



**STATE OF HAWAII**  
**HAWAII CORRECTIONAL SYSTEM OVERSIGHT COMMISSION**  
235 S. Beretania Street, 16<sup>th</sup> Floor  
HONOLULU, HAWAII 96813  
(808) 587-4160

TO: The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

FROM: Mark Patterson, Chair  
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 877 H.D. 1, Relating to the University of Hawaii  
Hearing: Wednesday, February 10, 2023; 2:00 p.m.  
State Capitol, Room 325

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** House Bill 877 H. D. 1 related to the Hookaulike at the University of Hawaii. This bill establishes the Hookaulike: A Criminal Legal System Institute for Restoration and Healing, at the University of Hawai'i William S. Richardson School of Law.

The Commission's mandate (HRS 353L) specifies that one member be appointed by the Chairperson of the Board of Trustees of the Office of Hawaiian Affairs, to ensure that in Native Hawaiian culture-based practices with an emphasis on healing and reducing recidivism is represented in the Commission's work. In the same way that the Legislature recognized the importance of including these requirements in 2019, the Legislature continues to recognize the importance of an inclusive and fair criminal legal system devoted to restoration and healing, particularly addressing the disparate challenges facing Native Hawaiians, Pacific Islanders, and people of color in the criminal legal system.

Allowing the opportunity for the University of Hawai'i William S. Richardson School of Law to design an inclusive and fair criminal legal system for restoration and healing aligns with the Commission's priority to facilitate the transition to a therapeutic and rehabilitation corrections system. Additionally, shifting to a restorative and healing model versus a punitive model has been proven to positively effect recidivism rates and keep the jail and prison population down. For these reasons, we support this bill.

Should you have additional questions, the Oversight Coordinator, Christin Johnson, can be reached at 808-900-2200 or at [christin.m.johnson@hawaii.gov](mailto:christin.m.johnson@hawaii.gov). Thank you for the opportunity to testify.



# UNIVERSITY OF HAWAII SYSTEM

## ‘ŌNAEHANA KULANUI O HAWAII

### Legislative Testimony

### Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the  
House Committee on Judiciary and Hawaiian Affairs  
Friday, February 10, 2023 at 2:00 p.m.

By

Camille Nelson, Dean

William S. Richardson School of Law

Jonathan K Osorio, Dean

Hawai'inuiākea School of Hawaiian Knowledge

Tetine Sentell, Interim Dean

Thompson School of Social Work & Public Health

And

Michael Bruno, Provost

University of Hawai'i at Mānoa

#### HB 877 HD1 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

My name is Camille Nelson, and I serve as the Dean of the William S. Richardson School of Law, at the University of Hawai'i Mānoa. I am here to testify in strong support of HB 877 HD1 establishing Ho'okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i.

As a professor of Criminal Law, Criminal Procedure, and Professional Responsibility whose scholarship explores these doctrinal areas through the lens of identity theories such as critical race theory and cultural studies, I can testify that there is a long and ugly history of oppression of native people and people of color in the criminal legal system, including in Hawai'i. Unfortunately, scant attention is paid to the societal factors that lead to involvement in the criminal legal system and little investment is made in rehabilitation, restoration, and healing, as opposed to discipline, punishment, and ostracism.

The emphasis on restoration and healing with Ho'okaulike recognizes the complexity of challenges often confronting people involved in 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. They have contributed to intergenerational poverty, grief, fear, trauma, alienation from, and distrust of, the criminal legal system. With the Criminal Legal System Institute for Restoration and Healing, we have an opportunity to create a place-based approach grounded in restorative, inclusive, and healing interdisciplinary frameworks, an approach that recognizes and respects the distinct and unique history of this State, and which would include Hawai'i at the forefront of States grappling with these issues.

HB 877 HD1 provides a way to solicit and develop community input into reforming the criminal justice system in Hawai'i, one that involves the very people who are most at risk, including people who are negatively impacted by the aforementioned social determinants of health, which in turn disparately affects neighborhoods with large communities of Pacific Islanders, Native Hawaiians and other people of color.

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 institute, Ho'okaulike, housed within the William S. Richardson School of Law, but in partnership with the School of Hawaiian Knowledge and the Thompson School of Social Work & Public Health, will conduct continual outreach into neighborhoods that have historically struggled with law enforcement and the criminal courts to discover ways to change policing, to advocate for better social services, and to engage more personally and internally with marginalized members of their communities.

The problems that Ho'okaulike seeks to address are of statewide concern. The state government spends significant amounts of money on policing, prosecution, and incarceration and there is no discernible improvement in the numbers. 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."*

We have arrived at this point through a specific array of policies, and it is possible to arrive at a different place only by changing our approaches and by dealing more respectfully and directly with communities that experience police activity and losses of young people, in particular, to the carceral system on a daily basis. This Institute will identify community leaders and resources, and provide training and assistance in advocacy, with the intent of growing public interest and support for protection and security that comes with the support and participation of affected communities.

This institute belongs at UH Mānoa and especially at the William S. Richardson School of Law, Hawai'inuiākea School of Hawaiian Knowledge, and the Thompson School of Social Work & Public Health, each of which has a demonstrated history and commitment of developing highly effective and community-engaged institutes of research and advocacy, including the Ka Huli Ao Center for Excellence in Native Hawaiian Law, the Environmental Law Program, the Dana Naone Hall Chair in Hawaiian Studies, Literature and Environment, and the Gladys A. Brandt Chair in Polynesian Studies.

The University of Hawai'i supports this measure, provided that its passage does not replace, or impact priorities as indicated in the University's Board of Regents Approved Executive Biennium Budget.

**HB-877-HD-1**

Submitted on: 2/8/2023 8:46:09 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Hawai'i must create an inclusive and fair criminal legal system devoted to restoration and healing, particularly addressing the disparate challenges facing Native Hawaiians, Pacific Islander communities, and people of color in the criminal legal system. These ongoing challenges include intergenerational poverty and trauma, insufficient support services, and inadequate housing and are reflected in their disparate levels of incarceration.

To address these issues of statewide concern, the state must rely on the university of Hawai'i at Manoa and the research, community engagement, and teaching capacities of the William S. Richardson school of law, the Hawaiinuiakea school of Hawaiian Knowledge, and the University of Hawai'i community design center. The establishment of an institute for restoration and healing within the criminal legal system at the William S. Richardson school of law is an excellent step toward creating a restorative system of justice. Please support HB887 HD1.

**HB-877-HD-1**

Submitted on: 2/8/2023 9:24:12 PM

Testimony for JHA on 2/10/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Hans Kurz	Individual	Support	Written Testimony Only

Comments:

Hawaii has a long and proud history of basing its laws on principles of forgiveness rather than retribution. Hookeulike would continue this tradition at a time when it is sorely needed. The American system of justice, as it presently exists, is far too focused on punishment. Not only does this make it a long-term hazard to human liberty, dignity, and democracy, it also makes it a more immediate waste of resources. Supporting compassionate and restorative alternatives to state-sanctioned brutality and tyranny makes sense morally, ethically, and financially. Please support HB877.

**HB-877-HD-1**

Submitted on: 2/9/2023 12:31:20 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

support

**HB-877-HD-1**

Submitted on: 2/9/2023 5:15:41 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello,

My name is Nanea Lo. I'm born and raised in the Hawaiian Kingdom a Kanaka Maoli.

I'm writing in SUPPORT of HB 877.

me ke aloha 'āina,

Nanea Lo, Mō'ili'ili

**HB-877-HD-1**

Submitted on: 2/9/2023 9:34:47 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Emily Sarasa	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Takayama, and members of the Committee,

I am a second-year student at the William S. Richardson School of Law and I am testifying **in support of H.B. 877**.

The U.S. criminal legal system was built on racist and classist ideologies, and I firmly believe that Hookaulike will address the many harms it perpetuates today. Here, we see Native Hawaiian, Pacific Islander, and Black individuals incarcerated at disproportionate rates. County police departments do not collect or report meaningful demographic data, but I imagine that law enforcement statistics will reveal the same differences. H.B. 877 takes an important first step in recognizing that we need to stop punishing communities for intergenerational poverty and trauma, insufficient support services, and inadequate housing here in Hawai'i. Taking a restorative, collaborative approach with the law school, school of social work, and Hawaiiinuiakea school will allow for the development of ideas, policies, and programs that heal this community and increase public safety *effectively*.

I respectfully request that the Committee supports this measure. Thank you for this opportunity to testify.

Mahalo,

Emily Sarasa

[esarasa@Hawaii.edu](mailto:esarasa@Hawaii.edu)



**HB-877-HD-1**

Submitted on: 2/10/2023 9:28:26 AM

Testimony for JHA on 2/10/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Konia Freitas	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

I am in **support of HB 877 HD1** which establishes the Hookaulike: A Criminal Legal System Institute for Restoration and Healing, at the University of Hawai‘i William S. Richardson school of law with appropriated funds.

In the early 2000s, I conducted research that focused on Native Hawaiian female juvenile delinquency in Hawai‘i. At that time, I felt that a place-based, culturally designed program that focused on restoring relationships between youth, their families, and their communities represented a way forward. Further, there was very little data or information that focused on the intersection of cultural, legal, and programmatic issues and opportunities surrounding Native Hawaiians in the criminal legal system. While much has changed since then, one thing still remains, the overrepresentation of incarcerated Kanaka Maoli and Pacific Islander peoples.

There is hope, however. Consider 30 years of Hawaiian language revival, the rediscovery of Hawaiian culture and traditions like the voyaging canoe Hokule'a; digital access to vast repositories of Hawaiian language newspapers, and the increasing number of Native Hawaiian scholars producing multidisciplinary research and analysis. Let us not forget community-led solutions such as Puuhonua o Wai'anae. All these advances signal hope, and opportunity for restoration and healing.

This bill reflects the hard work and collaboration between the Hawai‘inuiākea School of Hawaiian Knowledge, the William S. Richardson School of Law, and the Thompson School of Social Work & Public Health. The establishment of an institute devoted to restoration and healing, particularly addressing the disparate challenges facing Native Hawaiians, Pacific Islander communities, and people of color in the criminal legal system is needed, and it is needed now. Please support HB 877 HD1.

Me ke aloha mahalo,

Antoinette Konia Freitas, Phd