



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 Higher Education and Technology
Friday, February 3, 2023 at 2:00 p.m.

By

Jonathan K Osorio, Dean
Hawai'inuiākea School of Hawaiian Knowledge

And

Michael Bruno, Provost
University of Hawai'i at Mānoa

HB 877 – RELATING TO THE UNIVERSITY OF HAWAII

Aloha Chair Perruso, Vice Chair Kapela, and Members of the Committee:

My name is Jonathan Osorio, the dean of the Hawai'inuiākea School of Hawaiian Knowledge at the University of Hawai'i Mānoa and I am here to testify in ardent support of HB 877 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 our native people through penal systems enacted in the 1820s and 30s, extending through the 20th century and certainly into our own times, that has provided a pipeline for Hawaiians in marginalized 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 demanding 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 877 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— those from poor 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 will conduct a 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 deal 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 enormous sums of money on policing, prosecution and incarceration and there is no discernable 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, 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, Hawai'inuiākea and the Thompson School, all of which have demonstrated a history of developing highly effective and community engaged institutes of research and community engagement such as 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, 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.



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

TO: The Honorable Amy A. Perruso, Chair
The Honorable Jeanne Kapela, Vice Chair
House Committee on Higher Education and Technology

FROM: Mark Patterson, Chair
Hawaii Correctional System Oversight Commission

SUBJECT: House Bill 877, Relating to the University of Hawaii
Hearing: Wednesday, February 3, 2023; 2:00 p.m.
State Capitol, Room 309

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

The Hawaii Correctional System Oversight Commission (HCSOC) **supports** House Bill 877 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. Thank you for the opportunity to testify.

TESTIMONY IN SUPPORT OF HB 877

TO: Chair Perruso, Vice Chair Kapela, & Committee Members

FROM: Nikos Leverenz
Grants & Advancement Manager

DATE: February 3, 2023 (2:00 PM)

Hawai'i Health & Harm Reduction Center (HHRC) **supports** HB 877, which establishes the Ho'okaulike Institute at the William S. Richardson School of Law at UH Mānoa.

Native Hawaiians continue to be disproportionately impacted by Hawai'i's criminal legal system, as has been the case since the overthrow of the Hawaiian Kingdom and establishment of Republic of Hawai'i.

System involvement begins at an early age. A [2021 report](#) from UH Mānoa disclosed that [public school students who are Native Hawaiian, Pacific Islander, Black, or disabled are subject to encounters with law enforcement at significantly disproportionate rates](#). The report also notes that Hawai'i leads the country in terms of students arrested and referred to law enforcement at almost 10%.

That ***one in ten*** K-12 students in Hawai'i's public schools are referred to law enforcement is a crisis that demands concerted attention at every level of government. On this front and others, ***the Legislature must lead the way*** toward a more just, equitable, and compassionate future for every person who resides in this archipelago.

[Native Hawaiians are more likely to get a prison sentence, and for longer periods of time, than other groups. Native Hawaiians comprise the highest percentage of those incarcerated in out-of-state and women's prisons. Native Hawaiians are sentenced to longer probation terms than other groups. Native Hawaiians also bear a disproportionate burden of the punitive response to drug use, with sentencing structures, police practices, and prosecutorial practices contributing to that disproportionality.](#)

It is imperative that Hawai'i embark on concerted responses to drug use that are grounded in public health, including harm reduction services and appropriate medical care, and not maintain its overreliance on placing individuals with behavioral health problems in jail or prison, which is latently

injurious to individual health, and prolonged periods of criminal legal supervision that include probation and parole.

Current punitive responses to drug use constitute structural racism in ignominious operation. This includes the classification of personal drug possession and use *in any amount* as felonious “promotion of a dangerous drug” under HRS Section 712-1243, punishable by a prison term of five years.

The preface to a 2018 Robert Wood Johnson Foundation report, “[Mass Incarceration Threatens Health Equity in America](#),” outlines the perilous human toll of over-incarceration:

Mass incarceration disproportionately impacts lower-income communities, communities of color, and persons with disabilities, creating a barrier to achieving health equity. People who are incarcerated face greater chances for chronic health conditions, both while confined and long after their release. Incarceration exposes people to a wide range of conditions, such as poor sanitation and ventilation and solitary confinement, that are detrimental to long-term physical and mental health. After release, previously incarcerated individuals often face higher mortality rates and experience limited opportunities for gainful employment, stable housing, education, and other conditions needed for good health.

Mass incarceration’s reach extends far beyond the jail cell, impacting not only those behind bars, but their families, their communities, and the entire nation. Almost 10 million children have experienced having one or both parents incarcerated at some point in their lives—impacting their health and future opportunities. Within communities, mass incarceration disrupts social and family networks and economic development while across the country it consumes large portions of government budgets with negligible impact on crime rates.

The high individual, familial, and governmental costs associated with consigning persons with behavioral health problems to protracted involvement in the criminal legal system are readily apparent to those familiar with assessing punitive responses to drug use at the state, national, and international levels.

[The APHA vigorously endorses a public health response to drug use and misuse, including the decriminalization of personal drug possession and use. It urges state governments to eliminate “criminal penalties and collateral sanctions for personal drug use and possession offenses and to avoid unduly harsh administrative penalties, such as civil asset forfeiture...”](#)

As noted in a 2020 report from the Pew Charitable Trusts, [Hawai'i has the highest average term of probation in the nation at just under five years.](#) Statewide probation reform that substantially reduces terms is another tangible means of repairing the harm of structural racism that is manifest in the operation of the state's criminal legal system.

HHRC's mission is to reduce harm, promote health, create wellness, and fight stigma in Hawai'i and the Pacific. We work with many individuals who are impacted by poverty, housing instability, and other social determinants of health. Many have behavioral health problems, including those relating to substance use and underlying mental health conditions, and have been deeply impacted by trauma, including histories of physical, sexual, and psychological abuse.

Thank you for the opportunity to testify on this measure.

HB-877

Submitted on: 1/31/2023 8:38:41 PM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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 STRONG SUPPORT of HB877.

This bill establishes the Ho'okaulike: A Criminal Legal System Institute for Restoration and Healing, at the University of Hawai'i William S. Richardson School of Law. The establishment of an institute for restoration and healing within the criminal legal system at the William S. Richardson School of Law is a matter of statewide concern, as it would be 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 which is needed and very important!

Pass HB877 its the right thing to do.

me ke aloha 'āina,

Nanea Lo

HB-877

Submitted on: 2/1/2023 10:14:43 PM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Megan Blazak	Individual	Support	Written Testimony Only

Comments:

I support this measure.

HB-877

Submitted on: 2/2/2023 1:04:07 AM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
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.

HB-877

Submitted on: 2/2/2023 7:34:52 AM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Me	Individual	Support	Written Testimony Only

Comments:

Support

HB-877

Submitted on: 2/1/2023 3:45:35 PM

Testimony for HET on 2/3/2023 2:00:00 PM

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

Comments:

Aloha mai,

I am in support of HB 877 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. At that time there was very little data or information that focused on the intersection of cultural, legal, and programmatic issues 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.

This bill reflects the hard work of 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.

Me ke aloha mahalo,

Antoinette Konia Freitas, Phd

HB-877

Submitted on: 2/2/2023 2:48:28 PM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Marilyn Mick	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 Hawaiiinuiakea 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.

HB-877

Submitted on: 2/2/2023 3:01:20 PM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lea Iwamoto	Individual	Support	Written Testimony Only

Comments:

I support this bill

HB-877

Submitted on: 2/2/2023 6:47:10 PM

Testimony for HET on 2/3/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susana Roman	Individual	Support	Written Testimony Only

Comments:

Susana Román

Regarding HB 877

02/01/2023

Aloha,

My name is Susana Román, I am a Special Education (SpEd) Teacher at Kailua Intermediate School. I started my career at Castle H.S. in 2009, teaching all content areas 9-12 in a Fully Self Contained Class (FSC). My experience along the continuum of SpEd, while witnessing how students and fellow educators struggle, is the catalyst to my learning about and implementing restorative practices in my classroom. However, it is simply not enough to end the school-to-prison-pipeline; often, keiki who are raised in homes of low socioeconomic status, and absent, neglectful, and/or abusive parents, are at greater risk for juvenile involvement in the justice system. As a Special Educator I wholeheartedly agree:

“that the State 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.”