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OFFICE OF THE PUBLIC DEFENDER

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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 HIGHER EDUCATION & TECHNOLOGY
ON
HOUSE BILL NO. 2015

February 2, 2022
2:00 p.m.
Room 309 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 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 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.

HB-2015

Submitted on: 2/1/2022 11:58:21 AM

Testimony for HET on 2/2/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jonathan Osorio	School of Hawaiian Knowledge, University of Hawai'i	Support	Yes

Comments:

Aloha Chair Takayama, Vice Chair Clark and members of the House Higher Education and Technology Committee. My name is Jonathan Osorio, the dean of the Hawai'i inuiākea School of Hawaiian Knowledge at the University of Hawai'i Mānoa and I am here to testify enthusiastically in support of HB 2015 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.

HB 2015 provides a way to solicit and develop community input into reforming the criminal justice system in Hawai'i, that involves the very populations who are most at risk— poor neighborhoods with large communities of Pacific Islanders and Native Hawaiians. 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 Richardson School of Law, but in partnership with the School of Hawaiian Knowledge 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.

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.”

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 men and women into the carceral system on at least a daily basis. This Institute will identify community leaders and resources, 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 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. 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.

Mahalo Nui

Jonathan K. Kamakawiwo‘ole Osorio, PhD



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education and Technology
Wednesday, February 2, 2022 at 2:00 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 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Takayama, Vice Chair Clark, and members of the House Higher Education and Technology Committee:

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 at Mānoa. Please accept this written testimony as indicative of the University of Hawai'i support for HB 2015 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 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.

HB-2015

Submitted on: 2/1/2022 12:03:23 PM

Testimony for HET on 2/2/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kylie Akiona	Individual	Support	No

Comments:

Aloha e Chair Takayama, Vice Chair Clark, & Members of the House Committee on Higher Education and Technology,

My name is Kylie Akiona, and I am submitting testimony in **strong support of HB2015** establishing Ho‘okaulike: A Criminal Legal System Institute for Restoration and Healing at the University of Hawai‘i.

I am a community organizer and an undergraduate student at the University of Hawai‘i at Mānoa studying Political Science and American Studies. The criminal legal system in Hawai‘i has long overpoliced, overincarcerated, and unfairly punished Kānaka Maoli, other Pasifika, and our Black community members. Establishing Ho‘okaulike: A Criminal Legal System Institute for Restoration and Healing at the University of Hawai‘i would allow for Kanaka Maoli students like myself and the broader community to be more civically engaged and receive an education that has been shamefully hidden and ignored by non-Native haole and malihini who profit off of imprisoning and punishing Kānaka Maoli and other BIPOC.

It has taken me years to get involved with my community to organize around the criminal legal system and learn an accurate history of my peoples as a Kanaka Maoli wahine when in reality, it should have never been that difficult. We need more Kanaka Maoli organizers and advocates, and passing HB2015 would allow for a brighter, ‘Ōiwi-led future, where Kānaka are no longer separated from our culture and ‘āina by cages.

Please **vote YES on HB2015** and show tangible allyship to your Indigenous constituents and the Native land you occupy.

Mahalo nui for the opportunity to testify in support of this measure.

Kylie Akiona

HB-2015

Submitted on: 2/1/2022 3:38:24 PM

Testimony for HET on 2/2/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jamaica Osorio	Individual	Support	Yes

Comments:

Aloha Chair Takayama Vice Chair Clark and members of the House Higher Education and Technology Committee. My name is Jamaica Osorio, Assistant Professor of Native Hawaiian and Indigenous Politics at the University of Hawai‘i Mānoa and I am here to testify in support of HB 2015 establishing Ho‘okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai‘i.

There is no ignoring the dire need to develop alternatives to the current approaches to policing and prisons in Hawai‘i (and beyond) which have largely disenfranchised our native people in our own home. I believe the creation of this institute will invest the critical time and resources needed to begin to around the creation of these alternatives and therefore that this institute could be an important site for critical change on these issues.

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, the Dana Naone Hall Chair in Hawaiian Studies, Literature and Environment, and the Gladys A Brandt Chair in Polynesian Studies. 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.

Mahalo,

Dr. Jamaica Heolimeleikalani Osorio

Assistant Professor of Indigenous & Native Hawaiian Politics

Department of Political Science

University of Hawai'i at Mānoa

HB-2015

Submitted on: 2/1/2022 5:59:43 PM

Testimony for HET on 2/2/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sara Perry	Individual	Oppose	No

Comments:

Something of this subject matter belongs in the school of social work and not at the law school. Furthermore, restitution and "healing" is much too vague for any funding allocation of this capacity. \$455,000 is a heck of a lot of money for "healing". All it seems to be healing is somebody's salary and pockets.

Spend taxdollars more wisely and fund a bill that will actually help the people you are trying to address!!! When only \$50k of \$455k is actually going into the program nuts and bolts, you are letting bureaucracy scam us again.

This bill in its current form is pure grabage. Please vote NO. I strongly OPPOSE.

Aloha Chair Takayama Vice Chair Clark and members of the House Higher Education and Technology 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. My testimony is submitted as an individual, and not as a representative of the University of Hawai'i. I am here to testify enthusiastically in support of HB 2015 establishing Ho'okaulike, a Criminal Legal System Institute for Restoration and Healing at the University of Hawai'i.

The disparities suffered by Native Hawaii and Pacific Island people across Hawai'i's criminal justice system are well documented in the H.C.R 85 Task Force Final Report and the Native Hawaiian Justice Task Force Report produced by the Office of Hawaiian Affairs in 2012. Many follow up convenings and committees have emerged in response to Task Force recommendations. However without resources, they lack the ability to sustain a long term effort to develop alternatives and *solutions* to this systemic and intergenerational problem.

HB 2015 proposes critical funding for a new university resource that will engage stakeholders and mobilize community efforts to introduce missing alternatives to the current criminal justice system. This resource is a needed companion to criminal justice policy reform and correctional facility planning reform, tied to public demands for an alternative model for the new OCCC jail. Both reform initiatives align with national best practices gathered by the Vera Institute for Justice, that call for more diversion opportunities and off-ramps for individuals impacted by the criminal justice system. These off-ramps need to lead to support infrastructure that doesn't yet exist, that needs to be built. Ho'okaulike will establish a novel and needed university partnership to do this, to support policy change, increase community capacity, and reduce the burdens on our policing, courts, and corrections institutions, in a way that benefits our entire statewide community.

Thank you for the opportunity to submit testimony in support of HB 2015.