of Native Hawaiians in the criminal justice system.

Systemic discrimination exists within Hawai‘i’s criminal justice system. In 2010, the Office of Hawaiian Affairs released a landmark study, the Disparate Treatment of Native Hawaiians in the Criminal Justice System, which confirmed that when a Native Hawaiian person enters the criminal justice system, they serve more time in prison and more time on probation than other racial or ethnic groups. Native Hawaiians are also likely to have their parole revoked and returned to prison.<sup>1</sup> Most alarmingly, Native Hawaiians make up approximately 21% of the general population, but 37% of the prison population.<sup>2</sup>

The Legislature has directed studies and reports on the criminal justice system several times. In 2011, the Legislature passed SB986, signed into law as Act 170(11), which created a Native Hawaiian Justice Task Force (NHJTF). The NHJTF offered data-driven recommendations, informed by community meetings and written testimony, as well as representatives from state agencies, including the Attorney General’s Office, Department of Public Safety, Office of Hawaiian Affairs, Adult Client Services Branch, Office of the Public Defender and an appointed Circuit Court Judge.<sup>3</sup> In 2016, the Legislature again created a task force through House Concurrent Resolution No. 85 to make recommendations on ways to improve Hawai‘i’s correctional system. The HCR85 Task Force’s final report again encouraged enactment of NHJTF’s recommendations.<sup>4</sup>

The Legislature must find opportunities to enact legislation that will implement data-driven and community-led recommendations for comprehensive reform. OHA urges the Committee to **PASS HB2015 HD1**, because it may further these goals. Mahalo piha for the opportunity to testify.

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<sup>1</sup> Office of Hawaiian Affairs, The Disparate Treatment of Native Hawaiians in the Criminal Justice System (2010), [https://www.oha.org/wp-content/uploads/2014/12/ir\\_final\\_web\\_rev.pdf](https://www.oha.org/wp-content/uploads/2014/12/ir_final_web_rev.pdf).

<sup>2</sup> HCR85 Task Force, Creating Better Outcomes and Safer Communities, Final Report of the House Concurrent Resolution 85 Task Force on Prison Reform (2018), [https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform\\_Final-Report\\_12.28.18.pdf](https://19of32x2yl33s8o4xza0gf14-wpengine.netdna-ssl.com/wp-content/uploads/HCR-85-Task-Force-on-Prison-Reform_Final-Report_12.28.18.pdf)

<sup>3</sup> The Native Hawaiian Justice Task Force, Final Report to the Legislature (2012), [https://www.oha.org/wp-content/uploads/2012NHJTF\\_REPORT\\_FINAL\\_0.pdf](https://www.oha.org/wp-content/uploads/2012NHJTF_REPORT_FINAL_0.pdf)

<sup>4</sup> HCR85 Task Force Final Report (2018).

# COMMUNITY ALLIANCE ON PRISONS

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## COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair

Representative Kyle Yamashita, Vice Chair

Thursday, February 25, 2022

12:30 AM

## **HB 2015 - STRONG SUPPORT FOR HO`OKAUHALE AN INSTITUTE FOR RESTORATION AND HEALING**

Aloha Chair Luke, Vice Chair Yamashita and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai`i for more than two decades. This testimony is respectfully offered on behalf of the more than 4,052 Hawai`i individuals living behind bars or under the “care and custody” of the Department of Public Safety or the corporate vendor on any given day. We are always mindful that 1,111 of Hawai`i’s imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Kanaka Maoli, far, far from their ancestral lands.

Community Alliance on Prisons is in strong support of this measure. This is a wonderful community-building and empowering idea! We were part of the collaborative that submitted an application to the Kellogg Foundation last year. This was a very competitive grant that reviewed applications from 63 counties. Our collaboration - Ho`okaulike - was one of the applications that made it to the final round. Although we did not win the grant, the reviewers gave us high marks for our submission. This bill picks up where we left off.

Ho`okaulike, which means to create equity, assumes that people who do not share a standard of living similar to yours or mine nevertheless are capable of designing and implementing standards of behavior within their communities that allow its members to live in dignity and peace.

This collaboration of scholars and community activists will conduct outreach to struggling neighborhoods with large communities of Pacific Islanders and Native Hawaiians.

Last session the legislature expressed concern about equity. This bill seeks to go into disadvantaged communities that have been historically left behind and help develop ways to change policing, un-and under-employment, access to services, child care options, etc.

This inter-disciplinary collaboration of scholars and communities is exactly what is needed to lift up our people who are struggling to survive. The state government spends enormous sums of money on policing, prosecution and incarceration and yet, there is no discernable improvement in public safety.

As the Prison Policy Initiative states, **“Hawaii has an incarceration rate of 439 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democracy on earth.”**

Hawai`i needs to try something new and innovative - The Criminal Legal System Institute for Restoration and Healing - as this bill promises. Leading with respect, understanding, and community values is a great start!

Community Alliance on Prisons respectfully asks the committee to pass this important bill that can help Hawai`i get on the road to transformation and healing.

Mahalo for this opportunity to testify.

*“Be a star in someone's dark sky.”*

Matshona Dhlwayo  
Philosopher, Entrepreneur, Author

To: Honorable Representative Sylvia Luke, Chair  
House Committee on Finance.

From: Mark Patterson

Subject: HB2015 Relating to the University of Hawaii.

Position: Strongly Supports

Purposes: Establishes the Hookaulike: A Criminal Legal System Institute for Restoration and Healing, at the University of Hawaii William S. Richardson School of Law.  
Appropriates funds.

There needs to be an adequate investment by the legislature into system reforms when considering the incarcerated population. We are placing too much emphasis on a correctional structure to resolve decades of social problems within the Department of Public Safety, Health and Human Services.

The proposed Hookaulike is a positive step towards Public safety, Health and Human Service Reform to assure the continuity of services that is essential when dealing with the incarcerated populations and their families.

Recommendation from the proposed Hookaulike based on local research and indigenous knowledge that can assess and evaluate the unique cultures of Hawaii, specifically the Native Hawaiians is a missing piece to the overall all state Public Safety, Health and Human services provided by the state that relies on western knowledge.

I strongly support HB2015



February 23, 2022

TESTIMONY IN SUPPORT OF HB 2015 HD1  
ESTABLISHING HO‘OKAULIKE  
JONATHAN K. KAMAKAWIWO‘OLE OSORIO, PHD

Aloha Chair Luke, Vice Chair Yamashita and members of the House Finance Committee. My name is Jonathan K Osorio, employed at the University of Hawai‘i Mānoa and I am here to testify enthusiastically in support of HB 2015 HD1 establishing Ho‘okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai‘i.

As a historian of modern and contemporary history in Hawai‘i, I can testify that there is a long and ugly history of government oppression of native people through penal systems enacted in the 1820s and 30s, extending through the 20th century and certainly into our own times, that has created a pipeline for Hawaiians in poorer communities that lead directly into prisons. On some notable occasions, violence between Hawaiians and police have resulted in injury and death, leading some sectors of the state to demand more security, better armed police and harsher penalties, none of which have been shown to actually create more law-abiding people or safer communities. Social theories that focus on deterrence and punishment but pay little to no attention to the realities of poverty and insufficient social services in particular communities have resulted in practices that maintain high levels of prosecution and incarceration from within those communities.

The focus of HB 2015 SD1 is to create a way for the State to embark on meaningful criminal legal reform through a process informed by the real needs of poorer communities conspicuous not just by their privation but by the high concentrations of Native Hawaiians and Pacific Islanders. The creation of this institute at the University of Hawai‘i will enable focused research into alternative models of public safety, many of them already existing and thriving in native communities in North America and the Pacific. By soliciting and developing community input into reforming the criminal justice system in Hawai‘i our Institute would involve the very populations who are most at risk—poor neighborhoods with large communities of Pacific Islanders and Native Hawaiians.

Housed in Richardson School of Law but in partnership with the School of Hawaiian Knowledge and the Center for Community Design, Ho‘okaulike will conduct an ongoing outreach into neighborhoods that have historically struggled with law enforcement and the criminal courts to discover ways to change policing, for those residents to be able to advocate for better services, and to effectively deal more personally and internally with the problems within their own communities: unemployment, drug dependency, domestic violence, and in many cases, little access to health and child care. Ho‘okaulike would be a multi-disciplinary approach to community strengthening and would work in two ways. As an “outside-in system” the institute would be a community based work that would provide a public policy platform connecting people to information and other resources and a public education source to help change public perception. The institute faculty and staff would identify and mobilize existing community organizations willing to expand their services to house, care, or support new programs; seed alternative community-based peace-keeping resources, alternative courts and councils, diversion

pathways, and social enterprise programs; and identify alternative funding sources for community programs.

As an “inside-out” institution based approach Ho‘okaulike would take the lead in formulating university-partnered education and ‘aina based programs for incarcerated individuals, while designing university-partnered education for peace keepers and public safety employees. Finally, the institute would work with police, prosecutors, defense attorneys, and judges to develop workable diversion practices.

The problems that Ho‘okaulike seek to address are a statewide concern. The state government spends enormous sums of money on policing, prosecution and incarceration and there is no discernable improvement in public safety. As the Prison Policy Initiative states, “Hawaii has an incarceration rate of 439 per 100,000 people (including prisons, jails, immigration detention, and juvenile justice facilities), meaning that it locks up a higher percentage of its people than almost any democracy on earth.”

This institute belongs at UH Mānoa and especially at the School of Law and Hawai‘inuiākea which have demonstrated a history of developing highly effective and community oriented institutes of research and community engagement such as Ka Huli Ao, Environmental Law Program, Elderlaw, the Dana Naone Hall Chair in Hawaiian Studies, Literature and Environment, and the Gladys A Brandt Chair in Polynesian Studies. We have other existing University partners including the Center for Community Design and potential partners in the School of Social Work, Public Health, Ethnic Studies and Indigenous Politics and the East West Center’s Pacific Islanders in Development.

Ho‘okaulike will engage and work between state, city agencies, and community organizations to address the system as a whole with the goal of alleviating the state carceral system by increasing community capabilities. Finally, I would point out that no other entity within the State has the kuleana or capacity to do this.

HB 2015 makes it possible for the university to add its resources and expertise to an urgent problem facing the State of Hawai‘i as well as addressing a dreadful and historic cruelty to the Hawaiian people and our Pacific Island cousins. But it is also in the interest of the whole community of Hawai‘i residents to construct a better way to deal with crime and the violences that arise from poverty, and the hopelessness and despair which poverty produces. It is as Law School Dean Nelson describes, a way to begin to heal individuals, families and communities long oppressed by inequitable systems that originated with colonization and the seizure of our people’s lands and resources.

I urge this committee to pass HB 2015 HD1.

Jonathan K Osorio, PhD

TESTIMONY IN SUPPORT OF HB 2015 HD1  
ESTABLISHING HO'OKAULIKE

Aloha Chair Luke, Vice Chair Yamashita, and members of the House Finance Committee. My name is Cathi Ho Schar. I am an Assistant Professor at the University of Hawai'i at Mānoa School of Architecture, and the Director of the University of Hawai'i Community Design Center. This personal testimony does not represent the position of University of Hawai'i or the School of Architecture. I am testifying enthusiastically in support of HB 2015 HD1, establishing Ho'okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i.

HB 2015 proposes critical funding for a new university and state resource that will engage subject matter experts, stakeholders, and community members in an effort to pursue needed policy reform and community-based alternatives for peace-keeping, adjudication, diversion, and re-entry, in order to *reduce* the individuals cycling through our justice system. This center will provide the state with a hub of change agents to work across public agencies and between government and community stakeholders, with a holistic approach grounded in the alignment of expertise in law, Hawaiian knowledge, social work, public health, community design, and related disciplines.

Regarding the funding requested:

- According to the 2020 PSD Annual Report, the estimated cost of incarcerating an individual in Hawaii was \$219/day or nearly \$80,000/year. Just reducing the annual corrections population by 6 individuals would immediately cover the investment in this center.
- Reducing the annual jail population by one individual through policy advocacy and reform will save an estimated \$770,000 in per bed construction costs for the new jail. Again, the \$450,000 requested for this center is an investment in much larger savings and dividends for the state.
- This center will support the work that needs to occur in parallel to any jail planning, to *reduce* the jail population, and to decrease the cost of the future OCCC facility and its operations.

Furthermore, the university is uniquely situated to accomplish this:

- The university has the ability to work across agencies and silos as a neutral party.
- The multi-disciplinary make-up of this center understands the complexity of addressing the health, education, employment, family, and housing needs of the individuals most impacted by the criminal justice system.
- The university has the ability to draw upon its community networks and alliances to build capacity for community-based care, thereby alleviating the burden on the state.

Finally, a decade of reports and summits have illuminated the significant overrepresentation of Native Hawaiian and Pacific Island communities across the criminal justice system. This funding would invest in a long term multi-tooled resource to address this disparity and suffering.

I urge this committee to pass HB 2015 HD1.

**HB-2015-HD-1**

Submitted on: 2/24/2022 1:03:55 PM

Testimony for FIN on 2/25/2022 12:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Sandee Moniz Pa	Individual	Oppose	No

Comments:

Oppose this, mahalo